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# Renegotiating Democracy in Public Space

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RENEGOTIATING DEMOCRACY IN PUBLIC SPACE

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For Kazoo and Celly - and all they have to say to the world.

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**Abstract**

Dissent is intricately linked to the qualities of public space. While the First Amendment protects dissent, historical legal and social mechanisms have regulated protest and its relationship with public space. In the latter half of the twentieth century, a rigorous legal framework has emerged to both protect and regulate protest. Yet free speech rights are highly contested. The media are complicit in relating protesters to violence. This perception has been thoroughly constructed in the media since the World Trade Organization protests in Seattle in 1999. The September 11th terrorist attacks have further amplified concerns for security in public spaces. The increased securitization of the city during times of mass protests has been verbally and visually presented in both local and national media. This thesis focuses on the media's rationalization of the securitized city and the potential violence of protesters and questions the implications for free speech rights.

## Introduction

Dissent is intricately linked to the qualities of public space. Publicness is marked by openness, access, freedom of action, and freedom from repercussion. These qualities, that make dissent possible, are affected by social and legal regulatory trends. The ability to access public space, to exercise free speech rights, to utilize the public sidewalks and streets of the city are integral to dissent. Privatization and gentrification can limit what activities can take place in public space, while security measures such as surveillance cameras and increased police patrols scrutinize public behavior. Commercialized public spaces lose their publicness because they are regulated by a consumer culture, as well as by security measures. Marginalization of specific cultural and social groups can occur through these other measures, where certain groups of citizens are excluded from equitable public space because of their association with anarchy or violence.

Protest is a public act that engages the media and public citizens in the debate about current economic, political, social, and cultural discourses and it relies on public space as the forum where spatial rights are articulated. Public space is idealized as a space of equitable interactions and exchange of ideas. At its best, public space encourages dissent and supports free speech rights for all public citizens. However, it is regulated through legal and social mechanisms that limit the ability of protesters and other public citizens to fully articulate their free speech rights.

While the First Amendment of the Constitution protects peaceful free speech, past trends indicate that the association of protesters with violence and anarchy has condoned social and legal regulations. Past discriminatory regulations and associations have been overturned by the Supreme Court. In the latter half of the twentieth century, a framework for regulating dissent has emerged from Supreme Court decisions. These decisions allow regulation of dissent to occur if adequate time and place are given to dissent and if the content of free speech itself is not regulated. Recent trends indicate a rise in the association of protesters with violence. Since the 1999 World Trade Organization (WTO) Summit in Seattle, numerous media accounts have continued to associate protesters with potential violence. Misrepresentation of the events in Seattle, which were overwhelmingly marked by peaceful protests, have become the justification for increased security planning at national and international high profile events. Media accounts often treat police brutality and use of nonlethal weapons as necessary preparation and force for the potentially violent protesters.

The terrorist attacks of September 11, 2001 have only added to this perception that dissent in public space is potentially violent and therefore, must be regulated. The increased use of free speech zones, restricted areas specifically designated for protesters, at recent conventions highlights the continued association of protesters with violence. The constitutionality of the protest zone has not yet been debated by the Supreme Court and

it continues to dislocate protesters from convention delegates and the media. Despite its alarming appearance, the protest zone is only one of the ways in which security presence at conventions has been amplified. Bomb-sniffing dogs, no-fly zones, bomb-proofed downtowns, the presence of FBI and National Guard in riot gear, the use of nonlethal weapons, increased surveillance presence, and random bag checks are just some of the ways the security is enforced at conventions. While these trends existed before 9/11, they are more extensively used in securitized public spaces. Media coverage of 9/11 and increased rising fears of crime and terrorism have helped to condone these security measures.

The intent of this research is to document current regulations governing public protests and perceptions of dissent. I am interested in how these trends fit into historical patterns of regulation, as well as how September 11th might have affected them. As the media plays a large role in shaping the image of protesters as potentially violent, I analyze local and national media coverage of protesters at two key national conventions, the 2000 Democratic National Convention in Los Angeles and the 2004 Democratic National Convention in Boston. These conventions were chosen to compare media coverage and security measures used before and after 9/11. In both, an extensive reference to protests in Seattle, past protests, and terrorist attacks seems to have supported justifications for extreme security measures.

In Chapter One I discuss the ideology of public space and the qualities that define publicness. The discourse of public space implies utopian and dystopian thinking, where inclusion and exclusion mark idealized public spaces. In considering protesters as fundamentally public citizens, I question the implications of such trends as privatization and commercialization on spatial rights. In this chapter, I also consider the effects of fear on public space. Fear of crime, fear of others, and fear of terrorism affect that way the public occupies public space and ultimately supports increased regulation and surveillance. Finally, in discussing the effects of terrorism on public space, I discuss recent theories of the secure city and the consequences for the qualities of public space.

In Chapter Two I document historical and current regulations of dissent and the legal framework that both protects and regulates free speech rights. This discussion focuses on understanding how protests are regulated relative to current political events or social movements. This chapter concludes with a discussion of recent protests and the efforts to secure the city from the potential violence of protests.

Next, I introduce my research methodology in Chapter Three. I use quantitative and qualitative content analysis as a method for understanding the public's knowledge of protesters and the perpetuation of violent images. As protesters become associated with violence and insurgence, they are increasingly regulated by securitized public spaces. I discuss my analysis of media coverage in Chapter Four, ultimately suggesting that

the media perpetuate these myths of violence and that free speech rights suffer from this. In conclusion, I offer a brief review of these emerging patterns and propose that spatial rights must be supported, rather than demonized, for equitable and democratic public space to exist.

# Chapter One: Public Space

## Introduction

"As a legal entity, a political theory, and a material space, public space is produced through a dialectic of inclusion and exclusion, order and disorder, rationality and irrationality, violence and peaceful dissent" (Mitchell, 2003, 51).

Public spaces are vital to diverse and democratic cities. As a city's "most vital organs" (Jacobs, 1961, 29), sidewalks, streets, and parks contain citizens, their movement, and their interaction. As sites of social and political power, public space simultaneously shapes and is shaped by this interaction. The public continuously negotiates its spatial rights by challenging concepts of control and the regulation of public activities. Thus the city is always in the process of being formed. Freedom of speech and assembly, as protected by the First Amendment of the U.S. Constitution, is the legal and idealistic foundation of public space. Ideally, these rights are protected and unregulated. At its best, public spaces mobilize equitable interaction and provide space for democracy in action.

The idealization of public space as a site for empowerment and equity provides a framework for analyzing how citizens interact and what forms of control and regulation are present. The dilemma is to understand whose vision of public space is structuring interaction. In the following section I discuss the qualities that create, enhance, and detract from the publicness of space. This is followed by a discussion of utopian and dystopian visions of public space. I argue that utopian concepts can easily be interpreted or manifested to create a utopia for some and a dystopia for others. Finally, I discuss the effects of fear on public space. Fear of crime, fear of strangers, and fear of terrorism can all affect how citizens engage or limit the publicness of space. The terrorist attacks of September 11th have inspired many urban theorists to rethink American cities. The qualities of openness and access that mark public space are challenged by extreme and moderate visions of a secure city that idealize physical, legal, and social security measures. Images of security and fear, perpetuated by extensive media coverage, have direct consequences on the qualities of public space that make dissent possible. Ultimately I suggest that these ideologies can affect the ability of public citizens to exercise free speech rights.

## Qualities of Public Space

The qualities of public space can be discussed in light of their ability to form equitable social interactions. For Jacobs (1961), it was the publicness of the city that made it a safe, vibrant place to live. The sidewalks, streets, and parks that run through neighborhoods help the city handle diversity. The main qualities of these spaces are: a clear demarcation between public and private space; "eyes on the street;" and inhabited

sidewalks and streets (Jacobs, 1961, 35). Vitality, activity, and awareness shape the publicness of space and create safe public spaces. As an observer and writer of city life, Jacobs advocated for a living city that could only be achieved through diversity and activity.

For Low (2002), the publicness of space depends on five qualities: access, freedom of action, claim, change, and ownership (Low, 2002, 165). These qualities are defined by the public's spatial rights (Low, 2002, 165) and are mutually supportive. Entering and being active in public space (access and freedom of action) minimally define what it means to be public, but exploiting, transforming, and controlling public space can further define degrees of power that are available (or unavailable) to public citizens. Thus, the qualities that describe the publicness of space also describe qualities of empowerment. These spatial rights create democratic public space, where the public can utilize the public forum to exercise their rights.

Public space is "imagined to be the site of political inclusiveness, a place in which interested individuals can come together to debate and to voice dissent" (Mitchell, 2003, 48). For Mitchell, it is the legal framework of civil rights that defines, protects, and enforces spatial rights. Supreme Court legislation has produced a "public forum doctrine" (Mitchell, 2003, 48) in which the rules that make dissent possible also determine that free speech rights can "only occur when public space is orderly, controlled (by the state or other powerful interests that can maintain order), and safe" (Mitchell, 2003, 48). Public space is continuously regulated to some extent. Traditional public spaces (streets, sidewalks, and parks) are the least restrictive spaces and dissent is governed by "time, place, and manner" and "content neutral" regulations. Although I discuss the legal framework for these terms in Chapter Two, I would like to point out that even the least restricted spaces are regulated. Returning to Jacobs and Low, publicness is defined by whose "eyes on the street" set the regulations.

Other public spaces, what Mitchell calls "dedicated spaces" (Mitchell, 2003, 48), are the semi-public plazas that front office buildings and universities. As with traditional public spaces, they can be regulated by "time, place, and manner" and "content neutral" regulations, but since they are designated public spaces, they can also be removed from public use by those who have dedicated them (Mitchell, 2003, 48). Public spaces and therefore, public citizens, are continuously regulated by the public forum doctrine and spatial rights exist to the degree that regulations permit them. This framework continuously shifts according to political and social structures. For instance, dissent has historically been regulated because of its association with anarchy and Communism. While the public forum doctrine currently allows peaceful dissent in public spaces, the continued association of protesters with potential violence has acted to regulate, through securitization, spaces of dissent.

Public space is therefore, continuously defined and challenged as a site for exercising spatial rights. In the following section, I discuss utopian and dystopian views of public space, ultimately suggesting that any utopian vision can be realized as dystopia for some citizens.

**Utopian Visions of Public Space**

"As in all Utopias, the right to have plans of any significance belonged only to the planners in charge" (Jacobs, 1961, 17).

The utopian discourse of public space can be read within political and social contexts, providing a critique of contemporary society and a vision for transformation. Each urban vision for social, economic, and political change, whether Ebenezer Howard's Garden City, LeCorbusier's Radiant City, or even Baron Haussmann's reordering of the streets of Paris, proposes an idea of control over the urban or suburban landscape, to be implemented through physical restructuring, new regulations and policies.

For Harvey (2000), utopian visions, such as those of More, Jacobs, or even the New Urbanist movement or Disneyland, suggest an idealized citizen and space of interaction. While More's utopia renders "social stability as a fixed spatial form in which the nostalgia of a perfected spatial order will control temporality and fix the moral order" (Harvey, 2000, 160), Jacobs critique of urban planning recognizes social policing for community safety as an essential aspect of diverse cities (Jacobs, 1961). Both visions propose a specific understanding of public citizens, their rights and their responsibilities. For More, the public citizen had a predetermined place in a social and economic order. For Jacobs, public citizens maintained safe and diverse cities by participating in public life and were responsible for the security of public streets and sidewalks.

More, Howard, LeCorbusier, Haussmann, Frank Lloyd Wright, and many New Urbanist and Disneyland-ish designs propose physical and social ordering on "new" ground. The common thread amongst these spatial and social alternatives is their inherent relationship with authoritarianism and totalitarianism (Harvey, 2000, 163). By either sweeping the city clean (LeCorbusier) or moving to uninhabited ground, these 'spatial plays' explore "a vast range of competing ideas about social relationships, moral orderings, political-economic systems, and the like" (Harvey, 2000, 161). Jacobs, and other urban theorists such as Davis (1990b), Mitchell (2003), and Zukin (1991), create their own vision for the city within existing boundaries and social interactions. For Jacobs (1961), it is the physical idealism of the planning profession, as found in the work of Robert Moses or LeCorbusier, which disrupts city life and decimates vibrant neighborhoods. In Moses' projects this dialectical relationship of authoritarianism and utopianism emerged in the construction of bridges, tunnels, expressways, and public housing at the expense of existing neighborhoods. The legacy of Urban Renewal projects in America is as much a result of utopian highway schemes and slum clearance as it

is a product of "growth coalitions" (Hall, 2002, 249) of developers, bankers, businessmen, and politicians that created and implemented large public works projects. While the control exhibited by these coalitions had disproportionate impacts for minority and low-income families, it portrayed an idealistic view of the "new" city. Urban renewal is rooted in the concept of "public good," a concept that balances the property and spatial rights of "the public" over that of individual citizens. This balance of rights occurs within other urban visioning and views of public space that distinguish between groups of citizens. As I discuss in Chapter Two, the legal framework for the public forum doctrine balances free speech rights with the rights of others to occupy public space. While this is a contentious debate, the question is always whose vision of public space and whose spatial rights are balanced over another's.

Urban visioning, as Jacobs says, is very much about power. It is inspired by traumatic events, such as the September 11th terrorist attacks, and by deleterious conditions of urban life. New visions for society impose their own logic for addressing the ills of the city and concerns about urban filth and decay (Howard and LeCorbusier), gentrification (Jacobs), or crime, and become the impetus for a new urban or suburban order. For the purposes of this research, I will concentrate on urban public spaces, but it should be noted that much of the relationship between cities and suburbs has grown out of this urge to flee the city; whether to escape the filth or pollution, or to escape increasingly diverse (ethnically, racially, economically, socially) urban neighborhoods. The escape to what Low calls, "pure space" (Low, 2003, 143), is recently marked by an increase in gated communities and urban surveillance, which are their own utopias.

In post 9/11 New York countless visions for rebuilding the World Trade Center site incorporated visions for rebuilding an urban fabric that went beyond the actual buildings and incorporated housing, green space, and a reordering of the street grid. In New Orleans and throughout the Gulf Coast, rebuilding after Hurricane Katrina encompasses similar restructuring ideas seeking to ameliorate the socio-economic and physical inequalities that existed before the hurricane. This "narrative of urban resilience" (Vale and Campanella, 2005) is marked by questions of power. "Who recovers which aspects of the city and by which mechanisms" (Vale and Campanella, 2005, 337) reveals the same utopian dialectic in which certain narratives are realized, while others are silenced.

Disneyland and its New Urbanist spawn, Celebration, describe serene and yet highly manipulated landscapes of control and surveillance. "The dialectic (of freedom and control) is repressed and stability and harmony are secured through intense surveillance and control. Internal spatial ordering coupled with hierarchical forms of authority precludes conflict or deviation from a social norm" (Harvey, 2000, 167). For Harvey (2000), Zukin (1991), and Sorkin (1992), Disneyland offers "fantasy as a landscape of power" (Zukin, 1991, 221), where security, cleanliness, and utopian interaction are carefully manipulated and controlled. Itself a

utopia, Celebration, offers a sublime and ceremonial version of a real town (Marshall, 2000, 26).  It is ruled by a homeowner's association that regulates paint colors, drape styles, political signs, and lawn care.  While living in these and other gated communities is voluntary, they market their "product" to upper and middle income families, emphasizing the secure boundaries and the elimination of the, "unpredictability and openness of democracy" (Marshall, 2000, 18).

Applied to public space, this rhetoric of control predetermines how public citizens can exercise their spatial rights.  It limits those who can enter through economic and security mechanisms, thus predefining the public.  The secured spaces of Disneyland or Celebration offer an escape from the messy and diverse reality of urban public spaces.  However, privatization and commercialization also work within urban boundaries.  Shopping malls and commercialized streetscapes regulate sidewalks to create an ordered public space and access and freedom of action are based on economic and social distinctions.  Regulations of these privatized public spaces are both social and legal and are enforced through security.  By privatizing public space, regulations about who can and cannot enter can be determined by those who have power.  The publicness of these spaces is lost to public citizens wishing to exercise their free speech rights.  Dissent in shopping malls and on commercialized urban cores is highly regulated because they are partially controlled by private interests.  As public space is idealized by consumption, spatial rights can be limited.

For Marshall, New Urbanism is destructive in its effect on city planning because of its avoidance of difficult choices and its delivery of "image over substance" (Marshall, 2000, 33).  It counters the endless sprawl of suburban development with its own utopian vision for social interaction in suburban and urban settings.  The New Urbanist vision of community order and social stability has its own repressed rhetoric of control.

> The darker side of this communitarianism remains unstated.  The spirit of community has long been held as an antidote to threats of social disorder, class war and revolutionary violence… Well-founded communities often exclude, define themselves against others, erect all sorts of keep-out signs (if not tangible walls), and internalize surveillance, social controls and repression.  Community has often been a barrier to, rather than a facilitator of, social change (Harvey, 2000, 170).

"Community" in a New Urbanist town such as Celebration or in the gated communities discussed by Low (2003) is a highly rationalized and controlled product.  Regulated by homeowners associations and Common Interest Developments (CIDs) (Marshall, 2000, 18), the public citizen in required to act within civil and rational boundaries.  Similarly, the public citizen in LeCorbusier's Radiant City or Howard's Garden City must subscribe to a specific point of view about the structuring of the public forum.  Through their social ordering, utopian visions imply the presence of a well-constructed public citizen.

Reconstructive visions of urban public space are a palimpsest that relates social interaction to organization and control. Reading these texts becomes a measure of questioning the social implications for actions within public space. For instance, while Jacobs (1961) advocates for 'eyes on the street' social policing, one interpretation of this idea would be to institutionalize measures of social control. "Pursuit of Jacobs's goals could easily justify all those 'intimately designed' gated communities and exclusionary communitarian movements that now so fragment cities across the United States" (Harvey, 2000, 164). The city is fragmented by these escape ideologies, but also by their implications for urban public space. The same ideologies frame spaces of commerce, traditional public spaces, and dedicated public spaces and can designate the qualities of publicness that are available for public citizens.

The increasing presence of gated communities (Low, 2003) and CIDs (Marshall, 2000) imply that what is for sale is the public forum itself – a new utopia to replace the unwelcome issues of risk. A utopic public space creates a similar dialectic of power and control in the urban landscape, where regulation of public space and public citizens reveals idealized images of space and civil behavior.

**Dystopia and Public Space**

"Perhaps Utopia can never be realized without destroying itself" (Harvey, 2000, 167).

"The multiple degenerate utopias that now surround us – the shopping malls and the 'bourgeois' commercialized utopias of the suburbs being paradigmatic – do as much to signal the end of history as the collapse of the Berlin Wall ever did. They instantiate rather than critique the idea that 'there is no alternative,' save those given by the conjoining of technological fantasies, commodity culture, and endless capital accumulation" (Harvey, 2000, 168).

Public space is continually produced by political and social organizations. Whereas the Greek agora idealized justice and equity, it was also the site of exclusion for members of society that were not considered citizens (Kitto, 1951). In this sense, public space was, and continues to be, a site of exclusion and inclusion; both of which tend to incorporate the social and political norms of their society.

As discussed in the previous section, the dialectic of utopianism is its inherent relationship with authoritarianism and totalitarianism (Harvey, 2000, 163). "Well-founded communities often exclude, define themselves against others, erect all sorts of keep-out signs (if not tangible walls), and internalize surveillance, social controls and repression. Community has often been a barrier to, rather than a facilitator of, social change" (Harvey, 2000, 170). Although dystopia cannot be anticipated, its outcomes are marked by exclusion and separatism from diverse and open societies. While current utopian views of cities and public spaces address issues of urban security, as seen in many post 9/11 discussions and readings of urban space, these

responses manifest in physical designs that segregate, gentrify, commercialize, and privatize public space and regulate specific public citizens. Taken together, these urban trends potentially amplify an ordered vision of public space marked by a regulated, monotonous public.

Dystopias are the ill-thought consequences of utopian ideals, which are marked by their disparate consequences for spatial rights. As spaces of exclusion, they are not always apparent in utopian rhetoric. For Harvey (2000), a movement such as New Urbanism highlights one of the inherent problems of utopian visions; their implementation relies on an economic and political system of power, which historically has had difficulty actualizing equitable ideas of community. Such is true with the realization of certain public forum doctrines, where legal and social regulations actually begin to limit the levels of publicness that Low (2002) and Jacobs (1961) describe.

Inherently problematic is the rendering of absolute social organization through spatial order, as seen in utopias such as More or LeCorbusier. Negotiated and diverse public spaces ideally produce dynamic transformations and expand spatial rights, as opposed to predefining acceptability along social and economic lines. Privatized and commercialized spaces, such as those described by Low (2003) and Zukin (1991) can produce a monotonous public of consumers. For Jacobs (1961), it is diversity that protects the publicness of space, rather than absolutism. While Harvey addresses this idea of dystopian absolutism through More and New Urbanism, the idea is appropriate when considering regulations of public space in the research of Low (2003), Mitchell (2003), Davis (1990 and 1990b), or Caldeira (1999). As discussed above, the utopias of the Garden City, New Urbanism, Disneyland, and even Jacob's social policing can easily be interpreted to deter the qualities of publicness originally intended. The consequences of equating safety and security with sameness can create a public of disparate civil rights and regulated spaces.

Gated communities rise out of a utopian rhetoric of absolute social organization. Reliant on a "discourse of fear," (Low, 2003, 152) these communities exploit saturated media coverage of crime and fear of others to create secure environments. The dystopia of a gated community is its exclusivity and removal from the diverse city. Yet, we also find subtler dystopias existing in our own cities. As Mitchell (2003) points out, the regulations of specific groups of people produces a spatial order that then determines a specific kind of civil public. Regulating certain groups out of public space by controlling their behavior (through both social pressure and legal frameworks) produces a disparate dystopia for some and a utopia for those with power. For Davis, dystopias arise through the militarization of urban space and the defense of social and economic boundaries. Public surveillance systems, megalomaniacal downtowns, and designs targeted to prohibit public occupation of space are also dystopic (Davis, 1990, 154). These tactics, targeted against the poor, seek not the gated community, but a fortified and sequestered city. In Los Angeles and in other cities, targeting

specific unwanted groups (namely the homeless, insurgents, and activists) means eliminating the crowd through the removal of pedestrian cores and public amenities, such as toilets and benches, and the redesign of urban details to include elements such as razor wire atop fences and arm rests on the remaining benches to prohibit public sleeping.

As Caldeira (1999) points out, these tactics fail to account for any social order that is not elite or middle-upper class. They also aggressively manage public space for unwanted activity and employee the police to act as guardians of appropriate street behavior. For Mitchell (2003), this approach effectively regulates diversity out of public space. According to Low's (2003) qualities of publicness, access, freedom, and ownership are eliminated in dystopias.

One sublime dystopia is Oscar Newman's "defensible space" where neighborhood planning meets and defeats crime. In Newman's mini-neighborhoods, limited street access and "eyes on the street" reduce the potential of criminals and drug dealers to take over public space. While it is hard to argue against decreased crime rates, it is essential to question whether this approach actually reduces crime or moves it to another neighborhood. In this example, the consequences of utopia of designing to reduce social problems for some could create a dystopia for others.

Dystopias can be generated through social repression, legal regulations, class-based segregation, design tactics, and physical restructuring of urban spaces. Transformed utopian intentions and increased criminalization of public citizens create a self-rationalized dystopia that exists within the utopian rhetoric.

**Dystopia as an Impetus for Action**

Before discussing more specific regulations of public space, I would like to comment on the potential inherent in dystopias. If the, "universal consequence of the crusade to secure the city is the destruction of any truly democratic urban space" (Davis, 1990, 155), then the potential to crusade for democratic space exists in identifying the destruction. Reclaiming public space, at every level, could incorporate what is omitted from dystopias.

Historically, the reorganization of space as a container of social and political power (Harvey, 2000) has occurred in conjunction with political and social movements. Public space is used by marginalized and discriminated groups to organize and provoke change. For the Civil Rights Movement, the public spaces of cities became essential to the movement for equality. Public spaces are sites for negotiation (Mitchell, 2003, 190) between those with and those without power. Their contentious nature offers the potential for change

and for oppression. "Rights to public space…have only been expanded when they have been forcefully demanded, quite often by people breaking the existing laws and thereby showing those laws- about picketing as much as about sleeping – to be oppressive, in their geography if not in their actual wording" (Mitchell, 2003, 220). A vision of public space that denies access fails to accommodate for dissent or protest in the same way that it fails to accommodate alternative cultural or social manners of occupying public space. Dystopia therefore, can initiate renewed utopian thinking toward inclusivity.

**Regulating Public Space**

"Space is the site in which…different forms of access are made possible or denied" (Mandanipour, 1998, 185).

In this section, I discuss various trends in public space literature having to do with social and economic regulations. Privatization, commercialization, gentrification, and securitization are all mechanisms through which public space can be controlled or limited for certain public citizens. These trends decrease the publicness of space by suggesting that there are legitimate and nonlegitimate uses. As certain groups are marginalized through these mechanisms, urban public space can limit specific public actions, such as political dissent. I ultimately draw the conclusion that these spatial patterns can work together to limit the publicness of space that is idealized in an egalitarian, utopian discourse, such as one that stems from a critique of dystopias.

As suggested in the discussion on dystopias, public space is regulated through various explicit and implicit means. If publicness is determined by access and freedom (Low, 2002, 165), then the limitations placed on public space produce an exclusive social and spatial geography of the city (Mandanipour, 1998). "Exclusion becomes an operating mechanism, an institutional form of controlling access…" (Ibid., 183).

Privatized public spaces are more easily regulated. Qualities of publicness in spaces such as shopping malls and commercialized streetscapes, can deny access and freedom of action through social and legal regulations. For Mandanipour, privatization occurs in three dimensions: economic, political, and cultural. These dimensions align to create degrees of inclusion and exclusion. For instance, poverty and economic discrimination support social and class-based exclusion (Mandanipour, 1998, 183). Economic inequalities are acted out spatially in what Davis would call an urban war against the poor (Davis, 1990). Commericalized public spaces such as Times Square in New York are more heavily policed and secured to exclude unwanted public activities such as panhandling and unwanted public citizens such as the homeless. Exclusion, justified

by a rhetoric of fear and security, is becoming increasingly prevalent in the U.S. Exclusion and marginalization are carefully constructed along economic, political, and cultural lines and they coalesce into the negative constructions of an uncivil public. It is essential for protesters to be able to access public space. Increased control of these spaces through privatization can limit this spatial right by denying protesters the right to access privatized public spaces.

Marginalization defines the "aesthetics of social behavior," (Mandanipour, 1998, 183) which are used to justify repression. The threat of marginal cultures (as they are defined socially and temporally) becomes the underlying means for implementing a new utopian geography of public space. These "geometries of relationships" (Mandanipour, 1998, 185) construct multiple forms of knowing the city – from the media, from social interaction, from cultural norms, from personal histories, etc. (Kallus, 2001). Occupying public space can be limited by restricted access (privatized spaces) and economic and social exclusion (marginalization).

Privatization of public space has continued to expand since the 1950s, when planning schemes emphasizing Euclidean zoning (un-mixing uses and spaces) and transportation circulation (over that of the pedestrian experience) began producing segregated urban centers (Punter, 1990, 9). These techniques, coupled with modernist visions of open, urban space, increased the emphasis on public and private partnerships, as well as the emphasis on the public and private demarcation of space. Public-private partnerships have promoted investment in urban centers and large public-private buildings. One of the consequences is a privatized public realm, where spatial rights are regulated beyond the public forum doctrine and spatial rights, such as protesting, can be controlled by private interests.

A continued assertion of private interests into the public realm, relating to rationalized ideas of 'secure' cities and 'pure' spaces, has resulted in increased regulation, surveillance, and marginalization of uncivil behaviors. Citing increased threats of crime, often despite dropping crime rates (Low, 2003), the onslaught of privatized public spaces (in the form of gated communities, but also in parks and sidewalks) justifies security and surveillance. However, this issue is complicated because those with power can defend their right to protect themselves from such public citizens as the homeless or protesters. The complexity lies in who protects public space from whom and who has the power to define social acceptability. If protesters are associated with violence, then the public justifies increased regulation and surveillance of free speech rights due to security concerns. "There is of course a thin dividing line between the kind of positive policies which advocate greater surveillance and demarcation of the public realm… and encourage local responsibility for security and maintenance of the public spaces, and those reactionary impulses which aim to exclude all outsiders in a bid to secure exclusivity and to protect property values" (Punter, 1990, 16). For Punter, the

critical problem is the question of whether this form of private interest is harnessed for investment in the public realm – without pre-determining acceptable public citizens and behaviors.[1]

Zukin argues that those with power are able to shift the cultural landscape toward their desired outcomes (Zukin, 1991, 189). For her, the "culture of consumption" (Zukin, 1991, 189) is an economic motivation for shaping the use of public space. Disneyland, Celebration, and New Urbanism can all be noted for their economically, if not also culturally, exclusive mechanisms. Utopia is then sold as a "fantasy landscape of power" (Zukin, 1991, 221) in which the mall and commercialized spaces are rooted in economic exclusivity. In Crawford's description of consumer culture, the "utopia of consumption" (Crawford, 1992, 11) has built a "repackaged city" (Crawford, 1992, 23) where consumption is protected by security, design, and exclusion. The mall and commercialized spaces such as sidewalk cafes and restaurants are products of this consumer culture.

Mike Davis uses Los Angeles to illustrate how the "defense of luxury lifestyles is translated into a proliferation of new repressions in space and movement" (Davis, 1990b, 202). Physical and mental security are achieved through segregation and surveillance and an ideal of normalized behavior in the public realm. "Security has less to do with personal safety than with the degree of personal insulation, in residential, work, consumption, and travel environments, from 'unsavory' groups and individuals, even crowds in general" (Davis, 1990b, 203). For Davis, the "policing of social boundaries" (Davis, 1990, 154) implies that the loss of freedoms (movement, speech, participation) will manifest a more secure environment. The optimization of design security can result in controlled streetscapes, privatized public places, and a criminalized poor and foreign-born population (Davis, 1990, 174). This homogenization of the crowd seeks democracy through control and extinguishes the "real public spaces, with all of their democratic intoxications, risks, and undeodorized odors" (Davis, 1990, 180).

Is democracy marked by those who are excluded and denied access? Securing the city by regulating certain groups and certain actions creates a dystopia that focuses the discussion on deviant public citizens, rather than on spatial rights and the qualities of democratic public space (access and freedom of action). The increased securitization, privatization, and commercialization of public space surrenders the privacy and freedom of the public in exchange for increased security, but does so at the disproportionate expense of the spatial rights of the poor and marginalized. What Caldeira calls "strategies of protection" (Caldeira, 1999, 87) are in reality, inequitable redistributions of public space.

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[1] While Punter's discussion relates to conditions in the U.K., the advantage the private realm has over determining public space is relevant to discussions of U.S. urban policies.

The self-rationalized process relies on its own utopian logic and rhetoric (Caldeira, 1999, 87). Blaming the victim and demonizing the users of public space is also employed to justify increased control (Smith, 1992). Smith documents both regulatory measures (re-issued curfews and regulated use) and physical methods (the removal of a building/buildings where homeless congregated and the destruction of property of the homeless) in the gentrification of Thompkins Square. Gentrification "rationalizes social differentiation and exclusion as natural and inevitable" (Smith, 1992, 64). While reinforcing the differences between users, this ideology supports the idea that these are personal, rather than social, political or economic issues (Smith, 1992, 91).

> If cities are a socio-spatial matrix of the market economy, then the way their spatial structures are produced continually destroys and re-creates the social inequities of the entire economic and political system… But the social exclusions and hierarchies constructed in space – by means of property rights and rents, zoning laws, transportations systems, and other, more symbolic forms of control – imply that central positions are not mere artifacts. No less than the suburbs, they are carefully crafted landscapes (Zukin, 1991, 182-183).

The crafting of this landscape limits its publicness. Privatized sidewalks can become inaccessible to the public through commercialization. Non-consumers are excluded from cafes and shopping malls. Public benches are redesigned to disallow public sleeping. Public parks, streets, and private communities are fortresses surveyed by cameras and police. As new legitimized uses are inscribed by social and economic factors, congregation in public spaces is disempowered. Access, freedom, and ownership are denied. The hybrid of these regulatory trends becomes the ultimate dystopia, with a public stripped of its spatial rights. The implications for dissent can mean that protesters are denied access to public spaces and are highly monitored through security mechanisms. As protesters are associated with violence or anarchy, then these mechanisms act to regulate and limit their spatial rights. Protesters are disallowed into gentrified and privatized public spaces.

In the following section I discuss the repercussions of fear and terrorism on urban public space. In post 9/11 U.S., a sense of insecurity is both local (relating to local crime statistics and media coverage) and national (relating to national and international terrorist incidents and media coverage). The regulatory mechanisms discussed above work with fear in regulating public space to create a limited publicness.

**Fear and Public Space**

Fear works to reorder public space. Fear of crime, fear of strangers, fear of the unknown, and fear of terrorism, contribute to one's sense of security and personal safety in public space. The work of Zukin (1991), Low (2003), and Caldeira (1999) point to trends in controlling public space through privatization,

commercialization, and securitization.  One repercussion of these trends is the continual distinction between acceptability and unacceptability in terms of behavior and economic/social status.  One of the roots of these re-patterned public spaces is fear.  While none of these trends or repercussions has completely altered public space, they do exist as subtle ways to manipulate spatial rights.  They can be implemented with more or less intensity depending on circumstances and perceptions.  These circumstances change over time.  Therefore, citizens that were once disallowed in public space, such as women or people of color, are now unregulated.  As I discuss below, perceptions of others also are transformative.

The public receives much of their information about crime and terrorism through the media.  Media coverage of terrorism and crime expose the public to these threats, yet give little help in determining what threats are real and what responses are necessary or unnecessary.  After 9/11, there was a wave of media coverage about terrorism.  Public space felt more vulnerable and strangers more suspicious. Through this coverage, the media can help to perpetuate a spatial ideology of segregation and regulation of anyone associated with violence.  In Chapter Three, I discuss the implications of media coverage of crime and terrorism on urban public space.  The continual regulation of dissent is amplified by urban fears and perceptions of potential violence.  From the perpetuation of fear of others to the physical re-ordering of public space, these fears contribute to a loss of spatial rights.  Fear of dissent is often magnified during times of national crisis.  Protesters are increasingly regulated through security efforts that link their presence with potential security threats and fears of potential violence.  The loss of some qualities of the publicness of space is a consequence of the "war on terror" that has absorbed U.S. national and international policies since 9/11.  The media helps to magnify these fears and therefore, contribute to regulating dissent.

**Pure Space - Spatial Ideologies of Control**

As public space is restricted and characterized through gentrification, privatization, and commercialization, "pure space" (Low, 2003, 143) is promoted to rationalize control and homogenization.  In an effort to offset fear of crime and fear of others, gated communities, policed public spaces, gentrified parks, and commercialized or privatized spaces reduce the publicness of public space and eliminate spatial rights.  These urban trends exist to the extent that those with power are able to manipulate spatial rights.  These social and legal regulations are continuously transforming the notion of what behaviors and people are acceptable.  Dissent has historically been most debated during times of national crisis and war..  Fear of violence and terrorism contribute to this ideology of securitization and spatial rights are affected by these fears.

The spatial mechanisms discussed by Low (2003), Zukin (1991), Davis (1990) and Caldeira (1999) control space through power.  While this power strives to make "boundaries more visible and psychologically salient"

(Low, 2003, 143), it also relies on racial categorization to create secured environments. "In the past, overt racial categorization provided the ideological context for restrictive immigration laws and discriminatory deed restrictions and mortgage programs. More recently, phenotypical characteristics are used to justify social prejudice and unfounded fears" (Low, 2003, 143-44). Through interviews with residents of gated communities, Low (2003) finds that that while gated communities offer modicum assurances of crime reduction, fear of crime and of others actually increase with community segregation.

Urban fear in the United States has not escalated to the high proportions of such places as Mexico, Brazil, or Jerusalem (Low, 2003; Caldeira, 1999; Savitch, 2005), where crime and urban terrorism are prevalent. In the U.S., while serious violent crime rates have continued to fall since the early 1990s (U.S. Department of Justice, 2004), urban fear of crime continues to rise (Low, 2003, 116). In part, Low (2003) notes that this is due to the inundation of crime reports in the media. Lyn Lofland (1973) believes that fear of crime is rooted in fear of strangers. The oversimplification and dichotomization that rationalize fear of others disassociates between "good" and "bad," reinforces cultural stereotypes and media distortions, and utilizes vague linguistic strategies such as "they" to refer to the other (Low, 2003, 139-39, 148). As this rationalization becomes embedded in the culture, security measures, to restrict persons or groups considered offensive to pure space, justify social segregation and homogenization. "The research linking fear of crime to the physical environment suggests that familiarity, avoidance, and surveillance play important roles in allaying that fear" (Low, 2003, 116). These methods for handling personal fear continue to employ divisive lines between groups of people considered dangerous. The "offensive" groups vary in definition according to time and place. Panhandlers are restricted from public streets and sidewalks through city council ordinances regulating activities in public space (Architecture, 1998). The homeless are regulated out of public space through policing and city ordinances (Mitchell, 2003). Late night users of parks are gentrified and policed out (Smith, 1992). Protesters are highly monitored through security presence, shut within protest zones, and denied access to key public spaces. Accordingly, those with political and social power determine who should and who shouldn't occupy public space and seek regulations and security controls to ensure that they are excluded.

**Terrorism and Public Space - Implications and Patterns**

While fear of crime continues to shape public space and public relationships, an increased fear of terrorism is relatively more recent in the U.S. "Before September 11, the idea that Americans would agree to live their lives under the gaze of surveillance cameras or monitored by police seemed unlikely, except in the privatized spaces mentioned…What was once considered 'Big Brother' technology and an infringement of civil rights is now treated as a necessary safety tool, without an examination of the consequences" (Low, 2002, 165-66).

While I agree with Low that increased public security measures have become increasingly rationalized as necessary for national security, the "tools" for regulating public space pre-date 9/11. The publicness of space and spatial rights are continuously negotiated. 9/11 has amplified these trends and security technologies are being used more frequently, with less interrogation of their justification.

The elimination of spatial rights for certain groups has historically had little to do with actual threats. Regulations that exclude the homeless, panhandlers, etc. simply play on the fears that are associated with these groups. Certainly since 9/11, fear of terrorists and insurgents has been influenced by the proliferation of media coverage and images of the terrorist attacks (Slone, 2000 and West and Orr, 2005). Heightened attention to terrorism partners with pre-existing fears of crime and strangers to further contribute to regulations of public space. Media coverage also contributes to fear of political dissent, especially during times of war, by consistently relating dissent to violence or potential violence. The perpetual potential for violence and its association with specific groups (such as foreign born males, suspicious persons, and protesters) work to amplify fears of public space. As noted above, "pure space" (Low, 2003, 143) or secured spaces are injected as rationalized, safe alternatives.

There is, however, a difference in the effects of terrorism on urban space from the psychological effects of crime, just as there is a distinct difference between urban recovery from warfare and urban recovery from acts of terrorism (Savitch, 2005). Crime is ongoing and often segregates cities into zones where people feel safe or unsafe. Warfare is limited to time and place. The geographical implications of terrorism depend on the repetition of terrorist attacks and the propaganda of fear created by the media.

For the U.S., the scale of 9/11 and extensive media coverage exerted fear and lack of control. Coupled with continued terror alerts, notions of geographic safety and personal security have been challenged. The U.S. Department of Homeland Security instituted the Homeland Security advisory System in March 2002, which was designed to measure, evaluate, and communicate potential threats of terrorism. Based on a framework of threat conditions, different "terror alerts" are issued according to low, guarded, elevated, high, and severe threats. Corresponding with these threat levels is a color system (green, blue, yellow, orange, and red) used to communicate the level and appropriate actions that should be taken by the public and by government. The system was introduced at yellow, an elevated risk, which alerts citizens to suspicious activity and places them on alert to plan alternate travel routes, prepare for disaster, and update an emergency plan. Green, the lowest level of risk, calls for similar emergency plans and blue, the second level, calls for similar plans and awareness of suspicious activity. Orange, the fourth highest level, warns to exercise caution while traveling, expect delays during travel, and be alert for suspicious activity. The highest threat level, red, warns citizens to be

prepared for evacuation, expect travel delays, and generally be prepared to be alert to any changes in normal routines.

Since their inception, terror alerts have moved between yellow and orange, with increased threat levels targeted at apartments and hotels, prime U.S. targets and public spaces, and financial services centers in New York City, Northern New Jersey, and Washington D.C. (U.S. Department of Homeland Security, 2005). Terrorist threats have focused on holidays and national events, such as the one-year anniversary of 9/11 and the initiation of the war in Iraq (U.S. Department of Homeland Security, 2005). While these threats focus on "hard" and "soft" targets, such as public spaces and heavy travel times, the public is continuously warned of their potential victimization by terrorism. While this system exists to communicate intelligence about potential terrorist attacks and to protect the public, it also has the consequence of placing the public on constant alert.

Just as with utopian and dystopian ideology, there exists a similar dialectic between crime/terrorism and fear that can both serve to protect citizens but also divide them and perpetuate their suspicions of one another. The salvation of creating secured public spaces implies that by segregating space, violence and fear can be eliminated. There is a certain spatial ideology rooted in this segregatory thinking that comes through in "pure space" (Low, 2003, 143) concepts such as gated communities, gentrified parks, and privatized public spaces.

> Nowhere else has a populace had the luxury of deluding themselves that geography is salvation, that geography protects power. If this delusion of geographical exceptionalism is now punctured, the anxious nationalization of terror and war has simultaneously worked to reassert hard geographical boundaries around the United States while framing Americanism and globalism (Smith, 2002, 103).

If "geography protects power" (Smith, 2002, 103) then there is always the question of who is being protected and who is being ostracized. The notion of spatial salvation has direct consequences for anyone associated with violence. Dissent has historically been associated with violence, and since protests at the WTO Summit in Seattle, the media has continued to associate protesters with potential violence. While WTO protests were overwhelmingly peaceful, media accounts primarily overlooked this fact and focused coverage on the small number of violent protesters. The problem is that this information is not always accurately depicted and often ignores the fact that the majority of protesters confirm their commitment to exercising their spatial rights peacefully. Still, there is a real difficulty in discerning what presents a real security threat and what does not. If dissent is more categorically associated with potential violence, then regulations of public space that concern terrorism and violence also begin to be associated with protests.

While understanding real versus perceived threats is difficult and to some extent out of the scope of this research, there are real reasons to consider urban sites as potential terrorist targets and to therefore consider what the repercussions should be for public space. Cities are targets for terrorism because they are physically and symbolically centers of wealth and power (Savitch, 2005, 363). Because urban sites are marked by their permeability, they are easily accessed by terrorists. With their large populations and concentration of media outlets, terrorism can be instantly and effectively communicated to the immediate population and across the world (Savtich, 2005, 364). The psychological effects are therefore immediate and global.

"While different cities may be target-prone in different ways, all major cities offer the common advantage of high visibility and substantial resonance" (Savitch and Ardashev, 2001, 2526). Terrorism destabilizes cities. Its reliance on unpredictability makes it difficult to reconstruct a sense of personal safety in occupying the city's streets and public spaces. Terror alerts, while attempting to mitigate levels of threat, also provide the public with an additional framework of fear and instability. For Savitch, the effects of urban terror on public space include the public's reduced willingness to occupy these spaces.

> The mere frequency of attack curtails human traffic and reduces a willingness to visit areas that have been or are likely to be struck. After an assault, the targeted area is often left in ruins and falls empty. Police and security officials cordon off areas with temporary barriers, surveillance patrols begin to channel crowds and closed circuit television (CCTV) inhibits some movement. Permanent barriers (fences, walls, stanchions) shape or shrink movement across previously open space (Savitch, 2005, 366).

Although Savitch is discussing Jerusalem, where terrorism has been far more extensive, there are important spatial patterns to consider for the U.S. Terrorists seek to undermine local control by "promoting instability and continued vulnerability . . . This tactic sharply reduces human freedom and discretion - in effect, limiting human movement and ultimately shrinking the space available for normal human interaction " (Savitch, 2005, 365). Minimally intrusive measures (informal surveillance, "eyes on the street", panoptical measures (surveillance and screening), regulatory measures (temporal and spatial restrictions, police patrols, closures), and fortress-like measures (permanent fences, gates, and overall "hardening") are utilized by cities to re-exert control in the urban landscape (Savtich, 2005, 366).

In his study of the effects of urban terror, Savitch (2005) uses London, Moscow, and Istanbul to describe emerging patterns in cities affected by terrorism. Jerusalem is used to show what might happen to cities when terrorism intensifies (Savitch, 2005, 366-67). While the number of attacks is still larger than in the U.S., the increasing use of stringent security measures revealed a framework that other countries might follow when subjected to increased terrorist incidents or perpetuated fears of terrorism. Savitch found that terrorism

relied on cycles of repeated attacks, concentrated in urban cores, to inflict the strongest sense of insecurity. Repetitive attacks signified closing strategic public areas, such as the Square Mile in London or the Taqsim in Istanbul, which are financial and commercial centers of these cities. Increased security in the form of surveillance and patrols were also instituted. Varying degrees of control were eventually implemented in these places, as well as in the Kremlin. Shopkeepers and pedestrians became the "eyes on the street" for suspicious activities. Surveillance cameras were concentrated at important intersections and buildings. Restrictions on human traffic, guarded public spaces, and physical barriers were also utilized to effectively control public space. Mechanical, physical, and visual restrictions were implemented (Savitch, 2005, 368-70).

Jerusalem marks an extreme re-ordering of public space. Public space has become paralyzed due to the onslaught on terrorist attacks. Including the measures taken in London, Moscow, and Istanbul, restrictive responses in Jerusalem have included the fortress-mentality of erecting barriers to streets and public spaces, thus reorganizing urban life into a series of controlled enclosures (Savitch, 2005, 382). Furthermore, Jerusalem's neighborhood's are gradually being enclosed and defended by surveillance techniques similar to gated communities that proliferate across the U.S.

For Savitch, the lessons drawn from these cities include the increasing rationalization of security with each attack and with rising public fear. The security measures used in Jerusalem are proportional to security measures taken in other cities whose terrorist incidents have been lower. The new military landscape of Jerusalem has sharply reduced concentrated terrorism and public fear (Savtich, 2005, 382 and 384), but with the consequence of reducing spatial freedoms.

**The Sublime, Secure American City - Post 9/11 Pubic Space Ideology**

"You would have to develop a fortress mind-set" (Joseph Rosetti, as quoted by Barstow, 2001, 16).

The human and physical tolls of the 9/11 terrorist attacks and the scope of the media coverage that followed have undoubtedly affected urban public space. Since 9/11, urban theorists and security officials have proposed numerous theories for securing public space and the city. Ranging from dispersal defense strategies to fortified cities, these strategies exist within the utopian and dystopian dialectic discussed earlier. In the end, how they might be realized in American society has vast effects on spatial rights and the publicness of space.

For some, the city itself should be dismantled. While investors shied away from investing in downtowns after 9/11, some called for the "end of tall buildings" (Kuntsler and Salingaros, 2001). The idea of *defensive dispersal* was used similarly in the defense superhighway ideology of the 1950s as a method of dispersing people from

potential attacks (Savitch, 2003, 118). Many dystopic theories presented a "bleak picture of a metropolis suffused with surveillance devices, concrete barriers, and body searches" (Marcuse, 2002, as quoted in Savitch, 2003, 118). For Davis (2001), the "fear economy" that had shaped American cities since the 1960s benefits post 9/11 military and security firms as Americans sought security at home and in public space (Davis, 2001, 45). Davis projected hardened cities and "terror-proof" downtowns where "security retrofits – the reinforcement of building structures, vapor-and-trace detection systems, bollards, and traffic barricades, bomb mitigation containers, smart doors, metal detectors, bomb-proof trash cans, biometric surveillance portals, reduced surface and underground parking, and so on" (Davis, 2001, 45) would become normalized.

The dream of a secure city relies on a rationalized defense strategy. This idealized secure city would be a:

> city transformed, a city in which antiaircraft missiles might protect the Statue of Liberty, where Time Square would be converted into a pedestrian mall to thwart truck bombs, where the stained glass at St. Patrick's Cathedral would be coated in shatter-resistant film, where bomb-sniffing dogs would become an accepted, everyday part of the marble landscape in Grand Central. Security options once dismissed as unpalatable, impractical or too expensive would be embraced…There would be long lines, intrusive and random searches, new identification systems and a strange new vocabulary of terms like biometrics, bollards, bomb mitigation containers, and smart doors (Barstow, 2001, 16).

The tactics outlined by Davis are similar to those implemented in other cities after terrorist attacks (Savitch, 2005), where the increased security regulations infringe on spatial rights. While these methods have not been completely implemented post 9/11, they are idealized in national security rhetoric and suggest a similar dialectic of utopian security with dystopian control. American cities and national policies are still embroiled in the "war on terror" taking place both in Iraq and in the U.S. Though the immediate mobilization of security resources and the economic impacts of 9/11 have diminished, the long-term effects on cities and national policies continue to emerge. For dissent, the continued association of protesters with potential violence in the media rationalizes increased control and surveillance after 9/11. Therefore, the trends that existed before 9/11 were amplified by a new flood of fears of terrorism and potential attack.

The institutionalization of security responsibilities has resulted in tightened security at public buildings, vulnerability assessments of potential terrorist targets, and expanded biological and chemical surveillance efforts (U.S. Conference of Mayors, 2002). Surveillance systems and chemical detectors have been placed in transit stations, including Washington D.C's Metro (U.S. Conference of Mayors, 2002). Random security checks occur during heightened terrorist alerts and at high profile events. While these methods existed to some degree before 9/11 (Eisinger, 2004, 124 and Light, 2004), they have been amplified in a concerted, nation-wide effort since 9/11 (NBM, 2001 and U.S. Conference of Mayors, 2002).

These measures are implemented ephemerally in urban public spaces when protesters engage public space. Intense security presence in the form of bomb-sniffing dogs, the removal of trash bins, mailboxes, and newspaper racks as potential bomb sites, security cameras, decreased access through security zones, air surveillance, and patrolled public spaces. These mechanisms have been increasingly utilized since the 1999 WTO Summit. September 11th has amplified and rationalized their use.

**Conclusion**

Qualities of publicness shape interactions and access in public space. Exercising free speech rights requires that these qualities are not manipulated to the point that dissent is excluded. Privatization and commercialization can shape exclusion in public space along social, economic, and cultural lines. Gentrification and marginalization can further limit what public citizens and actions are allowed in public space. While these regulatory tools influence public space and idealize geographic salvation. Secure cities can be justified by fear of crime, fear of others, and fear of terrorism. These fears can affect free speech rights if dissent is associated with violence or anarchy.

Urban terrorism results in increasingly sophisticated measures to regulate public space and spatial rights. Limiting freedom to protect freedom has serious repercussions for the urban public, yet it is an ideology that is highly rationalized by fears of crime, terrorism, and strangers. While national and personal security concerns are essential, the repercussions of these regulations on spatial rights must be considered. As I discuss in Chapter Two, the balance of regulating some to protect others is continuously fought in the courtrooms and on the streets. The legal framework that exists to control regulations of free speech is easily tipped toward security interests. Within the spatial ideologies of purified and secured spaces, any association with violence has regulatory repercussions. Thus a segregatory spatial ideology seeks to protect the public from the potential violence of protesters. These trends are fueled by real and perceived threats, which are perpetuated by media coverage of crime and terrorism. The media has focused its attention on protesters as potentially violent since the WTO in 1999. The September 11th terrorist attacks have amplified these trends. Increased fears of potential terrorism and the ideology of securitized public spaces contribute to a wave of increased regulation and heightened fear of dissent.

## Chapter Two: Regulations of Dissent

## Introduction

"Only groups, social classes and class fractions capable of revolutionary initiative can take over and realize to fruition solutions to urban problems. It is from these social and political forces that the renewed city will become the oeuvre. The first thing to do is to defeat currently dominant strategies and ideologies…When the working class is silent, when it is quiescent and cannot accomplish what theory has defined as its 'historical mission', then both the 'subject' and the 'object' are lacking" (Lefebvre, 1996, 154-55).

"Street speeches and demonstrations thus provided a scaffolding for the articulation of working-class coalitions, the political extension of ethnoracial interaction in the central neighborhoods" (Wild, 2005, 151).

"The right to the city is never guaranteed and certainly never freely given. Indeed, it is never, a priori, clear to whom the right to the city belongs: that too is decided in the crucible of social struggle…That is to say, the 'actual existing' right to the city – and the struggle for its expansion by some social groups and its contraction by others – is the product of specific social contests, in specific places, at specific times" (Mitchell, 2003, 42).

Protest is essentially a public, spatial act. It seeks transformation of dominant ideologies and political, economic, and cultural structures. Low's (2003) qualities of publicness, access, freedom, and ownership, determine the publicness of space. The ability of a protester to harness these qualities is contingent on proximity, visibility, mobility, access, and freedom from repercussions. "Spatial rights" must be protected physically (in terms of physical access to sites) and legally (through regulations). The protester can be marginalized through commercialization, privatization, and gentrification, but also by the amplified mechanisms of repression that arise during times of national security crises.

In the following chapter, I discuss historical and current regulations of dissent. While a legal framework to protect dissent has evolved over time, it is continuously challenged. During times of war or national crisis, these challenges are rationalized by a need for increased security. Post 9/11 security concerns have contributed to this rationalization. Still, increased regulation of dissent occurs within this historical framework on challenges and negations. While 9/11 has amplified these trends, regulations have increasingly been associated with security risks since the protests at the 1999 World Trade Organization (WTO) Summit in Seattle. Since the WTO, the media has contributed to the perception that protesters are violent and therefore need to be monitored and regulated. This perception of potential violence has rationalized the need for increased regulation of dissent.

**Historical Violations of Free Speech Rights - From Fear to Legislation**

"Early federal intervention in speech and assembly cases was not concerned either with protecting the right to dissent or with creating the boundaries in which dissent was possible, but rather with controlling the public *behavior* of the working class" (Mitchell, 2003, 54).

The history of free speech is as tumultuous as that of public space. "The First Amendment was intended to create and sustain a climate in which all citizens would be free to comment, however critically, about their government" (Hentoff, 1980, 97). Despite the foundation of protection that exists in the First Amendment, rights to free speech, assembly, and press have been challenged since their inception in 1791. From the Alien and Sedition Acts of 1798, which regulated political dissent, to oppression of the freedoms of specific groups of citizens; to censorship of expression in schools, literature, and the press, freedom of speech and the press are continuously negotiated. One of the main patterns in this discourse is whether the American government has the right to limit freedom of expression at a "time of danger to its very survival" (Hentoff, 1980, 95). As early as the Civil War, President Lincoln sought repression of treasonable expression for fear of widespread rebellion among both the troops and the people. Later, in World Wars I and II, and in the Vietnam War this question of freedom versus security continued to occupy legislators, journalists, citizens, and judges. Although protected, these guarantees have been broken time and again in the name of national security (Hentoff, 1980, 97).

In the decades preceding WWI, political dissent of 'outsiders' such as immigrants, workers organizing into unions, and political radicals served as "primary targets for those, in and out of government, who were engaging in the grand old American hunt for 'un-Americans'" (Hentoff, 1980, 99). Sedition legislation was enacted in several states after the assassination of President William McKinley in 1901. At this time, the idea of "criminal anarchy" (Hentoff, 1980, 101) was so entrenched in increasing fears of foreign born populations, that in 1903, Congress passed an immigration act which forbade entry into the U.S. of specific immigrants based on their beliefs and the association of their beliefs with insurgency. This wave of exclusion was explicitly geared toward the perceived beliefs about immigrants, rather than any specific proof of violent intentions or activities.

Labor picketing, as a form of political organization and protest, was also considered to be an act of violence and injunctions against picketers and organizers were easily attained by employers (Mitchell, 2003, 55). The assumption that picketing leads to violence was used to "restrict the use of the streets by the workers, which not incidentally also served to protect the existing political and economic order" (Mitchell, 2003, 55). In the

face of the injunctions, workers took to the streets, not only to voice their ideas, but to also show that laws restricting their protest rights were inherently unjust.

The Industrial Workers of the World (IWW), known as 'the Wobblies,' made free speech the, "engine of their organizing drives by capitalizing on attempts to shut off their own speech" (Hentoff, 1980, 103).  As their power grew, so did efforts to prohibit their public speeches.  Often, these prohibitions directly limited access to public space.  The IWW's dependence on public speaking for organizing and attracting members and the often brutal repression by the police, launched the Wobblies "free speech fights" (Hentoff, 1980, 104) between 1909 and 1916, in which they purposefully defied ordinances against public speaking. Speakers were thrown in jail, at which point another IWW member would immediately replace them on the soapbox.  Thus, a wave of speakers gradually clogged the jail cells.  This "war of free expression" (Hentoff, 1980, 104) was waged across the country in over 20 cities and was often met with mass arrests and brutality by police and other vigilante community groups. The campaign against the Wobblies failed to label the violent actions of vigilante groups and the police against the protesters as forms of violence and aggression (Mitchell, 2003 and Wild, 2005).

The efforts of the IWW encapsulate the importance of public speech in challenging dominate ideologies and the status quo of social, economical, and political relationships.  Although public speaking and protests are inspired by many causes, the culture of street speaking is fundamentally political (Wild, 2005, 148).  According to Wild, street speaking, like that of the Wobblies, was "both a child and a casualty of modern urban development.  Growing cities provided the crowded environments and diverse, working-class audiences on which street speakers relied" (Wild, 2005, 148).  The vocal and physical disruptions of public space continued to be met by resistance and progressive forms of repression, where "physical marginalization accompanied cultural marginalization" (Wild, 2005, 149) and ordinances, police enforcement, incarceration, and intimidation continued to criminalize political dissent.

Repression was targeted toward the geography of street speaking and ordinances were enacted to prohibit public speaking and protest in the most populous plazas and public spaces (Wild, 2005, 151-154), where street speaking had the most effective, visible platform.  As early as 1908, no-speech zones were established and later expanded in downtown Los Angeles.  Repression of Communist organizing in 1930s resurrected these ordinances.  While often justified as easing traffic congestion (Wild, 2005, 174) or promoting the common good, advocates of these regulations were often more interested in eliminating the presence of undesirables, assuaging their own fear of insurgent activities, and combating the Red Scare.  The ramifications of these policies not only pushed street speakers and protesters to the fringes of downtown areas, but also removed street speaking from the eye of the media.

Strong anti-communist fears initiated the Red Scare and subsequent waves of repression in the U.S. in two distinct periods. From 1917 to 1920, fears were marked by increased labor organization and anarchist demonstrations; from the late 1940s through the mid-1950s, fears focused on government infiltration by Communists. Fear of communism spurred aggressive actions against political activists that included mass arrests and forbidden public gatherings.

Labor organizing such as the Seattle general strike, the Boston police strike, and the efforts of the IWW in 1919 was seen as a demonstration of increased anarchist activities. Public opposition to WWI, protests over the arrest of socialist organizers, the May Day Riots in 1919, and the Wall Street bombing in 1920 further supported fears of insurgency, which initiated increased hatred of communists and radicals. Reliant on a rhetoric of patriotism, government action against activists included the Palmer Raids from 1918 – 1921, where President Wilson's Attorney General, A. Mitchell Palmer, executed hundreds of unwarranted raids in the homes and businesses of known radicals and leftists.

Two acts passed by Congress increased the power of the government to regulate free speech and condoned the increased brutality and mistrust illustrated by the Palmer Raids. The Espionage Act of 1917 and the Sedition Act of 1918 stemmed from increased fears of radicals, leftists, and Communists and supported the arrest, detainment, and deportation of hundreds of suspected sympathizers of communist and socialist ideas. To support the draft effort, the Espionage Act was created to stop interference with the recruitment of troops. Many anti-war protesters were arrested and those who refused to perform military duty were punished. Another section of the Espionage Act allowed the Postmaster General to withhold from mailing all letters, circulars, newspapers, pamphlets, and other materials that supported an antiwar or antigovernment position. Many publications, including the IWW's Solidarity Journal and the American Socialists' magazine, lost their mailing privileges. The Sedition Act made it a federal crime to criticize the government and this criminalized any spoken or written opposition to the war or the draft.

During WWI, distrust of political dissent only grew and a series of antigovernment and free speech cases came before the Supreme Court (*Schenck v. United States* (1919); *Frohwerk v. United States* (1919); *Debs v. United States* (1919) and *Abrams v. United States* (1919)). Enabled by the Espionage and Sedition Acts, the Court created specific guidelines for regulating protest. The "clear and present danger" and "proximity and degree" tests were initiated in *Schenck* and further supported by rulings in *Frohwerk, Debs, and Abrams*. "These cases showed that 'conspiracies' (against government or business) and 'violence' - unruly behavior – could be divorced from First Amendment guarantees of assembly and speech in a manner that protected formal rights

of speech but clearly drew boundaries around how that speech could be conducted and to what uses it could be put" (Mitchell, 2003, 58).

Schenck was convicted of conspiracy under the Espionage Act for attempting to distribute circulars promoting protest of the draft. The decision created a "doctrine of speech geared toward protecting the interests of the state" (Mitchell, 2003, 59) in which any speech that created a "clear and present danger" against the state and any act attempting to influence others to oppose the draft could be seen as a conspiracy. In the unanimous opinion of the court, Justice Holmes wrote:

> We admit that in many places and in ordinary times the defendants…would have been within their constitutional rights. But the character of every act depends upon the circumstances in which it was done…The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war many things that might be said in times of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight and that no Court could regard them as protected by any constitutional right (*Schenk,* 1919, 52).

Schenck sets the stage for further rulings regarding the limitation of free speech during war by establishing the "clear and present danger" and "proximity and degree" tests, yet the language granting increased regulation of speech remained unclear. It did not establish what constituted a "clear and present danger" or what "proximity and degree" meant. The one distinction that is clear, and this resurfaces in post 9/11 regulations of protests, is that in times of war, the government has substantial interest and power in regulating speech.

The repression of speech was further drawn in *Frohwerk* and *Debs*, where all persuasive speech was considered a promotion of conspiracy and obstruction of the war effort. Frohwerk was convicted of conspiracy under the Espionage Act for distributing a small circular advocating against the war and sympathizing with those who opposed the draft. Relying on *Schenck*, the *Frohwerk* decision further reinforced the criminality of persuasive speaking and found that the, "First Amendment, while prohibiting legislation against free speech as such, was not intended to give immunity to every possible use of language" (*Frohwerk*, 1919, 206).

*Debs* further emphasize that the mere intent of free speech could be interpreted as obstructing the war effort. Debs, a prominent member of the American Sociality party, was convicted of conspiracy for publicly advocating "continuous, active, and public opposition to the war through demonstrations, mass petitions, and all other means" (*Debs*, 1919, 570). These cases reinforced the idea that the regulation of dissent hinged on the "distinction between the right of an individual to speak (and perhaps even gain an audience) and the

possibility that her or his words might actually have an effect – that they might, through persuasion, lead to conspiracy" (Mitchell, 2003, 61).

In *Abrams*, the idea of "clear and present danger" was further defined by the Court. Five Russian defendants were convicted on conspiracy for writing, printing, and distributing protest leaflets that demonstrated intent to encourage resistance to the war. Although the Court convicted the defendants of conspiracy, Justice Holmes dissented from the opinion of the Court on the grounds that the leaflets did not present a "clear and present" danger. Still, in his dissent, Holmes supported regulation of dissent based on a rational notion of the free market of ideas.

> Persecution for the expression of opinions seems to me perfectly logical…To allow opposition by speech seems to indicate that you think the speech impotent….But when men have realized that time has upset many fighting faiths, they may come to believe even more than they believe the very foundations of their own conduct that the ultimate good desired is better reached by free trade in ideas – that the best test of truth is the power of the thought to get itself accepted in the competition of the market (*Abrams*, 1919, 630).

There are two key ideas in this dissent. First, Holmes continued to support the regulation of speech during war and cited *Schenck, Frohwerk,* and *Debs* as logical grounds for criminal conspiracy convictions. Holmes also suggests that protest and free speech shall be self-regulated by the marketplace of ideas. For Mitchell, this opinion rests on the assumption that speech is a "…tightly rational discourse. And it says noting about the relations of power that may govern entrance into the market in the first place" (Mitchell, 2003, 63). There is little clarification about how the intent to commit conspiracy is defined. The assumption of civil speech and equality of access to the public sphere suffocate the guarantees of the First Amendment as they can be harnessed to initiate change in political policy. For Mitchell, the fear of conspiracy, violence, and subversion that initiated these cases sought to uphold prevailing power structures and merely formally support free speech rights. A concentrated effort to prevent persuasive speech that was anti-American and anti-war set the precedents for First Amendment speech law that exist today.

Logically deriving from these arguments is the ability for those with political power to repress the words and actions of those who oppose their policies. Take for instance the denial of rights to African-Americans before the Civil Rights Movement. The right to vote and move freely were not extended to African-Americans through a white power structure and therefore had to be claimed through protest and civil disobedience. The struggle to create what Mitchell calls "the right to the city" (Lefebvre, as referenced in Mitchell, 2003) relied on protesting against the interests of the dominant power structure. Protesters must engage in effective political action (Tushnet, 1984, 1367). If protesting is a transformative act, then regulations of spatial rights should be carefully scrutinized to promote progressive political and social

structures. "Rights become indeterminate as first one side, and then the other attaches long-term consequences to the recognition or denial of particular claims of rights" (Tushnet, 1984, 1368).

The distinction in these regulations lies not only in the justification of national wartime interest, but also in the subtle intentionality of speech, which undermines the essence of the First Amendment. The common justification was that speech could be regulated if it proved to be persuasive against national interests. This precedent, which has resurfaced in post 9/11 regulations of speech, becomes a means for regulating the content of speech and of hiding public opposition. As persuasive speech and picketing were increasingly associated with violence and intimidation, the rights of protesters to voice opinions against national policies were repressed.

In 1921, *American Steel Foundries v. Tri-City Central Trades Council* legislated the criminalization of picketing. Arguing that picketing was a "militant purpose inconsistent with peaceable persuasion" (*American Steel Foundries,* 1921, 205), Chief Justice Taft and a unanimous Court focused the balance of rights on public and private space. The "time, manner and place" restrictions outlined in the decision have become fundamental to free speech and public space law (Mitchell, 2003, 65). The set of restrictions provided by the Court attempted to determine the nature of protests and limit effective means of communication. While the 1935 Wagner Act protected the right to strike, increased use of anti-picketing ordinances were implemented in the 1930s.

It was not until *Hague v. CIO* (1939) that the Court protected the spaces of streets and parks as sites for organization and protest. The Court held that "wherever the title of the streets and parks may rest, they have immemorially been used for the purpose of assembly, communicating thought between citizens…Such use of the streets and public places has, from ancient times, been part of the privileges, immunities, rights, and liberties of citizens" (*Hague v. CIO,* 1939, 515).

The Court then found anti-picketing ordinances to be unconstitutional (*Thornhill v. Alabama* (1940) and *Carlson v. California* (1940)). Although *Hague* sanctioned public spaces for dissent, it protected the idea that free speech could be regulated to protect the general order. Thus the question of protecting societal order remains embedded in regulatory powers of free speech. The fundamental question of who defines this order and who it serves are not taken up by the Court in *Hague.* Furthermore, the idea of questioning political and social power structures, which is embedded in the act of protesting, is protected only by orderly discourse. The contradiction therefore continues to lie in how protest can be protected by regulations that protect current power structures.

During the second Red Scare in the late 1940s through the 1950s, the House Committee on Un-American Activities (HCUA) and McCarthyism demonstrate how easily free speech rights are surrendered in the face of public fear and perceived anarchy. HCUA investigated and interviewed hundreds of people about Communist sympathies and propaganda. Intense suspicion about Communist organizing also prompted Senator Joseph McCarthy to aggressively identify people suspected, often wrongfully, of Communist sympathies. Illegal actions were taken against radicals and political organizers, once again feeding public fears about political activism.

Emerging from a history of dissent regulations are continued abstract justifications such as traffic calming and a reliance on stereotypical characterizations. Radicals, immigrants, labor organizers, and racial/cultural organizations are often insidiously associated with violence (Hentoff, 1980) and 'restoring public order' is often used to justify preemptive regulations of protest. Whereas historically this pigeonholing focused on fears of foreign influences and Communism, it is arguable that more recently, the protester has become the insurgent public actor, and certainly since 9/11, the new insidious characterization is that of terrorism and foreign-born populations.

## Protecting Dissent

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people to peacefully assemble, and to petition the Government for a redress of grievances" (First Amendment, U.S. Constitution, 1791).

"The 'right to the city' therefore is always vetted through, and to some degree by (even if only in the negative), a geography of law. In turn, the very nature of urbanism is at least in part a product of the struggle over the legal content of public space – who owns it, who controls it, who has the right to be in it, and what they may or may not do once there" (Mitchell, 2003, 46).

Despite attempts to limit freedom of speech, the First Amendment was, and remains, the most powerful weapon for asserting political dissent. For anarchists and organizers, protesters and dissenters, this tool is fundamental to their ability to fight for the freedom to express their ideas. In the latter half of the twentieth century, a legal framework has emerged that demonstrates legitimate and non-legitimate restrictions and protections of First Amendment rights in a legacy of Supreme Court and Ninth Circuit case law (Perrine, 2001). The Court has articulated specific guidelines for regulating and restricting First Amendment rights. While these cases often do not relate directly to regulating demonstrations and protesters, they do highlight the current protections and regulations afforded free speech in public space. These regulations also do not necessarily comment on issues of national security or times of war. However, they set the precedent for

allowing sanctioned regulations against protesters. Four guiding principles for regulating dissent can be drawn from historical litigation (Perrine, 2001, 4-10):

- The violent actions or threats by some protesters cannot be used to justify arresting or prohibiting demonstrations by peaceful protesters
- A protest cannot be characterized as violent unless the violence in pervasive, despite the actions of some
- "Prior restraints" on speech are closely scrutinized
- "Content-neutral" regulations must meet the guidelines set by the Court

First, "peaceful demonstrations retain their first amendment rights even when violent counterdemonstrations occur" (Perrine, 2001, 4). The right of protesters to speak unpopular messages has been protected by the courts in *Gregory v. City of Chicago* (1969), where police orders to disperse a protest were found to be a violation of First Amendment rights. This decision distinguished between actions of different groups of protesters and emphasized that the actions of some are not justification for repression of others.

Second, nonviolent protesters always maintain their First Amendment rights, although violent protesters are not protected by the First Amendment (Perrine, 2001, 5). In *NAACP v. Claiborne Hardware* (1982), the Court found no justification for restricting First Amendment rights when the majority of protesters were peaceful. "A massive and prolonged effort to change the social, political, and economic structure of a local environment cannot be characterized as a violent conspiracy simply by reference to the ephemeral consequences of relatively few violent acts" (458 U.S. 993 (1982)).

Third, the courts must closely scrutinize "prior restraints" on speech to ascertain whether the content of speech is being restricted. The Court has ruled that adequate methods of expression must be left open when speech is regulated and that regulations shall be "content-neutral." In *Madsen v. Women's Health Center* (1994), the Court emphasizes that government interests that determine restrictions of speech shall not overly restrict expression, but can be used to establish buffer zones or bubble laws that protect the rights of others from the actions and words of protesters.

Lastly, the foundation for content-neutrality must be established for regulations of speech to be constitutional. If this statute is met, regulations are less scrutinized by the courts. "Content-neutral restrictions may regulate expression, but may not ban protected classes of speech entirely" (Perrine, 2001, 7). These "time, place, and manner rules" (Perrine, 2001, 8) have been solidified in *United States v. O'Brien* (1968) and *Ward v. Rock Against Racism* (1989). In *United States v. O'Brien*, the Court found that government regulation is sufficiently justified if it furthers a government interest; if it is unrelated to the suppression of

free speech; and if the restrictions are no greater than essential to the furtherance of government interest (391 U.S. 377 (1968)). The *Ward* court further clarified the constitutionality of "time, place, and manner" restrictions and found that these restrictions are constitutional if they allow alternate and adequate means for expression. Despite the constitutionality of restricting or limiting speech if alternate means are available, the government still bears the burden of proof to show that these restrictions are narrowly tailored and are not content based regulations.

Within this legal framework is the balance of rights amongst individuals, groups, and the government. The foundation for regulating First Amendment rights allows specific restrictions, but only if adequate time and space for free expression are guaranteed. Much of this legislation focuses on the geography of protest and attempts to mitigate between the rights of various parties. *Madsen* focuses the discussion on scrutinizing not the content of speech, but the method used to convey the message. *Madsen* established the constitutionality of a 36 foot buffer zone around abortion clinics to protect the rights of citizens from violent actions or words of the protesters. These "time, place, and manner" restrictions attempt to draw an appropriately sized exclusion zone and later inspired "bubble laws" (*Hill et al. v. Colorado et al.* (2000)) regulating the actions of protesters in an eight foot moving bubble around patrons and employees of abortion clinics. These statutes regulate "space and spatial relationships" (Mitchell, 2003, 45).

Despite the fact that these laws don't specifically legislate against anti-abortion protesters and the content of their speech, for Mitchell (Mitchell, 2003, 45) they are problematic because they effectively regulate the content of speech through the regulation of space. Mitchell (2003) disagrees with the assumption behind these spatial regulations and that by divorcing the protester spatially, the ideas and speech are still readily and equally accessed by the general public (Mitchell, 2003, 47). To "make dissent safe for democracy" (Mitchell, 2003, 49), the Courts are continuously forced to mitigate between regulations that protect speech and maintain public order. Although the Courts assume that these relationships exist in universal public spaces and for a universal public, Mitchell argues that they make "certain kinds of dissent possible for a certain *kind* of democracy" (Mitchell, 2003, 50). Thus litigation actually protects dominating interests over those who exercise spatial rights.

As discussed earlier, the *order* of public space often assumes rational and orderly behavior and protects the status quo. Thus the agora, which symbolized democratic space, was also a site of exclusion of women and minorities. Time and again the "public forum doctrine" (Mitchell, 2003, 51) has served to protect the interests of those with power by self-rationalizing the exclusion of 'the other' and creating appropriate rules and regulations that maintain this organization of the public sphere. Regulations that focus on protecting the public from violence do little to define what violent acts are. Historically and recently, "violence" can be seen

as anything from actual physical violence to unruly behavior. For Mitchell, this pattern is similar to the utopia/dystopia dialectic in which exclusion is justified to maintain order. The implied rationality of these decisions ignores the historical context of exclusion and repression that have characterized and given meaning to protest movements. As Tushnet says, "It does not advance understanding to speak of rights in the abstract. It matters only that some specific right is or is not recognized in some specific social setting…In this way, rights become identified with particular cultures and are relativized" (Tushnet, 1984, 1364).

Government restrictions on political dissent have been upheld within the framework of protecting the interests of the nation. The Court has upheld restrictions on political expression, while ignoring specific forms of political advocacy and protest (Magarian, 2005, 4). The decision in *Clark v. Community for Creative Nonviolence* (1984) to allow suppression of political action under a regulation that prohibits sleeping in public parks, illustrates the support of private rights over political action. Protesters advocating for increased attention to the problem of homelessness were denied access to sleep in Lafayette Park, across from the White House. This decision relies on the constitutionality of content-neutral regulations of speech. In *CBS v. Democratic National Committee* (1973), the Court supported CBS in denying the anti-war advertisers advertising time; a decision which rests in the fact that CBS was not a governmental organization and therefore did not have First Amendment obligations.

## Recent Trends in Regulating Dissent

In the following section I discuss recent trends in regulating spatial rights. Current trends are rooted, to a large degree, in the 1999 WTO protests in Seattle, which have been overwhelmingly characterized as violent. The media has continued to reference the WTO in coverage of protests at high profile events such as national conventions and world trade meetings. The continued association of protesters with potential violence is not always rooted in factual accounts and often excuses brutality by police as necessary and adequate to disperse the crowd. Increased use of nonlethal weapons at protests, often unprovoked, has contributed to fears of protests. I begin this section by discussing the WTO and subsequent protests. This discussion focuses on media accounts of protester violence and increased securitization of public spaces during protests. I then discuss regulations that have begun to emerge since the WTO and the September 11th terrorist attacks and question the implications that these might have for spatial rights.

**World Trade Organization Summit, November 1999**

**Seattle, Washington**

Recent regulations of dissent not only rely on the historical characterization of the 'insurgent protester,' but suggest increasing control justified by the rhetoric of security. While national security issues and patriotic zeal have increased since the September 11th terrorist attacks, national news began to report a new wave of aggression against protesters beginning with the 1999 WTO in Seattle. Although it has been shown that protesters were overwhelmingly peaceful at the WTO and that police and political responses were overly stringent and aggressive (Boski, 2002), the media has continued to refer to protesters at the WTO as overwhelmingly violent.

WTO protests were highly organized. "The Direct Action Network and other protest groups...were unambiguous in their intent to use nonviolent protest to shut down the WTO meeting by filling the streets and blocking access to the convention center" (Perrine, 2001, 637). However unprepared police and city officials were, they received fair warning of protesters' intentions. The vast majority of protesters grew nonviolent and even took steps to stop or prevent violence when it occurred (Perrine, 2001, 637). On the first day of the summit, the police incrementally lost control of monitoring the crowd of over 20,000 protesters and providing routes for delegates to the convention center. A small minority of protesters were increasingly violent as the day progressed and vandalized downtown businesses. Mayor Schell declared a state of emergency and by the morning of the second day had created a security zone that encompassed the public spaces of downtown. This zone restricted access to WTO delegates, employees and owners of businesses, residents who lived within the zone, and security personnel (Perrine, 2001, 637). Essentially, the security zone, which continued to be in effect long past any threats to public order, shut down the ability of protesters to exercise their spatial rights.

Police responded to the violence and large number of protesters by using pepper spray, concussion grenades, and rubber bullets. The aggressive responses were well documented in the media, yet often depicted all of the protesters as violent and police responses as justified by the out of control crowds (Boski, 2002 and Ackerman, 2000). Slanted print and television coverage also ignored protesters' concerns and treated them with contempt (Ackerman, 2000 and deMause, 2000).

The emergency order that allowed Seattle officials to create an exclusionary zone is supported by the ability of federal, state, and local officials to invoke emergency powers. Usually, use of these emergency powers is reserved for disasters and severe public disturbances, but their use has expanded since WWII (Perrine, 2001, 645). A state of emergency temporarily suspends first amendment rights, but it must have a reasonable

expiration date. Emergency powers, used during high profile event such as conventions, are successful at regulating the ephemeral act of protesting because they apply concentrated regulations within a small time frame.

Emergency powers have been increasingly broad at both the federal and state level (Perrine, 2001, 645). Their use has included detainment of U.S. citizens of Japanese ancestry after the bombing of Pearl Harbor in 1941 and prolonged states of emergency during times of national crisis, such as the introduction of military in Central America, Iran, and the Persian Gulf. Justification has relied not only on issues of national security, but also on economic threats, such as the Great Depression. Still, some protection remains in issuing emergency powers during times of national or local crisis. In *Collins v. Jordan* (1996), the Ninth Circuit refused to legitimize the legality of a city-wide no-protest ban after the Rodney King verdict. *Collins* directs the courts to scrutinize emergency orders that suppress prior restraint of exercising first amendment rights (Perrine, 2001, 647). The City of Seattle cited *Madsen v. Women's Health Care Center* (1994) in defending their right to establish a buffer zone around delegates. The American Civil Liberties Union (ACLU), who sought an injunction against the emergency order, cited *Collins v. Jordan* (1997) in their argument that the exclusionary zone violated First Amendment rights.

By invoking a state of emergency local officials are able to regulate protest during an event. Often, court litigation comes after the event has already passed, thus the regulations and the opportunity to protest have already passed. While *Collins* provides a critical framework for limiting exclusionary zones, the use of these secure zones has continued to be implemented since the WTO.

**Regulating Protest after WTO**

"A cloud of misinterpretation based on the WTO-Seattle has influenced the planning for subsequent global governance institution (GGI) events in startling ways. Central urban locations for meetings are virtually shut down, walled off and divided into red, yellow, or other no-protest/limited protest zones…Remote locations…have been chosen for high profile meetings to limit social protest because of an exaggerated myth of violence" (Boski, 2002, 373).

Since the WTO, protests have been increasingly regulated through spatial and regulatory tactics such as the militarization of police; radicalization of dissenting citizens; and routinization of spatial control and regulatory techniques (Boski, 2002, 368). These trends suggest the dominance of security over spatial rights.

The 2001 annual meetings for the Asian Development Bank (ADB) were originally scheduled to take place in Seattle, but were moved Honolulu. The dislocation from other urban centers, its relative remoteness, and the

massive military presence that existed nearby were touted as assets for the new location (Boski, 2002, 373). "Pressure on city officials to provide extreme security measures came from the State of Hawaii officials, the tourism industry (which felt that violence would tarnish Hawaii's image as a 'paradise') and irresponsible media reports focusing on violence and the potential damage to Hawaii's image" (Boski, 2002, 374). Police trained with the National Guard, the Honolulu City Council passed a series of bills that made it easier to arrest potential troublemakers, riot gear was purchased for the police, and protest permits were delayed (Boski, 2002, 374).

Continued references to the WTO and to potential protest violence have become common to justify security planning since the WTO. The World Bank / International Monetary Fund (IMF) meetings in April 2000 revealed a print and television media that continued to draw parallels between protesters in D.C. and at the WTO (FAIR, 2000). At the G-8 Summit in Kananaskis in June, 2002, a special security tactical team was formed from Calgary Police officers and the Royal Canadian Mounted Police (Boski, 2002, 375). The location was chosen for its remoteness and a 6.5 kilometer security radius dislocated media and protesters from the event (Boski, 2002, 376). At the World Economic Forum meetings in New York City, media coverage focused on the security problems of protests and the potentially violent protesters (FAIR, 2002). At the G-8 Summit in Genoa, Italy in 2003, the American press "routinely glossed over …militaristic response by police and troops, instead invoking the demonstrations as proof of the threat posed by globalization activists" (FAIR, 2003).

In Chapter Four, I discuss media coverage of two high profile events, the 2000 and 2004 Democratic National Conventions. Although I do not explicitly discuss the 2000 and 2004 Republican National Conventions, they too are cited in media coverage within the context of security planning and images of protester violence. The continued use of past events such as the WTO or other "violent" protests has become common in media coverage. The perpetuation of these myths seems to sanction increased security measures at high profile events and while demonizing protesters, overwhelmingly ignores police brutality.

### Post 9/11 - Balancing Security and Freedom

"If you have a protest group protesting a war where the cause that's being fought against is international terrorism, you might have terrorism at that protest. You can almost argue that a protest against that is a terrorist act" (Mike Van Winkle, spokesman for the California Anti-Terrorism Information Center, as quoted by Magarian, 2005).

As I discussed earlier, regulations of dissent not only rise when there is a perpetuation of the myth of violent protesters, but also during times of national crisis and war. Official aggression against political dissent,

nationalist fervor, and national security concerns have created a hostile climate for political dissent (Margarian, 2005, 7) since the September 11th terrorist attacks.  While this wave of aggression at high-profile events was initiated by the WTO protests, the war on terror that has dominated national and international policies since 9/11 has contributed to this trend.

The Patriot Act (2001) is the first major anti-terrorism legislation since 9/11.  "Law enforcement power to conduct surveillance and secret searches has been vastly increased, legal immigrants may now be indefinitely detained, and the CIA has been authorized to resume spying on Americans" (Coen, 2001).  The Patriot Act broadly defines domestic terrorism to include any activities that "appear to be intended to intimidate or coerce a civilian population" (Patriot Act, Section 802, 2001).  The broad definition of "terrorism" gives law enforcement broad powers against suspected terrorist groups.  The ACLU warns that these broad definitions could sweep those who engage in political protest (back) into the concept that equates dissent with coercion and conspiracy (ACLU, 2001 and 2003).

In the following section, I discuss observations of patterns of regulating dissent since the WTO.  These patterns indicate the historical trends in regulating dissent have become more sophisticated since the WTO and since 9/11.  While both events are crucial in recent regulations, they also exist as part of the larger historical pattern discussed earlier in the chapter.

**Documenting Recent Free Speech Violations**

The National Lawyers Guild (NLG) and the American Civil Liberties Union (ACLU) monitor and document free speech rights.  The primary role of these organizations is to observe, record, and defend violations of the First Amendment.  The NLG's "legal observer" program sends trained professionals to large and small demonstrations to monitor law enforcement actions in relation to protesters.  The ACLU documents these violations, as well as handles litigation for civil liberties cases.  These organizations serve as the voice for protesters who have been unlawfully arrested, intimidated by force, and denied access to public spaces and demonstrations.

In a 2004 report, the NLG documents an escalating number of violations of free speech that occurred between 1999 and 2004.  Their findings, cited from firsthand experience of legal observers, reveal increasingly sophisticated methods of intimidation used by law enforcement to circumvent political expression.  This report finds that not only have these intimidations frightened protesters away from exercising free speech rights, they have also created a dangerous environment for demonstrations.

The NLG has found that three major trends exist in these violations: punishment absent unlawful activity; police initiated violence; and failure of the Department of Justice (DOJ), under the guidance of Attorney General John Ashcroft, to prosecute police officers and departments (NLG, 2004, 7-8). These practices are reinforced by post 9/11 domestic terrorism laws, the relaxation of the 1976 guidelines for FBI surveillance, and the passage of the Patriot Act in 2001 (NLG, 2004, 8). The relaxation of surveillance guidelines has lead to increased infiltration and surveillance of antiwar activists (NLG, 2004, 11). According to the NLG, the Patriot Act defined the term "terrorism" so broadly that anyone who criticizes the national government or has ties to international political movements may be investigated for domestic terrorism.

Although free speech violations have been greatly exacerbated by 9/11, the NLG found that they have been increasing for years. Punishments absent unlawful activity have included arrests of anticipated actions, content-based permitting, setting of record high bails for misdemeanors, and the use of chemical weapons and "less lethal" rounds against demonstrators. Increased police and military presence has contributed to the perception that exercising dissent is dangerous. Contributing to this perception are government initiated images of protesters that perpetuate negative stereotypes. Not only does the presence of heavily armed law enforcement terrify protesters, it also encourages aggressive behavior among police officers (NLG, 2004, 9). As discussed earlier, *Collins v. Jordan* (1996) makes it illegal to ban First Amendment activity simply because past demonstrations have resulted in violence. Therefore, it is illegal to negatively target protesters due to past associations of demonstrations. While this case protects the protesters, intimidation and negative stereotypes still exacerbate the relationship between law enforcement and protesters.

The NLG has documented the tactics used to infiltrate, coerce, intimidate, and punish protesters at demonstrations across the country. Tactics used before, during, and after demonstrations illustrate a concerted effort to impede protesters and violate their free speech rights. Discussed below are the documented methods of restricting protest.

**Preemptive Policing**

Strategies used by law enforcement officials and the media before demonstrations are specifically designed to preempt free speech activities (NLG, 2004, 19-42). These proactive attempts are often illegal and include the following tactics:

- Intimidation by the media
- Mass false, pretextual arrests, and illegal detention
- Pretextual Searches and Raids of Organizing Spaces
- Police Infiltration and Surveillance Absent Allegations of Criminal Conduct

- Content-Based Exercise of Discretion in Denying Permits and in Paying for Permits and Liability Insurance
- Intimidation by FBI Questioning

Media intimidation includes violent images and descriptions of protesters, as well as images of heavily armed police monitoring demonstrations. Anticipating confrontation heavily plays into pre-demonstration coverage and attempts to deter attendance at demonstrations. Documentation of this coverage emphasizes negative stereotypes and associates protesters with anarchy, violence, mass disturbance, disruptive behavior, vandalizing, and terrorism. Not only do these images and words negatively affect the public's perception of protesters, they create an atmosphere of heightened sensitivity to violence and aggression and affect the relationship between the police and protesters.

Mass false arrest often accompanies increased media coverage and, "sends a message of intimidation to would-be protesters" (NLG, 2004, 40). Many of these arrests are not based on probable cause and are therefore illegal. These arrests discourage and limit participation in demonstrations. Often, arrested protesters are illegally questioned during their detainment. Warrantless searches and raids often illegally cite fire-code and building violations as pretext. Before the 2000 DNC, the NLG and ACLU sued the City of Los Angeles for unwarranted searches and harassment of protesters' organizing spaces (NLG, 2004, 26). The resulting restraining order barred police from unlawfully searching property and seizing and destroying protest materials. At the 2004 DNC in Boston, Massachusetts, members of the Black Tea Society were not allowed to hold an organizational meeting and were threatened with arrest on the Massachusetts Institute of Technology's campus because the Secret Service shut it down (NLG, 2004, 28).

Increased surveillance has been condoned by the courts since 9/11. In *Alliance to End Repression v. City of Chicago* (237 F3d 799 (7th Cir. 2001)), the court ruled in favor of the police department's need to increase surveillance and keep tabs on suspected terrorists. This decision reversed FBI surveillance guidelines adopted in the 1970s. "Following the September 11, 2001 terrorist attacks, this trend spread across the nation as the FBI and other police agencies eliminated or significantly weakened guidelines governing police political surveillance…these looser rules contain exceptions so broad that police are authorized to conduct widespread surveillance without a criminal activity predicate" (NLG, 2004, 30). Police infiltrators often issue false reports to police officials regarding demonstration plans and initiate violence when posing as protesters (NLG, 2004, 30).

*U.S. v. Obrien* (1968) and *Ward v. Rock Against Racism* (1989) have established that demonstration permitting must be content neutral, but that it can be regulated by reasonable "time, place, and manner" restrictions.

*Clark v. Community for Creative Non-Violence* (1984) has established that permitting shall not discriminate against any groups or persons based on their beliefs. Despite this legal framework, cities around the country are denying permits and placing unreasonable restrictions on demonstrations (NLG, 2004, 35). Cities have also begun to require that protesters take out liability insurance before their permit is granted (NLG, 2004, 39). This costly and increasingly difficult framework for securing permits is unconstitutional because it unduly imposes financial burdens on the content of free speech. As part of the suit brought against the City of Los Angeles by the NLG, the city has been barred from requiring liability insurance for demonstrations.

Finally, FBI intimidation and questioning is often rationalized by suspected terrorist activity (NLG, 2004, 42). The NLG received numerous reports of FBI intimidation before the 2004 DNC, in which activists were questioned about their demonstration plans for the convention.

**Criminalizing Political Expression at Demonstrations**

While restricting access to demonstrations and misleading protesters are basic tactics used to criminalize dissent during demonstrations, these are often combined in diverse strategies that include some or all of the following measures (NLG, 2004, 43-70).

- Checkpoints and Street/Sidewalk Closures
- Free Speech Zones
- Mass False Arrest and Detentions
- Detainment and Herding
- Snatch Squads
- Pop-Up Lines
- Containment Pens
- Rush Tactics, Flanking, and Using Vehicles as Weapons
- Crowd Control Using "Less Lethal" Weapons

Police checkpoints have increased since 9/11 and include bag and person searches. These checkpoints often slow down the process of entering the demonstration site. This tactic can frighten protesters and dissuade them from attending; an issue that is especially true for people from communities that already feel targeted by police intimidation (including immigrants and people of Middle Eastern descent) (NLG, 2004, 43). Despite the legal foundation for needful suspicion for pat downs that exists in *Terry v. Ohio* (1968), these tactics are still employed.

While the use of "free speech zones" dates back to repression of labor organizing in the early twentieth century, they have been increasingly utilized since the WTO Summit in 1999, as well as in the administration

of President George W. Bush.  These zones are designated by the Secret Service and target only those who carry protest signs.  Reporters are often barred from these zones and protesters who refuse to move to the zone are often arrested and charged with disorderly conduct, resisting arrest, and trespassing.  The consequences of these discriminatory zones include the displacement of the protesters from the media, as well as their dislocation from the event itself.

At the 2000 DNC, a 260 foot "no protest zone" was erected around the Staples Center, where the convention was being held.  Planning for this event, which included both the Los Angeles Police Department (LAPD) and the Secret Service, designated a "free speech zone" beyond the 260 foot secure border. This security perimeter was found to be unconstitutional in *Service Employee International Union (SEIU) et. al. v. City of Los Angeles et. al* (F. Supp 2d 966 (C.D. Cal 2000)).  Relying on *Bay Area Pace Navy v. U.S.* (1990), in which the government bears the responsibility of proving "narrowly tailored" infringement of First Amendment rights, and *Collins v. Jordan* (1997), in which the government cannot infringe on First Amendment rights based on mere speculation of violence, this decision ruled that the "no protest zone" was not narrowly tailored to serve a significant government interest (*SEIU*, 971) and it illegally sought to prevent first amendment activities before demonstrations occurred (*Collins,* 1373).  The Court also commented that the "no protest zone" was not content neutral and sought to regulate free expression within the zone.

Essential to this ruling is the Court's discussion of the implied level of danger elicited by high profile events. Quoting *Bay Are Peace Navy*, the court stated, "although the government legitimately asserts that it need not show "an actual terrorist attack or serious accident" to meet its burden, it is not free to foreclose expressive activity in public areas on mere speculation about danger.  Otherwise, the government's restrictions of first amendment expression in public areas would become essentially unreviewable" (*Bay Area Peace Navy*, 1371).

Despite the key issues and relevant framework that this case explores, "free speech zones" continue to be used.  At presidential and vice-presidential appearances, Secret Service agents cordon off areas for protesters away from the visual and physical routes that the President and Vice-President take.  Protesters with oppositional signs or paraphernalia are lead to the "free speech zones" or arrested if they refuse to cooperate. Supporters, also with signs and paraphernalia, are allowed visual and physical access and are not required to enter the "free speech zone."  At the DNC 2004, the "free speech zone" was located under an abandoned rail line and was surrounded by chain-link fence and concrete barriers, topped with razor wire, and designed for only 1,000 people.  Although the NLG sought an injunction against the use of this "demonstration zone" and despite the sentiment expressed by judge that the space was an "affront to the idea of free expression" (Avery, 2004), the judge ruled that the conditions were justified by concerns for security and the safety of the

delegates. It should be noted that this decision comes after 9/11, whereas *SEIU* ruled that such zones were unconstitutional in 2000.

Tactics employed during demonstrations also include other illegal actions by law enforcement agents. Mass false arrests are often initiated after police dispersal warnings and often are enacted when protesters refuse to enter "no protest zones." At the WTO, mass arrests that occurred outside the "no protest zone" were later ruled to have no probable cause. Falsified arrest records, arrests of innocent bystanders, street sweeps that result in illegal detention, wrongful detainment, illegal restraint practices, and illegal questioning during detainment characterize these actions across the country (NLG, 2004, 48-52). Snatch squads, which involve police officers targeting and isolating a particular person or group for arrest and then immediately removing them from the scene, have been recently used by U.S. police (NLG, 2004, 52). This tactic often discriminates against people for their perceived political ideology.

Pop-up lines and detainment pens are also utilized to quickly misdirect, prohibit movement, and mislead protesters. Rapidly deployed police officers pop-up and barricade a group of protesters, often trapping them away from the demonstration. Containment pens also limit movement by containing protesters in small pens and are at times utilized with mass arrest tactics. Police often rush protesters, flank them, trap them, and use their vehicles and horses to contain them further. By prohibiting movement, the police are able to control protesters and limit access to the larger demonstration.

The use of "less lethal" weapons at demonstrations includes the use of tasers; rubber, wooden, or plastic bullets; beanbag rounds; concussion grenades; pepper spray; tear gas; and electric shields. Use of these tactics is often unprovoked and originates in a heightened sense of civil disturbance that is associated with demonstrations. At the DNC 2000, LAPD officers used rubber bullets and concussion grenades against predominantly peaceful protesters (NLG, 2004, 63). The use of excessive force violates federal and state law, as well as international human rights law.

These tactics not only limit free speech expression, they work together to reinforce the notion of the protester as a potentially violent public disturber. Despite reports that the majority of protesters and demonstrations are peaceful, heightened awareness of national security issues, suspicions of terrorism, and ill-balanced media coverage work together to condone or create tactics that prevent free speech. These issues carry on after demonstrations with high bails; wrongful and trumped-up charges; and intimidation during detainment (NLG, 2004, 71-76). Taken together, these tactics create a cycle of free speech violations that undermine spatial rights.

**Conclusion**

Regulating dissent has significant historical roots. Past concepts of dissent characterized protesters as Communists and un-American and from these, legal regulations have been enacted and overturned. In the latter half of the 20th century a legal framework for regulating dissent emerged. This framework allows "content neutral" and "time, place and manner" regulations that allow a limited degree of regulation to occur to balance the rights of some versus the rights of others.

Within this legal framework, continued perceptions of dissent as un-American have surfaced during times of war or national crisis. These concepts have more recently been perpetuated by associations of protesters with potential violence that has marked media coverage of protests since the WTO Summit in 1999. Regulating protests through spatial and security measures and citing past events to justify security planning had already become common in media coverage and high profile event planning by the time of the September 11th terrorist attacks in the U.S. Anti-terrorism legislation now broadens law enforcement powers and generalizes definitions of terrorism. While the events of 9/11 have magnified concerns about public safety, the framework for viewing protesters as potentially violent already existed. 9/11 therefore amplifies these concerns for security in public space, which potentially infringes on free speech rights in the name of national security.

# Chapter Three: Research Design

"The public does not notice the silence on victims" (Herman and Chomsky, 1988, lxiii).

"Media is the nervous system of a democracy. If it's not functioning well, the democracy can't function" (Cohen, 2004, 3).

Understanding the relationships between public space and public citizens has motivated research into legal and social regulations and perceptions about the transformative nature of public space. From the consumer to the gentrifier, opposing views on defining acceptable behaviors in public space form contentious lines along which theory and research attempt to intervene, or at the very least, illuminate and articulate relationships. The challenge of documenting ephemeral relationships in public space relates to the diversity of perspectives about how it is defined and for whom. Within the discourse of public space, analysts have sought to understand specific trends within the public realm and their implications for public actors. The approaches taken vary from regulatory documentation, to interviews, to observation of interactions in public space. The literature reviewed in Chapters One and Two provide the background from which I address the perception of the protester as a public citizen with spatial rights. In the following chapter I discuss the research methodology of media analysis. First, I discuss the effects of media coverage of terrorism and general theories about how the media works to create specific perceptions. Next, I readdress the questions that guide my research and discuss the framework for content analysis.

## Media and Terrorism

The American Civil Liberties Union (ACLU, 2003 and 2003b) and National Lawyers Guild (NLG, 2004) provide a thorough understanding of specific regulations of protest and of actions taken against protesters. As discussed in previous chapters, regulations of dissent are carried out within a legal framework, as well as through a social and cultural system which regulates acceptable behavior. Historically, dissent has been characterized in association with insurgency and even sedition. While these past associations and their subsequent regulations have equated protesters with Communism and anarchy, current regulations regard dissent in relationship with national security issues. Since the World Trade Organization (WTO) meetings in Seattle in 1999 and the September 11, 2001 terrorist attacks, there has been a concentrated effort to regulate protests based on content, to enclose protests within "free speech zones," and to surround demonstrations with increased security forces ready to control the crowds with force. 9/11 and the subsequent "war on terror" and war in Iraq have had the consequences of creating a continued terror alert system, placing the public on constant vigilance for a terrorist attack. The expansion of emergency powers is most noted at high

profile events where increased security heightens the realistic and perceived threat levels. Although I have commented on the perpetual terror alerts in Chapter One, it is not the purpose of this research to determine the actual level of terrorist threat at high profile events. I am more interested in how the public navigates information from the media about threats of terrorism and the repercussions of this "public knowledge" on public citizens. To narrow the research, I have chosen the protester as a public actor to follow through the media to understand how their spatial rights are limited by the perception of fear and the "war on terror."

As discussed in Chapter One, urban terrorism has different effects on a sense of security in public space than crime. In general, media documentation of crime and violence elicit feelings of fear, even among those not directly exposed to violence (Slone, 2000). While this documentation contributes to literature on gated communities and public fear (Low, 2003), it fails to substantially address the effects of the media's coverage of political terrorism. In her study on the effects of television coverage of national threat situations in Israel, Slone (2000) finds that similar anxiety is induced by the images and coverage. "The deleterious psychological effects of political instability and accompanying violence have been clearly demonstrated in such diverse theaters of conflicts as Northern Ireland, South Africa, Lebanon, and Guatemala" (Slone, 2000, 509). These countries, as well as Israel and Palestine, have continuously been exposed to terrorist violence and have deep, long-lasting repercussions for urban public space and safety. While the U.S. has had a smaller number of terrorist attacks (including both domestic and international incidents), the media and political administration have certainly exacerbated the public's sense of security. Given the extent of the U.S. media's concentration and power (Herman and Chomsky, 1988), it is expected that the repercussions of 9/11 are still affecting the public's sense of security.

> Most individuals do not assess threat to personal and national security on the basis of direct exposure but rather on the basis of more indirect forms of exposure. One of the most salient channels through which information and perceptions are gleaned is through mass media coverage of political events, which may mediate assessments of threat. However, the absence of neutrality in the majority of media reports has been cited by critics across the political spectrum, suggesting that the public is exposed to biased coverage of political events that may influence attitudes and feelings in particular directions (Slone, 2000, 509).

Slone concludes that the mass media powerfully affect the public's sense of security and psychological well-being. The ideology advocated through the media could then have serious consequences for any person or group associated with terrorism or suspicious activity. The media acts to create public knowledge about security and those associated with security issues. This analysis attempts to understand what information is the media conveys about protesters and how the media associates protesters with security concerns. The analysis then questions what shifts occurred after 9/11 in securitizing dissent. Finally, I argue that the

implications of this public knowledge, as created by the media, are essential to understanding current patterns in regulating and socializing public space.

Content analysis is used as a methodology to understand the depiction of protests in the media surrounding two specific events, the 2000 DNC in L.A. and the 2004 DNC in Boston. In the following section, I explain the rational of this methodology and then propose the specific research framework I use, as well as the expected results. In the following chapter, I document and discuss the research results.

**Why Content Analysis?**

"…the media serve, and propagandize on behalf of, the powerful societal interests that control and finance them" (Herman and Chomsky, 1988, xi).

"…it remains a central truth that democratic politics requires a democratization of information sources and a more democratic media" (Herman and Chomsky, 1988, xlix).

The public receives much of its information from the media. Newspapers, television, and the Internet create public knowledge. Reporting the news is a cultural and social production. What is presented, omitted, and stressed produces a "public knowledge" that is too often left unquestioned. According to Herman and Chomsky (1988), the public sphere is severely weakened by a media that is organized around a market ideology, not a media that is charged to inform the public. For them, it is a question of how specific structural and political filters affect the validity of the news reported. The filters work together as a 'propaganda model' (Herman and Chomsky, 1988, 1-36), which produces a skeletal version of the news that serves the interests of those in power. I will use this propaganda model as a base to interpret the research developed on the characterization of dissent in the mass media.

There are specific points that Herman and Chomsky make that are particularly relevant to this methodology. The filters form a base of how the news is produced and what stories are told. Domination of ownership; the force of advertising; the availability and reliability of sources; and flak from an elite power structure perpetually frame the news to benefit a specific elite perspective. Or, as Mitchell (2003) might say, those with power influence and frame the news, social structures, and legislations, to maintain and support their power. It will be critical in this research to understand how this might affect the presentation of protesters at the DNCs. For Herman and Chomsky, the repercussions of this model are not limited to the production of news, but to the democratization of information itself. Thus, how public knowledge is created has everything to do with access to democratic information.

The idea of access to democratic information also relies on what is produced. For this reason, I am using the major events of the DNC because there is national interest in these events. Oliver and Myers (1999) found that the scale of coverage is directly related to the level of interest and potential controversy that might be reported. The "value of proximity" (Oliver and Myers, 1999, 47) focuses attention on specific events, such as high profile political conventions, and ignores others. For this reason, I use local and national coverage for both events to determine what is conveyed at each level. The research will also reveal what aspects of the DNC are covered, and which are ignored. One of the major forces at work in this coverage will also be the access the media has to protesters. If the media are excluded from protest zones, they are unable to reliably report on the nature of the protests. It becomes a question of place and dislocation: not only are protesters corralled into protest zones, but the media are focused on the event itself and not the protests.

**Methodology**

Content analysis is a methodology used to understand trends in the media and to analyze "the symbolic content of any communication" (Singleton and Straits, 1999, 383). Content analysis is an interpretive analytical method. Although this can be a distinct flaw to this research method, it can be overcome by using a systematic and explicit methodology. The goal of content analysis is to "transform text into a highly reliable quantitative data" (Singleton and Straits, 1999, 383), in which objective categories are systematically analyzed and coded.

One of the assumptions of content analysis is that the repetition of words and phrases reflects key aspects of the communication. Quantitative content analysis therefore, starts with keyword frequencies and space measurements. The units of analysis, or recording units (Singleton and Straits, 1999, 385), are words and characterizations within text, which are then considered in their context. By reporting the frequency of these units, content analysis can help explain public knowledge, both how it is formed and what it is. The advantages of content analysis are that it is a nonreactive form of measurement; it can explain social structure; it can study the past; it can explain social change; it can study problems cross culturally; it can improve knowledge through the replication of results; and it can save on research costs (Singleton and Straits, 1999, 366-369). The first four of these advantages are particularly important for understanding what repercussions 9/11 might have had for magnifying security concerns at protests. In addition to the quantitative analysis, qualitative analysis of coverage is used to more fully understand the relationships between protesters and security officers. Therefore, the basic framework of word searches leads to a more thorough analysis of the entire text.

Content analysis can be utilized to systematically analyze visual, as well as verbal, content. A visual analysis would reveal equally, if not stronger results to the research questions, as indicated by ACLU and NLG reports on the visual representation of heavily armed police forces in the media before protests. While a complete graphic analysis is out of the scope of this research, due to limited availability of sources, a small analysis is conducted on photographs, graphics, and captions. When possible, I comment on the inclusion and description of graphics in the articles used.

One of the limitations of these methodologies is that attributing these shifts to 9/11 is not absolute. The media analysis merely indicates that security concerns have heightened since 9/11. There is also indication that a different set of security concerns affected security planning in 2004, compared with 2000. Coverage for each event also exists within a local, national, and even international context. For instance, pending lawsuits against the L.A.P.D. about police misconduct and a past history of police brutality added to tensions about security at the convention. In Boston the convention occurred just months after the March 2004 train bombing in Madrid, prior to their elections. Another limitation is the lack of verification of media sources. A comparative analysis between media coverage and verified data is one method of understanding media content. This method would be problematic because the government (both local and national) is the source for much of the information about security issues and deciphering and verifying this source is out of the scope of this research. However, since the general public receives their news from local and national newspaper coverage, I approach this research from the viewpoint of the public, trying to understand what the media is conveying about protesters and security.

In the following section, I discuss the questions that frame the analysis. These questions have been pulled from themes in the preceding chapters, as well as from gaps in the literature. They are then used to construct the framework for the media analysis.

**Questions for Urban Analysis**

Throughout the literature reviewed in this research, certain themes have emerged in the organization and regulation of space. As discussed in preceding chapters, specific analyses regarding privatization, commercialization, gentrification, and securitization can limit the publicness of space with dystopic realities for certain public citizens. While the dialectic of control and freedom that organizes public space and regulates dissent is rationalized by security needs, these trends exist within a continual struggle to challenge spatial rights, especially during times of national crisis. While much of the literature focuses on either social or legal regulations, it does not focus specifically on protesters. I have drawn the following questions from

observations in the literature to provide a framework for analyzing public knowledge (as created by the media) of dissent.

Defining public space itself proposes some level of order and understanding of the public. Rather than defining public space, Mitchell (2003) and Low (2002) create a framework for understanding the publicness of space and the degree to which spatial rights are embraced or denied. This framework, incorporating questions of access, freedom of action, claim, change, and ownership (Low, 2002, 165), describes the ability of public citizens to exercise their spatial rights. Although there are preemptive measures taken against protesters (NLG, 2004, 19-42), for the most part, protesters rely on the ephemeral time of a demonstration to exercise their free speech rights in public space. The publicness of their actions is easily manipulated by "free speech zones" and declared state of emergencies. Their physical removal into these zones excludes them from the media, a key instrument in publicizing their messages.

For protesters, access must be characterized by mobility and physical access according to time and place. The ability to be visible and proximate to the media and to convention attendees is essential for protesters. Freedom of action is furthered by protecting protester's rights to move through the public spaces of the city and to demonstrate by any nonviolent means. For Mitchell (2003), the ability to express spatial rights freely means expressing them through many means. Burning effigies and flags and other non-violent activities are therefore protected to promote freedom of action not defined by "civil" concepts of discourse. Furthermore, the ability of protesters to ephemerally claim space is essential to the nature of dissent. This quality promotes visibility and allows for protesters to utilize the public forum. It is diminished by increasingly privatized, gentrified, and commercialized sidewalks, streets, and parks. The ability to claim these spaces for dissent is essential in the fight for spatial rights. The ability to protest at any time and in any public space, by any group, is the idealized form of public ownership that exists in the framework of the First Amendment.

For Mitchell (2003), the extent to which the public forum doctrine expands and protects free speech rights is fundamental for understanding publicness. If speech can be regulated by "content neutral" and "time, place, and manner" restrictions, then these must be upheld equitably. Historically and recently, the limitation of free speech rights occurs during times of war and during national security crises. The dialectic of security and fear affects free speech rights and also characterizes protesters as potentially violent. Protesters are not free from repercussion for exercising their free speech rights and it becomes increasingly difficult to do so without legitimate concerns for police brutality. Although high profile events are security risks, equating protesters with this risk is problematic for protecting spatial rights. This analysis therefore questions how protesters are conveyed in media coverage and how they are equated with security risks. Furthermore, are protesters able to

exercise their spatial rights?  Are they able to access public spaces?  These questions are integral to understanding regulations of dissent since the WTO in 1999.

Any vision of public space is relative to a perspective of power.  In Chapter One, I discuss the dialectic of utopianism and dystopianism, suggesting that utopias can easily be transformed into dystopias through different degrees of exclusion and regulation.  The research of Mitchell (2003), Low (2003), Zukin (1991, 1995, and 1995b), Smith (1992), Davis (1990), and Marshall (2000) thoroughly describe historical and emerging trends delineating public space.  I have suggested that taken together, these methods of limiting access through regulation and social perception work to create an idealized public, often characterized by social and economic status, race, culture, and normalized behaviors.  For protesters, the ephemeral occupation of public space is essential.  Any social or legal regulations that reduce these rights should be questioned.  Therefore, it is also important to question what security risks (real or perceived) guide security planning.  Do measures to secure public space during conventions have repercussions for protesters?  How is control conveyed to protesters and to the public?  What physical and regulatory tools are used to dissuade dissent?

Similar to the dialectical relationship of utopianism and dystopianism is the dialectic of security and fear.  The utopia of "pure space" that segregates citizens rather than deals with difficult social and economic inequities is similar to the protest zone, which protects delegates from protesters while controlling protesters spatially.  Segregating protesters, controlling their behavior through increased surveillance and force, and disempowering free speech rights are outcomes of this thinking.  Media coverage that focuses on potential violence of protesters seems to justify these measures.  Concerning public fear and terrorism, the media's slanted coverage is difficult to understand which fears/threats are real and which perpetuate an fictitious image.  The concentration of sources and the ultimate reliance on the government for information, make it quite easy to create a climate of fear.  In the past, responses have been measured by increased control and the demonization of dissent; is this occurring through present media coverage?

To summarize, the analysis will question what messages about protesters and security concerns are conveyed, what security measures are taken to reduce free speech rights, and what the repercussions of security concerns are for protesters.  I also question the extensiveness of associating protesters with potential violence and past violence and how this is used to justify security planning.

**Framework for Research**

In Chapter Four, I analyze media coverage of the 2000 DNC in Los Angeles and the 2004 DNC in Boston. These events occur before and after the September 11th terrorist attacks; the DNC 2004 was the first national

convention after 9/11.  DNC 2000 was also one of the major high profile events following the 1999 protests at the WTO summit in Seattle.  The analysis focuses on local and national media coverage.  The New York Times is quantitatively and qualitatively analyzed for both DNCs.  Qualtitative analysis is further used for local coverage in the Los Angeles Times for the 2000 DNC and the Boston Globe for the 2004 DNC.  All media coverage is analyzed from two weeks prior to the event and two weeks after the event.  A full outline of articles examined can be found in Appendices One – Four.

**Quantitative and Qualitative Analysis**

Due to limitations in the LexisNexis Academic search engine, articles from the L.A. Times were not accessible.  The L.A. Times archives their online materials every six months and a search for articles from July 31– August 31, 2000 produced zero results.  Therefore, I used microfiche to obtain all L.A. Times articles.  Due to this limitation and lack of digital files for the L.A. Times articles, a reliable word count for this coverage was not possible.  In order to produce a comparative analysis, a qualitative analysis of the L.A. Times and the Boston Globe were conducted.  Since digital files for the New York Times coverage was available for both events, I use quantitative and qualitative analyses of this coverage for both events.  A synchronized word search for each event is conducted on Lexis Nexis.  Search words include:

- "Democratic National Convention" and "Protest/Protester/Demonstration/Demonstrator"
- "Democratic National Convention" and "Police/Security Personnel/Security Measures"

These words were chosen to indicate any quantitative relationships between protesters and security personnel/security measures.   For this reason, each mention of protester, protest, demonstrator, demonstration, activist, and anarchist was added together to form the protest/protester count.  References to the protest zone or demonstrations zone are not included in the protester count.  In a similar fashion, each mention of police officers, security personnel, and security measures were added together to form the security personnel/measures count.  The following excerpt is from New York Times coverage of the 2000 DNC:

> But top officials here insist that the <u>police</u> are prepared for a firm but measured response, one that could very well involve a variety of <u>nonlethal weapons</u> from <u>tear gas</u> to <u>rubber bullets</u>, <u>pepper spray</u> or <u>paint-ball guns</u>.  "You're going to see the most professional <u>police enforcement</u> ever," Mayor Richard J. Riordan said in an interview this week. "It's not just the <u>L.A.P.D</u>. It's also the <u>F.B.I.</u>, the <u>Secret Service</u>, <u>the county sheriffs</u>, <u>the highway patrol</u>. Everybody's working well together."  Elise Hogue, a spokeswoman for the umbrella *protest* groups, D2KLA and DAN (which stands for Direct Action Network), said that it was difficult to estimate how many *protesters*, from a disparate range of loosely connected groups, might actually converge on the city. But she said the estimate of 50,000 offered by some city officials in the past was wildly overstated (Purdum, 2000).

This excerpt has a final count of 2 for protest/protesters and 12 for security. Each mention of security personnel or tactics is taken separately. Therefore, nonlethal weapons, tear gas, rubber bullets, pepper spray, and paint ball guns each receive one count. I have chosen to count each as a separate occurrence because each tactic and/or agent is explicitly mentioned to demonstrate the full securitization of the city. If the excerpt above had not included these explicit security measures, it would have been much less forceful in terms of explaining the extensive security tactics implemented. Counts will also include titles and captions.

**Graphic Analysis**

As discussed above, the L.A. Times were not available on LexisNexis and these articles were obtained from microfiche. One of the benefits of microfiche is that graphics and photographs can also be analyzed. While LexisNexis does include photo captions as part of the text, these data were not available for most of the Boston Globe articles. While analyzing only one comprehensive set of graphics limits this analysis in many ways, I do feel that the images from the L.A. Times and the descriptive captions in the New York Times are helpful in thoroughly understanding the full characterization of protesters and security during the conventions. The graphic analysis is therefore limited by its use of graphics from L.A. Times and not the Boston Globe and its use of only the descriptive captions from the New York Times.

**Expectations**

In analyzing what is reported regarding security and protests at the national conventions and how the protesters are depicted in the national and local media, I expect to find that the protesters are more widely associated with public security concerns at the 2004 DNC. I also expect that the rhetoric of the protest zone will have been firmly employed within the media by the time of the 2004 DNC. Although regulations of dissent have occurred historically, I sense that they are more systematically implemented since the WTO in Seattle in 1999 and even further since 9/11. The intent of this research is to understand what might have changed since public security concerns have been magnified since 9/11. Therefore, research documenting the effects of the protests at the WTO (See Boski, 2002 and Perrine, 2001) on subsequent security planning will be taken as the basis for this analysis.

## Chapter Four: Media Coverage of Dissent

**Introduction**

The media is complicit in arbitrating a relationship between protesters and security forces. Media coverage of protesters and demonstrations before, during, and after high profile events focuses on the implied necessity for securitized spaces that protect delegates and ignore safety concerns for protesters. Coverage during the Democratic National Conventions in 2000 and 2004 focused on detailed efforts to securitize the city, tensions between protesters and security officers, and the potential violence that protesters might cause. Continued references to potential violence often offset real concerns about potential unwarranted police brutality.

In the following chapter, I analyze media reports of the 2000 and 2004 Democratic National Conventions (DNC). Using both quantitative and qualitative analyses of local and national media coverage, I compare media tactics used before, during, and after the convention. For local coverage I use the L.A. Times and the Boston Globe. For national coverage for both events I use the New York Times. Specifically, I look at how protesters and demonstrations are conveyed in the media and the relationship with security that is either implied or directly drawn. I also consider what references are made to past protests and use of police force. In addition to a textual analysis, I analyze the graphics and photographs used in the L.A. Times, as well as any captions in the New York Times. While the graphic analysis is limited by the lack of availability of images in the Boston Globe and the New York Times, it more fully addresses complete coverage of the relationship between protesters and security, at least in L.A. In the L.A. Times, numerous images of police in riot gear either watching over public space or inflicting force on protesters are used in conjunction with textual accounts that reiterate the potential violence of protesters and the ubiquitous tension between peace and violence, protesters and police. Media coverage for both events references a continuum of violence at past protests and in Boston, references the terrorist attacks of 9/11 as a means of justifying the need for extremely securitized public spaces. In L.A. preemptive coverage seemed to contribute to a rise in tensions between protesters and police, resulting in violence and use of police force at an evening concert. In Boston, preemptive coverage of securitized spaces seems to have at least contributed to the smaller numbers of protesters that came to town. While the media is not the only factor contributing to the outcomes of demonstrations, or lack thereof, it does contribute to a heightened sense of fear and anxiety that surrounds demonstrations.

**Democratic National Conventions, 2000 and 2004**

The 2000 DNC in L.A. was held from August 14th -17th at the Staples Center in downtown L.A.  In 2000, the DNC was held after the Republican National Convention (RNC), which had been held in Philadelphia from July 31st – August 3rd.  The 2004 DNC was held in Boston from July 26th – 29th at the Fleet Center.  The RNC 2004 was held in New York  City from August 30th – September 2nd.

**Preemptive Media Coverage**

In both L.A. and Boston, preemptive media coverage focused on detailed efforts to secure the city.  In the weeks leading up to each event, security zones and free speech zones were designated; trash bins, newspaper racks, and mailboxes were removed from the public sidewalks because of their potential as bomb sites; and protesters fought for their right to march and rally in the public spaces of each city.  Heightened media attention in L.A. was due to increased attention to the potential violence and security planning after the WTO in 1999.  It was also due to heightened attention to a history of L.A.P.D. violence, including the beating of Rodney King and the subsequent L.A. riots in 1992 after the acquittal of officers accused of this beating.  Similarly, vandalism and violence that erupted after the 2000 L.A. Lakers basketball championship and a pending lawsuit about L.A.P.D. officer misconduct contributed to attention about the relationship of police to protesters.  In Boston, heightened fears about potential terrorist attacks created a security plan that nearly shut down the city.  Residents were continuously warned to take off work during the convention to avoid the heavy security presence and traffic nightmares.  Stringent security planning in Boston related to recent media coverage of protests, including the WTO and L.A., but also to fears of a terrorist attack at the first major convention after 9/11.  In both cities, preemptive media coverage contributed to an escalated sense of fear about the potential violence protesters might bring to town.

**Los Angeles**

Preemptive media coverage of the 2000 DNC in the L.A. Times and the New York Times focused on protests and security planning.  A LexisNexis search with keywords "Democratic National Convention and protest" produced 6 articles, of which 3 appeared before the first day of the convention on August 14, 2000.  All coverage of protests was located in the first section of the paper, but only one story began on page one (See Table One).  Despite the lack of coverage about protests, the New York Times did extensively cover the DNC 2000.  In a similar LexisNexis search using just "Democratic National Convention" as a keyword, 74 articles were cited in the same 4 week time frame, with 22 appearing before the convention began.

**Table One**

**Los Angeles, Democratic National Convention 2000**

**Source: New York Times**
Lexis Nexis Search
Keywords: Democratic National Convention and protest
Search Period: July 31, 2000 - August 31, 2000

|  | Byline | Time of Print | Location | Graphic |
|---|---|---|---|---|
| LA NYT 1 | New York Times | Before | Section A; Page 10; Column 4 | yes |
| LA NYT 2 | Todd S. Purdum | Before | Section A; Page 7; Column 1 | yes |
| LA NYT 3 | Todd S. Purdum | Before | Section A; Page 22; Column 5 | no |
| LA NYT 4 | Don Terry | During | Section A; Page 17; Column 6 | yes |
| LA NYT 5 | Todd S. Purdum | During | Section A; Page 1; Column 4 | no |
| LA NYT 6 | Neil Strauss | During | Section A; Page 27; Column 1 | no |

Articles that appeared in the New York Times focused predominantly on the presence of protesters and police in Los Angeles. Security planning for potential violence was continuously emphasized and included such preventative tactics as chopping down trees that could be set on fire, removing newspaper racks that could be used as battering rams, and fencing off sections of the city that delegates would occupy to keep protests from "getting out of hand" (Purdum, 2000). The city was fortified with a law enforcement presence that included F.B.I., Secret Service, county sheriffs, and highway patrols in addition to the L.A.P.D.

The language used to convey a heavy security presence was linked with the imminent presence of protesters and anarchists. A simple word count of protesters versus security personnel illustrates how little protesters received media coverage without some reference to security personnel /security measures (see Table Two)[2].

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[2] A full explanation of quantitative methods used is explained in Chapter Three.

**Table Two**

**Los Angeles, Democratic National Convention 2000**

**Source: New York Times**
Lexis Nexis Search
Keywords: Democratic National Convention and protest
Search Period: July 31, 2000 - August 31, 2000

|          | Protest/ Protester | Security Personnel/ Measures | Reference to Imminent Violence |
|----------|--------------------|-----------------------------|--------------------------------|
| LA NYT 1 | 6                  | 9                           | yes                            |
| LA NYT 2 | 1                  | 3                           | no                             |
| LA NYT 3 | 18                 | 34                          | yes                            |
| LA NYT 4 | 6                  | 4                           | yes                            |
| LA NYT 5 | 23                 | 32                          | yes                            |
| LA NYT 6 | 8                  | 17                          | yes                            |

Although Table Two demonstrates a simple word count, it illustrates a reciprocal relationship between protesters and security. Protesters are never mentioned in the full text of a New York Times article without reference to law enforcement personnel or security measures. One limitation of looking solely at word counts is that the relationship created between protesters and security is not apparent. Therefore, a qualitative analysis of the text (both New York Times and L.A. Times) was used to further illuminate what these articles suggested about protesters and security.

The articles often cited police officials conveying apprehension and anxiety about protesters coming to town. Police warned the public (through the media) of potential riots and anarchist behavior that would accompany protests (Newton and Dickerson, 2000). Despite continual references to potential violence, the city and the police also tried to assure the public that their security planning efforts would adequately prevent violence from disrupting city life. "This is a good opportunity to review your safety plans. But don't overreact. Don't panic…If you see demonstrators, it doesn't mean they are terrorists trying to dismember you" (Commander David J. Kalish, as quoted by Newton and Dickerson, 2000). By playing on citizen fears of anarchy or terrorism, the police were able to convey a specific message about protesters (that they are potentially violent) and about themselves (that the police are well prepared to handle any rioting).

Similarly, in a L.A. Times article one month prior to the convention, L.A. Mayor Richard Riordan welcomed peaceful protesters, but warned a "small, but significant number of rogue demonstrators…(who would) try to make the police look unnecessarily brutal in counteracting them. These international anarchists have attended training camps where they have learned strategies of destruction and guerilla tactics" (Mayor Riordan, as quoted in Newton and Dickerson, 2000). While the L.A. Times did comment on how this presented a mixed message about security and protests, they did little to reconstruct the view that all

protesters were potentially violent. Riordan's comments also did little to downplay a rationalized fear of protesters causing violence. Even before any protests began, police and city officials saw every encounter with protesters as a potential riot (Olivo, 2000).
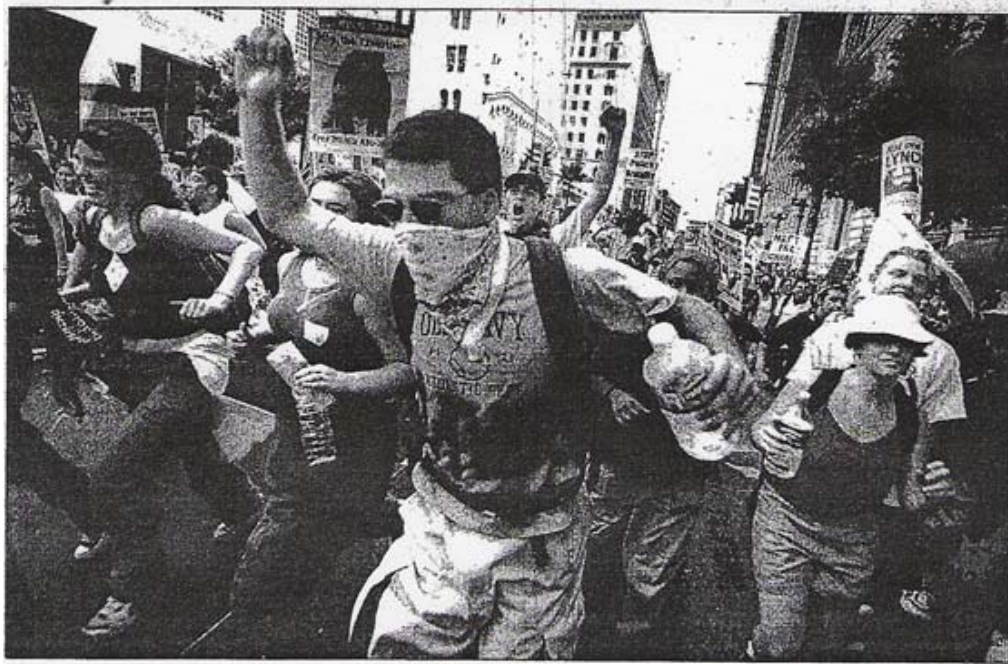
The image above (Image 1) appeared in the L.A. Times three days before the convention began. This image of protesters rallying in the streets of L.A. was the one of the more innocuous images that the L.A. Times presented in its graphic coverage of protesters and the convention. Below this photo were two others photos of similar protest scenes, with protesters peacefully inhabiting public spaces. While this image presented a relatively mild image of protesters, numerous images of security planning and armed police officers soon complemented media coverage about imminent security concerns.

In fact, there was little reference to protests in L.A. without mentioning the heavily secured city, the increased police presence, or the effort to address past misconduct by the L.A.P.D, in both local and national coverage. In media accounts, residents in L.A. feared not only the protests, but a securitized city that would basically close the downtown for business. Police warned residents and business owners to take the week off because of the possibility of violence. Residents were continuously reminded of the traffic problems and the presence of protesters. One homeowners association in downtown L.A. planned to spend thousands of dollars on extra security during the convention because LAPD officers warned them of potentially violent protests near

their building (Newton and Dickerson, 2000). Residents and business owners were subjected to not only the idea of potential violence, but also to the strict security measures that had begun to encompass the public spaces of the city (Ramos, 2000, Connel and Lopez, 2000, and Shuit, 2000).



Workers erect a fence—a "convention curtain"—around Staples Center to keep unauthorized groups away as Democratic Party delegates gather this week.

AL SEIB / Los Angeles Times
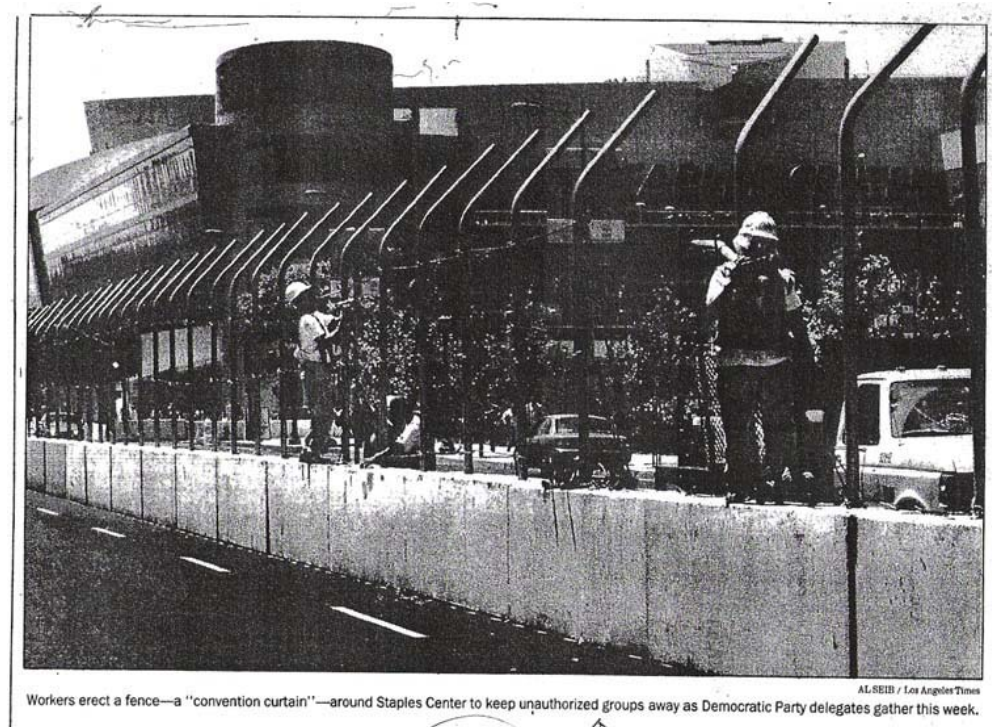
Image 2 (L.A. Times)

A security zone was drawn around the Staples Center and heavy security planning tactics were graphically described in the L.A. Times. On August 13th, the day before the convention began; a photograph depicting the installation of security fencing appeared in the L.A. Times (Image 2). On the same day, a graphic appeared that documented the security zone, as well as a detailed drawing depicting the design of the security fence (Image 3). Both illustrations alluded to the creation of a secured zone that would protect delegates from "unauthorized groups" (Tobar, 2000) and potentially violent protesters.
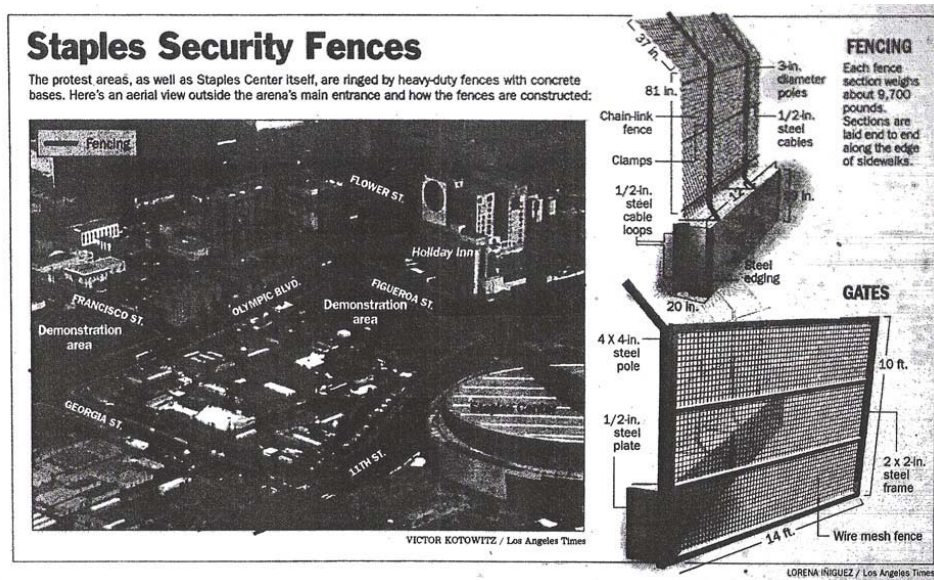
Image 3 (L.A. Times)

The New York Times presented a similar photo detailing tightened security at the Staples Center, with Secret Servicemen preparing for the convention (Purdum, 2000). One repercussion of security planning was that the delegates received the utmost security, while protesters and the public were forced to deal with transformed public spaces and the fear of violence. The security zone drew lines of exclusion and inclusion, where some received protection and others were continually watched and monitored by security efforts.

Media coverage of the 2004 DNC in Boston portrayed a similarly rationalized and strict security plan, with major physical readjustments to public space. As much as security planning was associated with protests in media coverage, real justification for these concerns was not explicitly explained. References to past protests were used to rationalize the fear of violence and thus, security planning. As the police associated their wariness with past local and national protests and riots, the public also grew apprehensive of the potential use of non-lethal weapons such as tear gas (Connell and Lopex, 2000). Often citing the riots that followed the L.A. Lakers' 2000 championship, in which residents smashed windows, as well as the 1992 riots that followed the acquittal of L.A.P.D. officers in the beating of Rodney King, the police were able to create a "state of high alert" in which protesters were the potentially violent actors. Thus, the police seem justified in taking such strict security measures in preparation for the convention. Although L.A.P.D. officers were barred from preempting protest activities (Weinstein and Rohrlich, 2000) such as those taken by Philadelphia officers at the 2000 RNC, the heavy depiction of security measures created a deserted downtown on the eve of the convention (Newton, 2000).

Continual references to past riots and protests served this ideology of violence that was associated, often wrongly, with protesters. Despite clear guidance from the Supreme Court that protests cannot be characterized as violent unless the violence is pervasive (*NAACP v. Claiborne Hardware* (1982)) and that violent actions by some protesters cannot be used to justify First Amendment violations of peaceful protesters (*Gregory v. City of Chicago* (1969)), the media and the police continued to reference other riots or protests as justification for their worries and thus, justification for heavily fortified public spaces. Table Three illustrates how the New York Times coverage used past events to construct meaning for L.A. protests.

**Table Three**

**Los Angeles, Democratic National Convention 2000**

**Source: New York Times**
Lexis Nexis Search
Keywords: Democratic National Convention and protest
Search Period: July 31, 2000 - August 31, 2000

|  | WTO | 1992 L.A. Riots | 1999 L.A. Riots | 2000 Republican National Convention, Philadelphia | Total References to Other High Profile Events and/or Riots |
|---|---|---|---|---|---|
| LA NYT 1 | 0 | 0 | 0 | 0 | 0 |
| LA NYT 2 | 0 | 0 | 0 | 0 | 0 |
| LA NYT 3 | 0 | 2 | 0 | 1 | 3 |
| LA NYT 4 | 0 | 0 | 0 | 1 | 1 |
| LA NYT 5 | 1 | 2 | 1 | 1 | 4 |
| LA NYT 6 | 0 | 0 | 0 | 0 | 0 |

Note: 1992 Riots occurred after the aquittal of L.A.P.D. officers in the beating of Rodney King and the 1999 riots occurred after the 1999 L.A. Lakers' basketball championship

Note: LA NYT 5 also mentions the 1970 Vietnam War Protests at Kent State, in which 4 students were killed and 9 were injured

Note: LA NYT 6 also mentions vandalism at Woodstock 1999 in Rome, New York

This referencing to past events occurred more extensively in local coverage. The L.A. Times continuously cited the 1992 and 1999 L.A. riots, as well as demonstrations at the WTO and the 2000 Republican National Convention in Philadelphia. References to past events were often wrongfully communicated. As much as the protests at the WTO in Seattle were mentioned, there was little clarification that the majority of protesters were peaceful and that the police used brutality to disperse the crowd, before violence broke out (Boski, 2002 and Perrine, 2000). In L.A., and later in Boston, security planning was rationalized by a memory of violence, no matter how wrongfully construed. Thus, the WTO and the 1992 riots were recalled to illicit fear and a sense of pending lack of control. A discussion of the issues that protesters rallied behind was significantly lacking compared with this rationalization. Media coverage created relationships between these events to

create a sense of public fear about what might happen in the public spaces of cities as protesters converged. These relationships were unfairly catered to benefit police and demonize protesters. While they didn't explicitly argue that all protesters would be violent, references implied violence and drew on public memory of violence.

Legitimate reasons for referencing past events could have focused on learning the lessons of past mistakes. In LA., and later in Boston, these references hinged on protester violence and excused police brutality as necessary. In L.A., these references were also cited within a context of a contentious police force, whose history was associated with brutality. The L.A.P.D. at this time was embroiled in a corruption scandal of misconduct allegations (Shuster, 2000) and recreating their image was especially important. The L.A. Times often cited this image of the L.A.P.D. in order to create this duality of past violence with how they were trying to recreate the police force. While they cited past police brutality, the mention of riots overwhelmed any criminalization of the police. Through the combined tactics of describing the securitized city and referencing past violence, the media engaged the public in a highly volatile relationship with protesters.

To some extent, a few pre-convention stories highlighted protest planning. In an article about WTO protesters gearing up for L.A. protests, protesters were not depicted as violent (Murphy, 2000). Other articles reviewed various protests planned across the city (Ramirez, 2000 and Riccardi and Winton, 2000) and the responses of protesters to the demonstrations at WTO (Martelle, 2000). For protesters, the WTO and DNC became linked as a continual reassessment of what police tactics to watch for. Martelle (2000) at least described the acts of both protesters and police as violent at the WTO and also connected this to demonstrations in Philadelphia, where police arrested hundreds of protesters. The L.A. Times did minimally cover some of the content of protesters' demonstrations and especially commented on protesters affirmations for nonviolent civil disobedience.

Despite the coverage given their peaceful intentions, activists were still subjected to the intense security planning. Police warnings about potential violence were issued alongside encouragement for peaceful protests and officials commented numerous times about the availability of jail cells for any protesters that broke the law (Rohrlich, 2000). Security planning in L.A. created stringent regulations about how protesters could occupy public space, including a protest zone originally dislocated from the convention site; closed streets, sidewalks, and parking lots; restrictive permitting measures for parades and marches; and exclusion from Pershing Square (Puerner, Carroll, and Clayton, 2000). These measures were ruled unconstitutionally restrictive by U.S. District Judge Gary Feess (Puerner, Carroll, and Clayton, 2000) and streets, sidewalks, and Pershing Square were opened up to moderate numbers of protesters. The protest zone was also declared unconstitutionally restrictive (*Service Employee International Union (SEIU) et. al. v. City of Los Angeles et. al* (2000))

and was moved to a location nearer to the Staples Center, where protesters would, at minimum, be within eyesight and earshot of delegates, though still within a fenced in area.

As discussed above, the security planning also hinged on a recreated public image of the L.A.P.D. L.A.P.D. officers trained for this event by watching the demonstrations at the 2000 Republican National Convention in Philadelphia. Both cities felt pressure to have a controlled response to protesters at the same time that they felt pressure to demonstrate a heavy police presence. While Philadelphia police were admonished for pre-emptive tactics including raiding a warehouse, destroying demonstration puppets, harassing activists in public spaces, arresting activists without cause, and setting record high bails, L.A.P.D. observers said that they admired their restraint and their refusal to use tear gas and pepper spray (Riccardi and Daunt, 2000).

L.A.P.D. Commander Lorenzen, in charge of convention security, saw the convention as an opportunity to transform the public image of the department. In an effort to prepare officers, he showed them video footage of the WTO protests, but concentrated only on the small number of violent protesters who were seen throwing bottles and breaking store windows (Shuster, 2000). "We believe it's helpful for you folks to see what could happen" Lorenzen told his officers (Commander Lorenzen, as quoted in Shuster, 2000). Lorenzen also characterized the convention as a "nightmare" and used "military terms" in discussing possible encounters between police and protesters (Shuster, 2000). In another article, the media warned the public about preparations to deploy 3,000 National Guard troops to the city if protesters got out of hand (Reza, 2000).

In media coverage prior to the convention it is difficult to construct a real sense of what might happen. As the event began, the public was heavily bombarded with images of securitized spaces, potentially violent protesters, and heavily armed police and law enforcement officers. The media often ignore peaceful protests and concentrated on contentious issues. This lack of balanced coverage stimulated fear in association with protests, in a similar way that unbalanced media accounts of crime have contributed to securitized or gentrified public spaces and gated communities. In L.A. past riots and police brutality made the fear all the more palpable and security planning all the more rationalized. The lack of coverage about protesters' messages, with only small attention given to the content of marches and rallies, also played into this sense of the unknown. There was a real lack of balance on these issues as presented in the local and national media.

As the event drew closer, coverage increased in the L.A. Times, rendering security tactics, zero tolerance policies, security cameras and Big Brother technology (Shuit, 2000), and further depictions of " black-clad anarchists who smashed chain store windows during rowdy demonstrations in the Pacific Northwest" (Riccardi, 2000b). The L.A. Times continued to represent potential gatherings, such as the free concert by

rock band Rage Against the Machine, set for the first day of the convention in the protest zone, as potentially volatile and dangerous (Boucher and Shuster, 2000). Meanwhile, the ACLU sued the city on protesters' behalf alleging that police had continued to conduct surveillance of protesters' headquarters and had harassed and detained organizers (Weinstein and Rohrlich, 2000). ACLU attorney Daniel P. Tokaji commented that police had crossed the line between legitimate security preparations and violation of free speech rights, adding, "the mere potential for disturbance does not justify the suspension of our constitutional rights" (Weinstein and Rohrlich, 2000). As I have discussed in previous chapters, the line between legitimate concerns and violated free speech rights is continually negotiated between those who have power, in this case the police and the media, and those who seek to exercise their free speech rights in public space. This line shifts according to national and local climates of fear, as well as according to emerging trends in routinely regulated protests. Linked to past perceptions of events such as the WTO and the 2000 RNC, well as to past riots in L.A., this line in L.A. was heavily biased toward security concerns.

The "atmosphere of intimidation" (Daunt, 2000) prompted the L.A. City Council to pass a motion to require city agencies to respect civil rights, a motion which stopped short of opposing police tactics such as preemptive arrests, intimidation, confiscation of protest paraphernalia, and extraordinarily high bails for protesters. Councilwoman Jackie Goldberg, who originally framed the entire motion, commented that "suddenly now the police want to be heroes of the people, now they're going to save the city from this violent scourge of out-of-control, disrespectful, evil anarchists" (Goldberg, as quoted in Daunt, 2000). While the motion failed to address the full extent of concerns of preemptive police intimidation and merely required police to respect free speech rights already protected by the Constitution, Councilwoman Goldberg's comments failed to question the depiction of protesters as violent.

U.S. District Judge Dean E. Pregerson ordered the police not to seize any organizing materials or demonstration puppets and to cease from entering protesters' headquarters under illegal pretenses such as fire code violations, but denied protesters' request that police halt their surveillance (Weinstein and Rohrlich, 2000b). Judge Pregerson further commented that the police had the right to conduct surveillance on potentially violent groups and that past riots in L.A. were due cause for these concerns (Weinstein and Rohrlich, 2000b). Other trends in regulating public space also fell along these ideas of necessary security and an "us versus them" mentality. The protesters were virtually warned that hardened security and repressive tactics would be used, including police in riot gear, pepper spray, tear gas, and bean bag projectiles (Shuster, 2000). Creating the aura of a police state before the convention started, the media continuously contributed to the climate of fear. Virtually vacant neighborhoods and city streets; fortified and policed public spaces; and a public wary of potential violence resulted from these preemptive media tactics.

**Boston**

Preemptive references to security planning in preparation for potentially violent dissent were similarly found in media coverage before the 2004 DNC in Boston. While I initially expected that there would be a strong reliance on the September 11, 2001 terrorist attacks as justification for preemptive security measures toward protesters, there was a strong lack of references to this or other past events in New York Times coverage. Although a LexixNexis search for "Democratic National Convention" cited nearly 100 articles, a similar search using keywords "Democratic National Convention and protest" resulted in 4 articles. Furthermore, placement of these articles concerning protests was never on page one of the front section (see Table Four). In comparison with coverage of protests at the DNC in L.A., there was somewhat less coverage of protests at the 2004 DNC. Each New York Times article was accompanied by a graphic.

**Table Four**

**Boston, Democratic National Convention 2004**

**Source: New York Times**
Lexis Nexis Search
Keywords: Democratic National Convention and protest
Search Period: July 12, 2004 - August 12, 2004

|         | Byline                            | Time of Print | Location                      | Graphic |
|---------|-----------------------------------|---------------|-------------------------------|---------|
| B NYT 1 | John Kifner                       | Before        | Section A; Page 12; Column 5  | yes     |
| B NYT 2 | John Herbers                      | Before        | Section 15; Page 3; Column 1  | yes     |
| B NYT 3 | John Kifner                       | During        | Section P; Page 3; Column 2   | yes     |
| B NYT 4 | Pam Belluck and<br>Marc Santora   | During        | Section P; Page 15; Column 2  | yes     |

Before discussing the content of national and local coverage, I would like to point out that three weeks prior to the 2004 DNC, the New York Times covered both upcoming conventions and the fear of a terrorist attack that surrounded these events. In, "Fears of Attack at Convention Drive New Plans" (Johnston, 2004), federal authorities were cited for their concern of potential terrorist attacks at the conventions. These fears authorized state and local officials to impose "extraordinary security precautions" (Johnston, 2004) on conventions due to persistent, though unclear, intelligence reports. Although these fears were not enough to warrant an elevated terror alert, they were due cause for authorizing convention planners to expand security requirements in Boston and New York City. The article marked a clear distinction between convention coverage before and after 9/11 in giving the public the sense that any intelligence, no matter how unclear, would warrant increased security measures. Officials cited singling out foreign born potential attackers and

conducting interviews in "communities where potential terrorists might seeks to blend in with local populations" (Johnston, 2004) as adequate methods to further determine security concerns.

The article further described security measures planned at both the DNC and the RNC. Securitized cities were created with increased police presence on the streets and in the places where people gather (Johnston, 2004). Although there was a definite continuum between security planning coverage in L.A. and Boston, there was a subtle shift in security planning due to 9/11. This shift relied not only on past perceptions of violent protests, but also on the media bombardment after 9/11 about potential terrorist attacks. No matter how implicit, the idea of public safety had new meaning after 9/11. No matter how understated, there were real repercussions for public space after 9/11. The need to implement "extraordinary security precautions" (Johnston, 2004) would have had different connotations in Boston compared with L.A. Therefore, I would argue that one or two articles that referenced potential of terrorist attacks or international terrorist attacks (Johnston, 2004 and Kifner, 20004) carried a lot of weight for creating a sense of insecurity in Boston and justifying security planning. A lack of substantial references to terrorist attacks or 9/11 can therefore still be thought of in terms of wider media coverage of terrorist attacks and violent protests (see Table Five). Although references in national coverage to past events and 9/11 were not as numerous as L.A., there was extensive media coverage of terrorism that had already created this aura of insecurity. In Boston, these associations were related to terrorism, as well as to past protests and riots.

**Table Five**

**Boston, Democratic National Convention 2004**

**Source: New York Times**
Lexis Nexis Search
Keywords: Democratic National Convention and protest
Search Period: July 12, 2004 - August 12, 2004

|         | WTO | 9/11 | Other Terrorist Attacks | War in Iraq | Total References to Other High Profile Events and/or Riots |
|---------|-----|------|-------------------------|-------------|-----------------------------------------------------------|
| B NYT 1 | 0   | 0    | 1                       | 1           | 2                                                         |
| B NYT 2 | 0   | 0    | 0                       | 0           | 0                                                         |
| B NYT 3 | 0   | 0    | 0                       | 1           | 1                                                         |
| B NYT 4 | 0   | 0    | 0                       | 0           | 0                                                         |

While I don't intend to insinuate that there were not realistic concerns and real justification for increased security, my point is to question the repercussions of heightened sensitivity to potential violence on public space and protesters. There was little done in the media to assuage the fears that the public might have about potential terrorist attacks or potential violence from protesters. Instead, the media documented the

securtization of the city and the ubiquitous potential for violence or terrorist attack.  Justifying security by (unclear) intelligence and by potential violence fed the tension surrounding protests.

Despite a lack of numerous references to past riots and protests, or even to 9/11, the articles in the New York Times continued the pattern found during the DNC in L.A. and a heavy reliance on security versus protesters.  The strict regime of security that the city faced was well documented in pre-convention coverage, including road closures, increased security officers, bomb-sniffing dogs, random searches on public transportation, patrolled waterways, and closed public spaces (Kifner, 2004).

**Table Six**

**Boston, Democratic National Convention 2004**

**Source: New York Times**
Lexis Nexis Search
Keywords: Democratic National Convention and protest
Search Period: July 12, 2004 - August 12, 2004

|  | Protest/ Protester | Security Personnel/ Measures | Reference to Imminent Violence |
|---|---|---|---|
| B NYT 1 | 5 | 37 | y |
| B NYT 2 | 1 | 0 | n |
| B NYT 3 | 14 | 23 | y |
| B NYT 4 | 25 | 7 | y |

The continued references to securitizing the city were far more extensive in the Boston Globe's coverage of the convention.  Much of the local coverage also indicated concern for police labor disputes that occurred just before the convention started.  Heightened fears of a lack of security related to potential police pickets were well documented in the Boston Globe.  According to media coverage, the resolution of labor disputes seemed to solidify security planning issues (Kifner, 2004b).  Many articles stressed the preparation for mass arrests of up to 2,500 protesters (Saltzman, 2004).  Such high predictions were clearly not indicated by past arrests at other conventions.  There were under 200 people arrested at the 2000 DNC in L.A. and just under 400 arrested in Philadelphia at the 2000 RNC (Saltzman, 2004).  These numbers alarmed activists, who understood this to imply that police in riot gear were ready to arrest protesters (Saltzman, 2004).

Protesters' were continuously depicted within strict police boundaries, including police escorts on foot and on bike, as well as their entourage of SUVs, correction department wagons, and even school buses in case the number of arrests got out of hand (Kifner, 2004b).  In the New York Times, a photo of the secured waterway detailed how these spaces would be heavily patrolled during the convention (Kifner, 2004b).  Another image

appeared in the New York Times the day before the convention, depicting protesters being escorted through the streets by city and state police officers. This caption also highlighted how protesters by-passed the protest zone. Before both conventions, graphics and photos focused on security.

Security planning in Boston included similar measures used in L.A., including closed streets and public spaces and warnings of traffic nightmares (Saltzman, 2004c). Although there were similarities in coverage, increased police presence in public spaces seemed to be more extensive and pervasive. An "unprecedented number of video cameras" (Ranalli and Klein, 2004) were mounted at the Fleet Center and to downtown buildings to "monitor crowds for terrorists, unruly demonstrators, and ordinary street crime" (Ranalli and Klein, 2004). Security for waterways included the Coast Guard using "infrared devices and night vision cameras" (Ranalli and Klein, 2004), as well as other cameras that could monitor day and night activity. Surveillance equipment in public transportation systems was activated. A "surveillance network" (Ranalli and Klein, 2004) was established in Boston prior to the convention and the media documented every detail.

At the DNC in Boston, it seemed that surveillance had become a common tool for securing cities and preventing an attack. In Boston, security officials commented that these tactics would continue to be utilized after the convention and were supported by new policies permitting police to videotape political demonstrations (Ranalli and Klein, 2004). While safeguards existed to prevent this from being abused, there was a clear distinction in Boston that these measures were there to stay. The rhetoric of securitized spaces and "Big Brother" mentality had become, to some degree, more common after 9/11 and this was evident in coverage of Boston's security planning.

Coverage of the protest zone was also distinct in Boston, despite relying on the now common use of demonstration zones. In L.A., activists were awarded a court order to move the protest zone closer to delegates. Although the zone was a contentious site in L.A., due to its fenced in area and the unrest that developed between police and protesters during the Rage Against the Machine concert, it was physically, if not emotionally, different than the protest zone erected in Boston. The designated free speech zone in Boston was located under abandoned train tracks and was wrapped in cyclone fencing and razor wire (Kifner, 2004b). The demonstration zone and the closure of public streets near the Fleet Center rapidly became the most contentious issues for protesters attempting to plan demonstrations during the convention. Many protesters vowed to avoid the area at all costs and the zone itself became the subject of many protests (Kifner, 2004b, Belluck and Santors, 2000, and Saltzman, 2000e).

Despite the tenuous framework provided by the L.A. ruling in *Service Employee International Union (SEIU) et. al. v. City of Los Angeles et. al* (2000) that required the zone to be within sight and sound of the delegates and

despite the shocking physical conditions of the demonstration zone, Federal District Judge Douglas P. Woodlock ruled that security issues prevented him from ordering any changes (Kifner, 2004b). "One cannot conceive of other elements put in place to create a space that's more of an affront to the idea of free expression than the designated demonstration zone" (Judge Woodlock, as quoted in Kifner, 2004b). Police defended the protest zone as being "closer in sight and sound proximity to delegates" (Mary Jo Harris, Police legal adviser, as quoted in Saltzman, 2004c). While activists did succeed in negotiating the right to march near the Fleet Center the Sunday before the convention began, police defended re-routing them away from the convention site (even when the site was empty of delegates) as necessary in a post 9/11 era.

The debate over the protest zone was not focused on its constitutionality. Coverage of the protest zone drew the distinction between protesters and delegates and rendered the safety of delegates more important in both L.A. and Boston. In doing so, it relied on what Mitchell (2003) might call the balance of rights that was exhibited in federal rulings such as *Madsen v. Women's Health Center* (.1994) and *Hill et al. v. Colorado et al.* (2000). While these legal guidelines were intended to regulate the manner of speech, not the content, when relied upon to support the legality of protest zones, they do regulate specific content of speech by distinguishing between supporters and non-supporters of dominant political ideologies. The ACLU has found that this has been carried out in a similar fashion across the country at public appearances by President Bush's administration (ACLU, 2003). Dissent is therefore the content regulated, as there certainly were not designated free speech zones for those that rallied behind the political ideology of the event. Protesters were forced to surrender their spatial rights and this was justified by continued media coverage of their potentially violent actions.

Furthermore, protest zones consider the physical safety of delegates with higher regard than that of protesters. Protesters of all ideologies are shuffled into the protest zone, despite possible contentions between groups (Saltzman, 2004d). Consideration for safely exiting the zone in emergency was not taken into planning consideration (Saltzman, 2000e). In Boston, the protest zone was even physically constructed like a "concentration camp" (Kifner, 2004b) or a "freedom cage" (Belluck and Santora, 2004). Media focused much of their coverage on the physical depiction of the zone itself and the ruling by Judge Woodlock in favor of security interests. While a ruling preceding the RNC in New York stated that police could not use metal barricades to create a protest zone unless they could ensure that protesters could get in and out of the barricades (Saltzman, 2004d), in Boston, security concerns thwarted any attempt to redesign the protest zone. The ruling by Judge Woodlock occurred despite the legal framework that exists in *Bay Area Pace Navy v. U.S.* (1990), in which the government must narrowly tailor any infringement of spatial rights and in *Collins v. Jordan* (1997), in which First Amendment rights cannot be waived because of the mere speculation of violence. *Bay Area Pace Navy v. U.S.* (1990) also asserts that the government can not restrict free speech without proving

potential danger beyond speculation. In L.A., the ruling in *Service Employee International Union (SEIU) et. al. v. City of Los Angeles et. al* (2000) commented that the protest zone did regulate the content of speech. The government's reliance on potential security threats was sufficient for overriding these precedents in Boston's protest zone.

Despite the lack of specificity of threats of terrorism (Kifner, 2004 and Kurkjiian and Cullen, 2004) security planning in Boston was even more extensive than L.A. Yet, officers did use similar training techniques and past protests and riots provided training for Boston police officers (Kurkjiian and Cullen, 2004). However, training in Boston also included increasing awareness of the emotional repercussions of heavily armed police forces on the public's sense of safety (Kurkjiian and Cullen, 2004). One article before the convention did discuss the lack of evidence of clear and present danger that protesters elicited. "Why the content of antiglobalization activists in Seattle is predictive of the behavior of antiwar demonstrators in Boston eludes me…For those of us who remain unconvinced that violence and dissent are inextricably bound, Woodlock's ruling is a triumph of fear over freedom" (McNamara, 2004). Although this coverage at least subscribes to another point of view, McNamara still erroneously refers to protests in Seattle as violent, again highlighting the rhetoric of past violent protests well-established by the media.

Part of the difficulty in analyzing media coverage is that it relies on an ideology of democracy and neutrality. While this ideology supports the assumed veracity of the news, it does little in present day media coverage to ensure that all sides of the story are taken into account fairly or that stories are completely accurate. Instead, and we see this in protest coverage in both L.A. and Boston, there is a reliance on the past perceptions of events to legitimize fear. These references drew on past perceptions and emotional responses. Therefore, it is easy to draw on the protests of WTO to discuss potential violence because WTO violence was overwhelmingly depicted as being initiated by protesters. Similarly, media can draw on past images of protests and riots, such as the 1992 Riots in L.A., 1999 Riots in L.A., or even other past protests such as Kent State. In this, the media perpetuates the need for a security state in relationship with the presence of protesters without commenting on the brutality initiated by police. In Boston, the public had already been exposed to almost three years of coverage about the 9/11 terrorist attacks and the war in Iraq. By the time of the DNC in Boston, this exposure might have already engrained the public to be slightly more suspicious of public space, foreign born males, or dissent. There was this sense after 9/11 and in the beginning of the war in Iraq that dissent about the war was un-American. This underlies the security planning in Boston.

As discussed in previous chapters, fear has real repercussions for U.S. citizens exercising their spatial rights during times of national crisis. These repercussions are of course, not absolute. They simply indicate trends in how security and controlled public spaces become associated with dissent. While these trends have

historical patterns, they emerge in the context of both the WTO protests and 9/11. In media coverage in L.A. and Boston, there is this ideology of equating protesters with potential violence and thus securitizing the city to protect from this potential.

**During the Convention**

Pre-convention coverage focused on the securitzation of the city and the impending potential violence of protesters. From riot gear to pepper spray, the police advocated that they were prepared for demonstrators that might disrupt public space and public life. Placing the security of delegates over the security of the public and continually utilizing protest zones to regulate speech and assembly, law enforcement officials ensured that the city was well prepared and they used the media to ensure that the public was aware if this. During the convention, coverage shifted to respond to on-going convention events and the relationship that emerged between security forces and protesters.

**Los Angeles**

During the convention, L.A. media coverage concentrated on the fragile relationship between potential violence and peace. Referring to previous stories about potentially violent protesters occupying the city, coverage either breathed a sigh of relief that protests were peaceful or justified strict security planning when any tensions between police and protesters were exhibited.

On the first day of the convention, the headline about protesters ran, "Marchers, Police Pass First Part of Big Civics Test" (Landsberg, 2000).

> Despite fears that the city would be engulfed by anarchists running amok, a sense of mellowness and restraint seemed to characterize several demonstrations held throughout the city Sunday. However, the coming days are packed with opportunities for more protest and dissent, along with potential flashpoints for confrontation (Landsberg, 2000).

While the quote above highlighted peaceful protests, it also noted the surprise that violence did not erupt. This article might seem to present an innocuous depiction of peaceful protesters. However, it should also be noted that it existed within the context of previous articles highlighting potential violence and securitized public spaces. This context was also depicted graphically, with an onslaught on images of the heavy security presence during the convention.
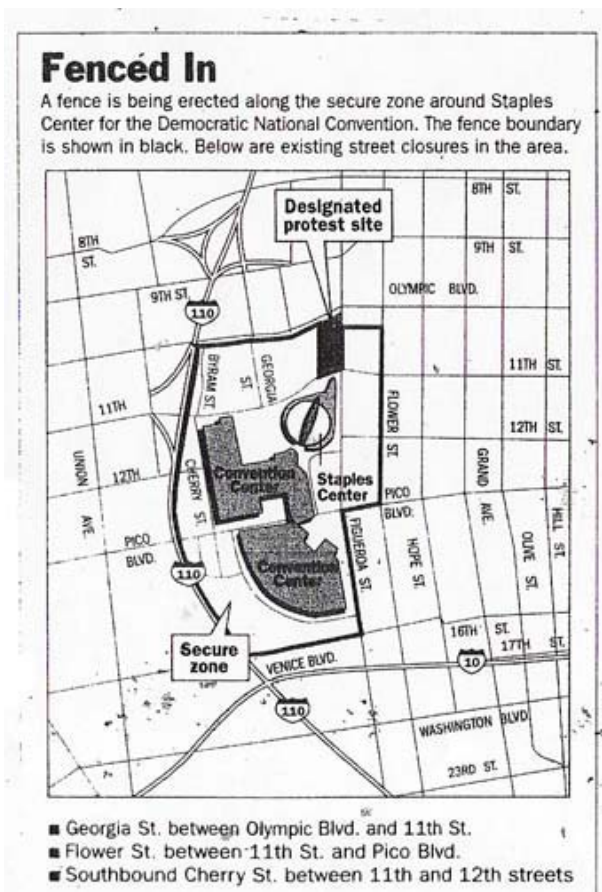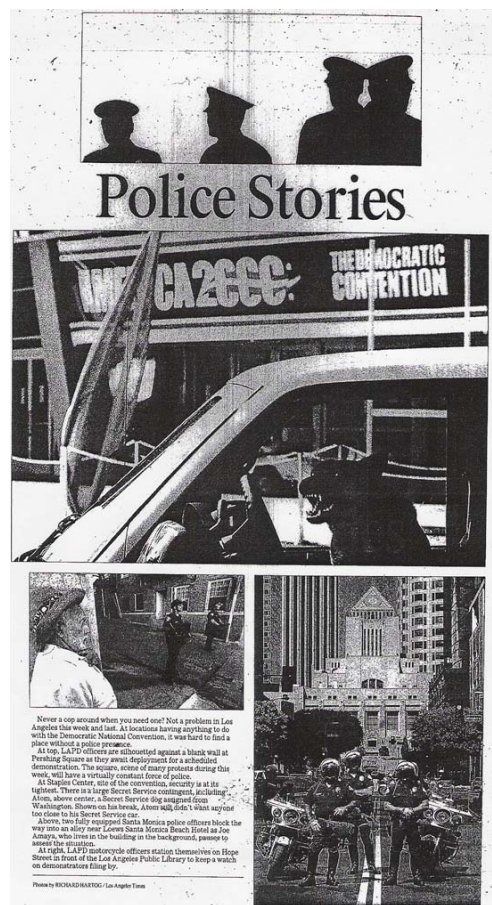
Image 4 (L.A. Times)                                      Image 5 (L.A. Times)

The first images during the convention focused on security measures (Images 4 and 5).  The map in Image 4 demonstrated the strict security zone that was enforced during the convention and also cited the location of the designated protest zone.  On the same day, in the special section devoted to the convention, the L.A. Times filled one full page with images of the city secured with Secret Service dogs (Image 6), armed police patrolling the streets, and riot gear clad L.A.P.D. motorcycle officers keeping watch over the public library (Image 7).

Image Six (L.A. Times)

The caption for these photos read:

> Never a cop around when you need one? Not a problem in Los Angeles this week and last. At locations having anything to do with the Democratic National Convention, it was hard to find a place without a police presence...At Staples Center, site of the convention, security is at its tightest. There is a large Secret Service contingent, including Atom (Image 6), a Secret Service dog assigned from Washington. Shown on his break, Atom still didn't want anyone too close to his Secret Service car… Two fully equipped Santa Monica police officers block the way into an alley near Loews Santa Monica Beach Hotel as Joe Amaya, who lives in the building in the background, pauses to assess the situation….LAPD motorcycle officers station themselves on Hope Street in front of the Los Angeles Public Library to keep watch on demonstrators filing by (Image 7) (Hartog, 2000).

Both the caption and the images fully describe the complete presence of security forces around the city and the inundation of security measures in public spaces. In the New York Times a similar photo caption depicted the mass police forces seemingly everywhere in the city (Purdum, 2000).
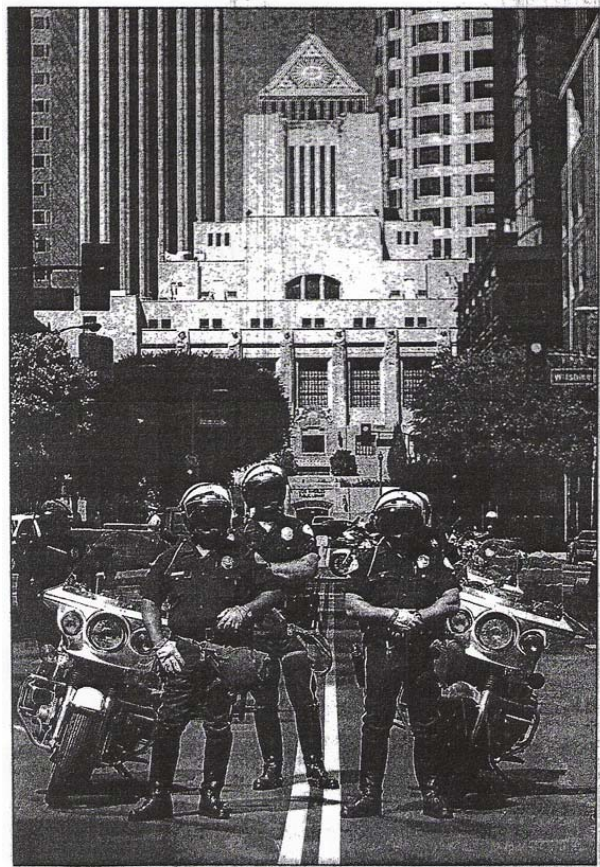
Image Seven (L.A. Times)

Protesters continued to be associated with a heavily armed police presence, even at peaceful demonstrations and marches. Police in riot gear and tear gas canisters accompanied protesters (Landsberg, 2000) while the media reported on the "pleasant disappointment" (Tobar, 2000b) of peaceful protests.

> After months of anticipation and dread, that dark and unpredictable force called 'the protesters' finally made its debut on the streets of Los Angeles...What happened in the next two hours, as they marched through downtown toward the Staples Center was something less than the catastrophe of stone-throwing and vandalism many had feared and predicted (Tobar, 2000b).

Much of the coverage over the next few days of the convention focused on the free concert by rock band Rage Against the Machine, that was held August 14th in the protest zone. According to the L.A. Times, the concert began at about 6:45 p.m. and at approximately 7:00 p.m. a protester climbed the security fence (Image 8) and was pepper-sprayed by police officers outside the protest zone. This prompted a small number of protesters to hurl bottles at the police, which ebbed as the concert continued. As the band Ozomatli began to play, a small group of protesters began to throw rocks and bottles over the fence at police dressed in riot

gear, at which point police used pepper spray on the crowd of protesters being disruptive. The police then shut down the concert and ordered everyone to leave. Most of the protesters left the protest zone. On those who remained, the police used their batons and indiscriminately fired beanbag rounds and rubber pellets into the crowd. Horse-mounted police charged the crowd to move them out of the protest zone. Some accounts characterized all protesters as violent (Parks, 2000). However, many peaceful protesters and concert goers did not hear the warnings to disperse and were hurt by the rush of protesters running and the indiscriminate use of police force.



WALLY SKALIJ / / Los Angeles Times
Protesters scale the fence outside the Democratic convention at Staples Center.

Image 8 (L.A. Times)

Partially in response to criticisms about their tepid response to the 1999 L.A. riots, the police responded to protesters promptly with a great show of force (Daunt and Rivera, 2000). The ACLU contends that police contributed to the tension by showing up in riot gear, armed with batons, pepper spray, and beanbag rounds (Daunt and Rivera, 2000). Although it seemed that the police were first provoked, many questioned the extensive show of force that followed. Rather than arresting violent protesters peacefully, police used force to shut down the concert for all concertgoers and protesters. Other accusations against the police confirmed the tensions that lay just under the surface at other demonstrations throughout the first day of the

convention. There were numerous times when riot gear clad police advanced on crowds, only to cause them to disperse quickly (Daunt and Rivera, 2000). The show and/or use of force in L.A. were probable at every demonstration.

Graphic coverage in the L.A. Times and the New York Times focused on the clash between police and protesters at the Rage Against the Machine concert. Photos in the L.A. Times depicted protesters scaling the chain link fence the enclosed the protest zone (Image 8), as well as demonstrators caught in the rush to evacuate the site when police began to move in with batons, pepper spray, rubber bullets, and beanbag rounds.
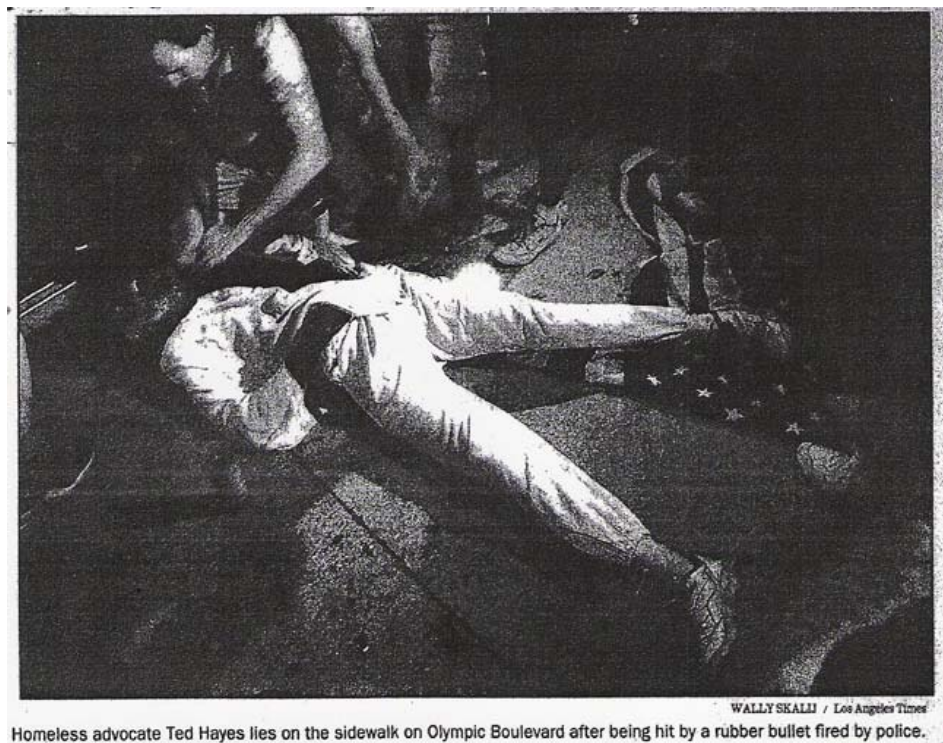


WALLY SKALIJ / Los Angeles Times
Homeless advocate Ted Hayes lies on the sidewalk on Olympic Boulevard after being hit by a rubber bullet fired by police.

Image 9 (L.A. Times)

Another image captured a demonstrator lying on the ground after being hit by a rubber bullet (Image 9). The same day that these images appeared in the L.A. Times, another image of police appeared, depicting officers in a "mobile police force" (Image 10) that shadowed protesters throughout the convention. Officers were shown with riot helmets and batons in hand.

LUIS SINCO / Los Angeles Times
Officers Manuel Melgoza and Binnie Phan, right, are part of a 10-member "mobile field force" shadowing protesters Monday.

Image Ten (L.A. Times)

Graphic coverage in L.A. continued to cover protest arrests (Image 11), security forces (Image 12), and police demonstrating force against protesters (Image 13). Continued use of images with police in riot gear and batons at the L.A. convention contributed to tensions between protesters and police covered in the articles. Certainly, these images re-associate violence with protesters.
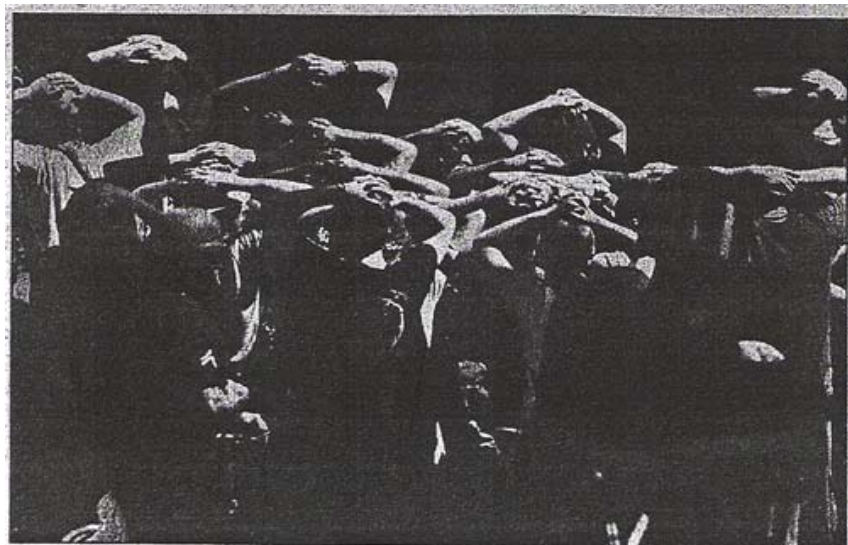


CAROLYN COLE / Los Angeles Times
Police arrest 45 animal rights activists who had entered two stores to demand an end to fur sales.

Image 11 (L.A. Times)

Images of arrests, of surveillance, and brutality powerfully affect the public's sense of security (Slone, 2000). The images suggest that dissent destabilized the city, much as media coverage of terrorism and crime imply a similar loss of control. The images of the police in riot gear and the text describing police armed with pepper spray and batons work together to justify security and employ a sense of control and surveillance. It is no mistake that these images were employed in local coverage both before and during the convention.



## LAPD's Eyes in the Sky

The helicopters assigned to 24-hour Staples Center coverage during the Democratic National Convention are in addition to three helicopters usually in the air daily throughout the city. How they operate:

**1.** Live video from LAPD's American Eurocopter Corp. Astar helicopter is viewed simultaneously at several command posts.

**2.** The copters are piloted by officers who look for criminal activity with a camera while flying at altitudes of 500 to 800 feet.

**3.** Police commanders can deploy teams based on video. Color image from zoom-lens camera is not as vivid as TV station helicopter shots, but infrared capability allows imagery of unlighted areas. Pilots talk with ground officers on police radio frequencies, advising on crowd movements and other details.

EUROCOPTER AS-350

POLICE

Searchlight

VICTOR KOTOWITZ / Los Angeles Times

### AERIAL PATROL COMPARISON

| | Los Angeles | New York |
|---|---|---|
| City population* | 5 million | 8 million |
| Patrol area covered | 469 square miles | 307 square miles |
| Total number of patrol helicopters | 11 | 6 |
| 1998 flight hours | 16,000 | 3,900 |

Researched by Richard O'Reilly / Los Angeles Times
Source: Aviation Today; Rotor & Wing; Officer Jason Lee, LAPD; Jane's All The World's Aircraft    *Daytime population, including transient commuters

Image 12 (L.A. Times)

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After a tense standoff, baton-wielding police move forcefully against demonstrators who marched from Pershing Square to Parker Center to Staples Center.

Image 13 (L.A. Times)



Image 14 (L.A. Times)

The large images, some depicting a small group of police exerting force on one individual (Images 14 and 15), add to this sense of insecurity that surrounds media coverage of protests.  Even when police are pictured not exerting force, they are clad in riot gear and holding their batons or rifles (Images 14 and 16).

WALLY.SKALIJ · Los Angeles Times

Police carry off a protester after a march on the LAPD Rampart Division station ended with demonstrators blocking the entrance.

Image 15 (L.A. Times)



AL SCHABEN/Los Angeles Times

Police officers were ready for protesters at their headquarters at Parker Center in Los Angeles on Wednesday.

Image 16 (L.A. Times)

The militaristic image projected by the police and the media was consciously constructed to dispel criticisms about police weaknesses. Ongoing coverage of protests continually referenced and graphically depicted heavily armed and ready police image, thus continuing pre-convention emphasis on securitizing the city to thwart potential protester violence.

**Boston**

Preemptive media coverage in Boston seemed to have greatly affected the number of protesters that came to demonstrate. While the lower number of protesters might have been due in part to political and military situations, the lack of protesters in Boston is likely due in part to extensive pre-convention coverage about securitizing the city with surveillance and patrols.

Much of the coverage in Boston focused on the low turn out of protesters and the heavy presence of police and law enforcement officers "ready to handle the unrest that never came" (Bombardieri and Cullen, 2004). Protests that did occur in Boston were overwhelmingly peaceful, despite the heavy presence of police in riot gear and helicopters hovering in the sky (Bombardieri and Cullen, 2004). While protests were seen as peaceful, it is difficult to attribute this to heavily policed public spaces. It could be argued that preemptive coverage of heavily secured spaces, past tensions between police and protesters, and even fears of repercussions for protesting after 9/11 contributed to the low turn out and peaceful protests. On the other hand, the peaceful protests that occurred in Boston would hopefully re-orient media coverage away from the perpetuation of dissent as potentially violent.

Still, some coverage alluded to the tensions that existed between protesters and police. The continued show of force at protests and marches was covered by the media throughout the duration of the convention (Bombardieri and Cullen, 2004 and Cullen and Murphy, 2004). Police continued to warn protesters about their heavy security preparations and the army of federal, state, and law enforcement agents on hand (Cullen and Murphy, 2004). They also continued to cite the potential for violence to heat up at any point during the convention (Cullen and Murphy, 2004), thus placing the city and protesters on continued alert. While a few protest groups used the demonstration zone's likeness to a prison camp as the appropriate setting for their protests on Abu Ghraib prison and Guantanamo Bay (Saltzman, 2004f), Judge Woodlock's ruling that security interests overrode concerns about its armored construction essentially caused protesters to abandon the protest zone. Essentially, security concern cleared this space from occupation by protesters.

One final article touched on the lack of protesters and questioned whether this, as well as the heavy security planning, contributed to the lack of violence (Bombadieri and Saltzman, 2004). Citing violence at

demonstrations in Miami, Seattle, L.A. (2000 DNC) and Philadelphia (2000 RNC), Bombardieri and Saltzman questioned whether protesters were merely saving their energy for New York or if they were dissuaded by the security planning. Overblown accounts of the number of possible arrests possibly played into public fears about violence (Bombadieri and Saltzman, 2004). The final day of the convention brought one clash between protesters and police. Accusations of violence followed when police used batons and arrived in riot gear (Bombardieri and Russell, 2004). While a few arrests were made in Boston, the numbers were never close to early prediction of over 1,000 arrests.

The media contributed to suppressing spatial rights through extensive coverage of security planning and heavily policed public spaces. Relying on fear of potential violence and past accounts of violent protests, police and the media dissuaded the public from exercising free speech rights. The continued use, and increased securitization, of the protest zone also affected tensions between police and protesters. In Boston, it seems that these preemptive tactics at least contributed to a smaller presence of protesters.

**After the Convention**

Media coverage of post-convention L.A. focused on escaping the convention with relatively little violence and disruption. L.A.P.D. officers were praised for their show of organized force and their restraint (Newton, 2000b). Citing the lack of property destruction and major injuries (compared with past protests at the WTO, in Philadelphia, and in Washington D.C.), convention security was commended.

**Standing Watch**

LAPD officers, such as these clad in riot gear at Pershing Square, were a common sight in downtown this week.

BRIAN WALSKI
Los Angeles Times
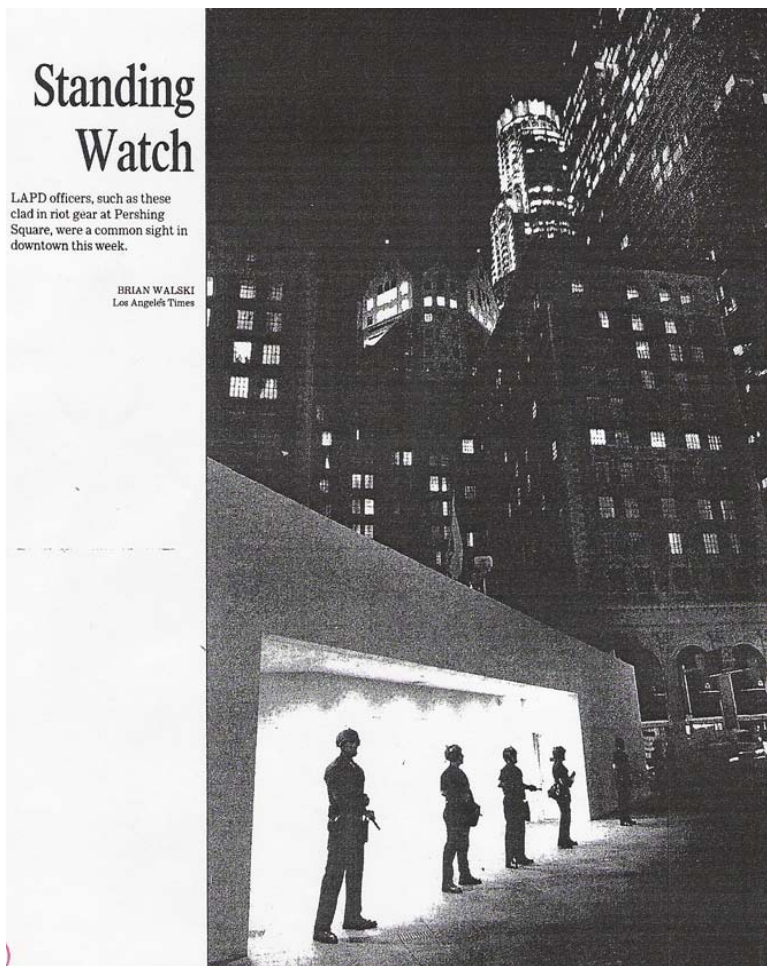
Image 17 (L.A. Times)

In the first few days after the convention in L.A., lingering images of police appeared in the L.A. Times. Of the final images, one depicted a surreal show of police force at the public space, Pershing Square, the site of many demonstrations during the convention (Image 17). Another referred again to the clash between police and protesters at the Monday evening concert (Image 18) and showed police mounted on horseback charging the crowd. The final photo that appeared in convention coverage was a police officer, clad in a riot helmet, warning protesters to disperse through a bullhorn (Image 19).

Image 18 (L.A. Times)



On Wednesday, a
police officer
uses a bullhorn to
warn protesters
that they will be
arrested if they
do not clear the
steps of the
Rampart station.

CLARENCE WILLIAMS
Los Angeles Times

Image 19 (L.A. Times)

Coverage in Boston after the convention focused on conditions that returned the city to normal: the return of litter baskets, newspaper vending machines, and mailboxes to city streets and the removal of a heavy police presence (Vaishnav, 2004). The sigh of relief focused on the minimal disruptions to daily life and the overblown preemptive coverage of traffic jams and violent protesters.

**Conclusion**

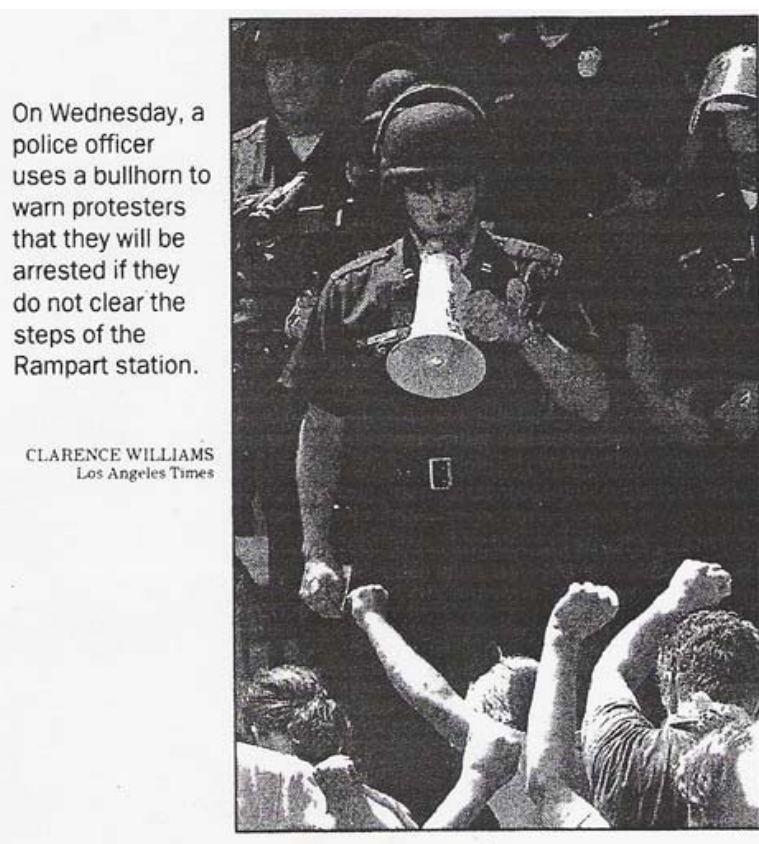Media coverage of protesters at both conventions focused on the securitized city and tensions between protesters and police. Highly detailed accounts of security measures, coupled with images of police in riot gear, contributed to the continual presentation of protesters as potentially violent. In Boston, these trends were magnified by 9/11, and however implicitly this was implied, security measures focused fear on any public disruption. Closed city streets and major traffic routes, heavily watched public spaces, cameras, bomb-sniffing dogs, bag checks, security zones, and protest zones all worked to reorder the public spaces of L.A. and Boston and limit the spaces of dissent. These efforts, as well as continued perpetuation of the image of protesters as potentially violent and references to past protests, marked well-coordinated media coverage dissuading and warning protesters.

At each convention, coverage was linked to past events and local circumstances. In L.A., the contentious past of the L.A.P.D. played into fear of violence and brutality. In Boston, extensive coverage of terrorist threats, potential attacks, and other protests seemed to minimize protest activity. While media coverage in both cities was marked by similar trends, Boston was unique in two ways. Preemptive coverage in Boston alluded to the continued use of security cameras and the surveillance network after the convention, something that would most likely have been unheard of before 9/11. Also, the protest zone in Boston, despite being wrapped in razor wire and cyclone fencing and despite a tenuous legal framework that had begun to emerge from the L.A. ruling, was not altered or moved due to security reasons.

While the patterns that emerged from both conventions highlighted the potential violence, they did little to dissuade public knowledge of protesters away from this image. The physical and emotional tactics employed and described in the media were rationalized by security needs. Permits for protests were delayed and public streets and spaces were closed to protesters. Control of these spaces was well documented not only in textual accounts, but also in graphic coverage. Continued use of images depicting armed police was incredibly effective in exerting police control. Overwhelmingly, the secured cities left little room for spatial rights and did much to damage the basic free speech rights protected by the Constitution. Access, freedom of action,

mobility, and freedom from repercussion were greatly limited and controlled. During these conventions, the publicness of these cities was transformed into a highly controlled landscape.

## Conclusion

Current media coverage of dissent associates protesters with potential violence. While this trend has historical roots, media coverage of protesters since the 1999 WTO protests has legitimized extensive security planning over spatial rights. The terrorist attacks of September 11th have amplified urban security concerns and have contributed to heightened fear of dissent and violence. The media uses references to the past, extensive and detailed coverage of security planning, and images of police in riot gear to characterize protests. At the DNC in L.A. and in Boston, this coverage contributed to tensions between law enforcement officers and protesters, as well as protesters and the public. In Boston, intense coverage of security planning seems to have contributed to a low turnout of protesters at the 2004 DNC.

Media coverage has been overwhelmingly slanted toward security concerns, resulting in the continued use of protest zones, which regulate the content of speech by enclosing dissent. Free speech zones and security zones dislocate protesters away from the public forum, away from delegates, and away from the media. There has been no Supreme Court ruling on the constitutionality of the free speech zone. In L.A. protesters at least won the right to be moved closer to delegates. However, in Boston, after 9/11, the Judge ruled that security concerns overruled complaints that the protest zone demonized and limited dissent. The very constitutionality of the protest zone should be challenged. Spatial rights are depleted in the dislocation and securitization of the protest zone. By inserting police, helicopters, and fences between protesters and delegates and creating a sense of imminent protester violence in the media, the democratic clarity about free speech rights is lost.

The proliferation of these characterizations and these images often has an underlying message that protesters must be highly controlled and public spaces must be highly securitized to protect the public from potential violence. Since 9/11, this message has been amplified by the argument that certain civil liberties must be regulated in exchange for national security. While I do not intend to argue that national security interests are not legitimate, I do sense that the danger is that our fear could easily justify police states and highly controlled public spaces. These dystopian dilemmas are marked by protections for some (the delegates) and not for others (the protesters). The securitized city of a convention might be ephemeral, but media coverage in Boston implies that some of these tactics might continue to be utilized to control public space.

The ephemeral act of protesting relies on qualities of publicness such as access, freedom of action, mobility, and freedom from repercussion. As these are shut down or limited, they deny basic constitutional rights. They also limit dissent as a legitimate public action and negate the exchange of ideas that it can inspire. The

power of geography is inherent for dissent to be possible and media coverage indicates that highly controlled landscapes exist during protests.

The ultimate questions are to what extent are we willing to surrender these spatial rights in the name of security and how can this dialogue be framed to speak of dissent's legitimate relationship with democracy, rather than a relationship with security. I would argue that questions imply a sense of responsibility in media coverage and the need to recreate wrongly formed concepts of protesters. The mechanisms to secure the city for some and not for others fail to protect equitable spatial rights. For democratic and diverse cities to function, and even thrive, they need an unbiased media and protection of dissent. To renegotiate democracy in public space means to continuously challenge any mechanisms that fail to provide equitable public spaces and support spatial rights.

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**Los Angeles, Democratic National Convention 2000**
**August 14 - 17, 2000**
**Source: New York Times**
**LexisNexis Search**
**Key Words: "Democratic National Convention and protest"**
**Search Period: July 31, 2000 - August 31, 2000**

| | Headline | Byline | Reference | Date | Location | Graphic/Photo |
|---|---|---|---|---|---|---|
| LA NYT 1 | The 2000 Campaign; Campaign Briefing; The Protests | New York Times | New York Times, 2000 | August 12, 2000 | Section A; Page 10 | no |
| LA NYT 2 | Public Lives; Unconventional Mayor Steps Into Convention Spotlight | Richard J. Riordan | Riordan, 2000 | August 12, 2000 | Section A; Page 7 | no |
| LA NYT 3 | The 2000 Campaign: The Scene; Police and Protesters Ready; Politicians Hope for the Best | Todd S. Purdum | Purdum, 2000 | August 13, 2000 | Section 1; Page 22 | yes, photo |
| LA NYT 4 | The Democrats: The Protesters; 3,500 Rally to Condemn Death Penalty | Don Terry | Terry, 2000 | August 14, 2000 | Section A; Page 17 | no |
| LA NYT 5 | The Democrats: The Protesters; Los Angeles Keeps Its Eyes on Protesters and the Police | Todd S. Purdum | Purdum, 2000b | August 16, 2000 | Section A; Page 1 | yes, photo |
| LA NYT 6 | The Democrats: Critic's Memo; Protesters With No Message Except, 'Let's Not Go Home' | Neil Strauss | Strauss, 2000 | August 16, 2000 | Section A; Page 27 | yes, photo |

**Los Angeles, Democratic National Convention 2000**
**August 14 - 17, 2000**
**Source: L.A. Times**
**LexisNexis Search**
**Key Words: "Democratic National Convention and protest"**
**Search Period: July 31, 2000 - August 31, 2000**

| | Headline | Byline | Reference | Date | Location | Graphic/Photo |
|---|---|---|---|---|---|---|
| LAT 1 | Fair Deal for Protesters | John P. Puerner, John S. Carroll, and Janet Clayton | Puerner, Carroll, and Clayton 2000 | August 1, 2000 | Section B; Page 8 | no |
| LAT 2 | Some Firms to Duck Convention, Others Will Adapt | Jim Newton and Marla Dickerson | Newton and Dickerson, 2000 | August 3, 2000 | Section B; Page 1 | no |
| LAT 3 | Hotel Workers, Riot Police Clash During Protest | Antonio Olivo | Olivo, 2000 | August 4, 2000 | Section B; Page 1 | yes, photo |
| LAT 4 | Convention Fence Upsets Merchants | George Ramos | Ramos, 2000 | August 4, 2000 | Section B; Page 1 | yes, map |
| LAT 5 | Staples Neighbors Decry Security Planning | Rich Connell and Robert J. Lopez | Connell and Lopez, 2000 | August 4, 2000 | Section B; Page 2 | yes, photo |
| LAT 6 | Parade Permits Pave the Way for a Steady Flow of Demonstrations | Bobby Cuza | Cuza, 2000 | August 5, 2000 | Section A; Page 15 | yes, photo |
| LAT 7 | City Finds Staples Gates Closed | Beth Shuster | Shuster, 2000 | August 5, 2000 | Section B; Page 1 | no |
| LAT 8 | LAPD and Protesters Study the Lessons of Philadelphia | Nicholas Riccardi and Tina Daunt | Riccardi and Daunt, 2000 | August 5, 2000 | Section A; Page 15 | yes, photo |
| LAT 9 | Protesters Are Wide Awake in Seattle - and Heading for L.A. | Kim Murphy | Murphy, 2000 | August 6, 2000 | Section A; Page 3 | yes, photos |
| LAT 10 | Street Closures Begin for Convention | Douglas P. Shuit | Shuit, 2000 | August 6, 2000 | Section B; Page 1 | yes, photo |
| LAT 11 | Religious Groups Join Protests | Margaret Ramirez | Ramirez, 2000 | August 6, 2000 | Section B; Page 1 | no |
| LAT 12 | O.C. Activists Plan Convention Protests | Scott Martelle | Martelle, 2000 | August 7, 2000 | Section B; Page 1 | yes, photo |
| LAT 13 | A Reform Party Event, Ruckus May Be Inside | Dan Weikel | Weikel, 2000 | August 7, 2000 | Section B; Page 1 | no |

| | Headline | Byline | Reference | Date | Location | Graphic/Photo |
|---|---|---|---|---|---|---|
| LAT 14 | Convention Dramas Unfurled, Forestalled | Manuel Gamiz Jr. and George Ramos | Gamiz Jr. and Ramos, 2000 | August 8, 2000 | Section B; Page 1 | yes, photos |
| LAT 15 | National Guard is Prepared to Deploy 3,000 Troops In L.A. | H.G. Reza | Reza, 2000 | August 8, 2000 | Section B; Page 7 | no |
| LAT 16 | Mailboxes, News racks Near Staples Removed | Duke Helfand and Joe Mozingo | Helfand and Mozingo, 2000 | August 10, 2000 | Section B; Page 1 | yes, photo and graphic |
| LAT 17 | Protest Organizers Turned Away from Convention Office | Nicholas Riccardi | Riccardi, 2000 | August 10, 2000 | Section B; Page 12 | no |
| LAT 18 | Shadow of '92 riots Shapes LAPD Stance on Protests | Beth Shuster | Shuster, 2000b | August 11, 2000 | Section A; Page 1 | yes, photos |
| LAT 19 | ACLU Suit Accuses Police of Harassing Protesters | Henry Weinstein and Ted Rohrlich | Weinstein and Rohrlich, 2000 | August 11, 2000 | Section B; Page 1 | yes, photos |
| LAT 20 | Before the Protests, the Bids for Attention | Nicholas Riccardi and Richard Winton | Riccardi and Winton, 2000 | August 11, 2000 | Section B; Page 2 | no |
| LAT 21 | Authorities Give Stern Warning to Protesters | Ted Rohrlich | Rohrlich, 2000 | August 11, 2000 | Section B; Page 2 | no |
| LAT 22 | Cameras, Highway Sensors Offer Strategic Advantage to Police | Douglas P. Shuit | Shuit, 2000b | August 12, 2000 | Section B; Page 5 | no |
| LAT 23 | Anarchist Advice to LAPD | Daniel C. Tsang | Tsang, 2000 | August 12, 2000 | Section B; Page 9 | no |
| LAT 24 | Council Affirms Rights of Protesters | Tina Daunt | Daunt, 2000 | August 12, 2000 | Section B; Page 1 | yes, photo |
| LAT 25 | Anarchists Gather - And It's Orderly | Nicholas Riccardi | Riccardi, 2000b | August 12, 2000 | Section B; Page 1 | no |
| LAT 26 | Free Rock Concert Set at Protest Site | Geoff Boucher and Beth Shuster | Boucher and Shuster, 2000 | August 12, 2000 | Section B; Page 1 | no |
| LAT 27 | Judge Bars LAPD From Preempting Protest Activities | Henry Weinstein and Ted Rohrlich | Weinstein and Rohrlich, 2000b | August 12, 2000 | Section A; Page 1 | no |
| LAT 28 | Thwarted Protesters File Rights Suit Against Police | Ted Rohrlich and Henry Weinstein | Rohrlich and Weinstein, 2000 | August 12, 2000 | Section A; Page 20 | no |
| LAT 29 | Delegates Arrive in City Prepared for Best, Worst | Jim Newton | Newton, 2000 | August 13, 2000 | Section A; Page 1 | yes, photos |
| LAT 30 | Grace Under Pressure | John P. Puerner, John S. Carroll, and Janet Clayton | Puerner, Carroll, and Clayton 2000b | August 13, 2000 | Section M; Page 6 | no |

| | Headline | Byline | Reference | Date | Location | Graphic/Photo |
|---|---|---|---|---|---|---|
| LAT 31 | Protesters Ride on Myth and Legend | Hector Tobar | Tobar, 2000 | August 13, 2000 | Section A; Page 5 | yes, photo |
| LAT 32 | Marchers, Police Pass First Big Civics Test | Mitchell Landsberg | Landsberg, 2000 | August 14, 2000 | Section U; Page 1 | yes, photos |
| LAT 33 | Protesters' First March is a Pleasant Disappointment | Hector Tobar | Tobar, 2000b | August 14, 2000 | Section U; Page 4 | no |
| LAT 34 | New Face of LAPD Looks to Prove Itself | Beth Shuster | Shuster, 2000c | August 15, 2000 | Section A; Page 8 | yes, photo |
| LAT 35 | Police Forcefully Breakup Melee After Concert | Tina Daunt and Carla Rivera | Daunt and Rivera, 2000 | August 15, 2000 | Section A; Page 1 | yes, photos and graphics |
| LAT 36 | LAPD's Response to Protests Shows Its Strengths and, Critics Say, Its Faults | Beth Shuster and Jim Newton | Shuster and Newton, 2000 | August 16, 2000 | Section A; Page 1 | yes, graphic |
| LAT 37 | 95 Arrested as Protesters and Police Make a Day of It | Scott Martell and Nicholas Riccardi | Martell and Riccardi, 2000 | August 16, 2000 | Section A; Page 24 | yes, photos |
| LAT 38 | Chicago's Lessons Remain Unlearned | Ramona Ripston | Ripston, 2000 | August 16, 2000 | Section B; Page 9 | no |
| LAT 39 | LAPD, Activists Choreograph a Confrontation | Duke Helfand, Carla Hall, and Nicholas Riccardi | Helfand, Hall, and Riccardi, 2000 | August 17, 2000 | Section A; Page 1 | yes, photos |
| LAT 40 | Police and Protesters Plan Marches - and Arrests | Duke Helfand, Carla Hall, and Nicholas Riccardi | Helfand, Hall, and Riccardi, 2000b | August 17, 2000 | Section A; Page 3 | yes, photos |
| LAT 41 | Officers Keep Eye on Protests from Within | Beth Shuster | Shuster, 2000d | August 18, 2000 | Section A; Page 1 | no |
| LAT 42 | Arrests Begin Rough Journey for Bicyclists | Ted Rohrlich and Henry Weinstein | Rohrlich and Weinstein, 2000 | August 18, 2000 | Section B; Page 1 | no |
| LAT 43 | L.A. Escapes With Just a Flesh Wound From Press | James Ricci | Ricci, 2000 | August 18, 2000 | Section U; Page 4 | yes, photo |
| LAT 44 | Mediators Work at Ground Zero | Duke Helfand and Carla Hall | Helfand and Hall, 2000 | August 18, 2000 | Section U; Page 6 | yes, photo |

|          | Headline | Byline | Reference | Date | Location | Graphic/Photo |
|----------|----------|--------|-----------|------|----------|---------------|
| LAT 45 | After a Week of Anarchism, Back to Bagging Groceries | Carol Hall and Nicholas Riccardi | Hall and Riccardi, 2000 | August 18, 2000 | Section U; Page 6 | no |
| LAT 46 | LAPD Ends Week With High Marks | Jim Newton | Newton, 2000b | August 19, 2000 | Section A; Page 1 | yes, photo |
| LAT 47 | Convention Related Arrests Cause Little Stir in Legal System | Ted Rohrlich and Henry Weinstein | Rohrlich and Weinstein, 2000b | August 19, 2000 | Section A; Page 22 | yes, photo |
| LAT 48 | Protesters Begin Pulling out of the Convergence Center, and a building that bloomed like an outpost of the Woodstock nation is abandoned again | Jeffrey Gettleman | Gettleman, 2000 | August 19, 2000 | Section B; Page 1 | no |
| LAT 49 | What Did It All Mean for L.A.? | James Rainey and Stephen Braun | Rainey and Braun, 2000 | August 19, 2000 | Section A; Page 1 | no |

**Boston, Democratic National Convention 2004**
**July 26 - 29, 2004**
**Source: New York Times**
**LexisNexis Search**
**Key Words: "Democratic National Convention and protest"**
**Search Period: July 12, 2004 - August 12, 2004**

| | Headline | Byline | Bibliography Reference | Date | Location | Graphic/Photo |
|---|---|---|---|---|---|---|
| B NYT 1 | Threat of Police Pickets Adds to Boston's Worries | John Kifner | Kifner, 2004 | July 20, 2004 | Section A; Page 12 | yes, photo |
| B NYT 2 | Locked Out in '64, rebel Mississippi Delegates Get Front Row in '04 | John Herbers | Herbers, 2004 | July 25, 2004 | Section 15; Page 3 | no |
| B NYT 3 | Demonstrators Steer Clear of Their Designated Space | John Kifner | Kifner, 2004b | July 26, 2004 | Section P; Page 3 | yes, photo |
| B NYT 4 | Mass Protests, Traffic Jams? None So Far and a Region is Relieved | Pam Belluck and Marc Santora | Belluck and Santora, 2004 | July 27, 2004 | Section P; Page 5 | yes, photo |

**Appendix Four**

**Boston, Democratic National Convention 2004**
**July 26 - 29, 2004**
**Source: Boston Globe**
**LexisNexis Search**
**Key Words: "Democratic National Convention and protest"**
**Search Period: July 12, 2004 - August 12, 2004**

| | Headline | Byline | Bibliography Reference | Date | Location | Graphic/Photo |
|---|---|---|---|---|---|---|
| BG 1 | Dozens Granted Protest Permits: 67 Demonstrations Get OK From City | Jonathan Saltzman | Saltzman, 2000 | July 13, 2004 | Section B; Page 1 | no |
| BG 2 | 50 Protest MBTA Plan to Check Bags | Boston Globe | Boston Globe, 2004 | July 14, 2004 | Section B; Page 2 | no |
| BG 3 | Officials Prepare for Arrest of 2,500: Convention Protests Could Crowd Jail Cells | Jonathan Saltzman | Saltzman, 2000b | July 17, 2004 | Section B; Page 1 | no |
| BG 4 | Surveillance Targeted to Convention Wide Network of Cameras Planned | Ralph Ranalli and Rick Klein | Ranalli and Klein, 2000 | July 18, 2004 | Section A; Page 1 | no |
| BG 5 | City Faces Lawsuits From Protesters: Anger Stems from Closing Causeway St. to Marchers | Jonathan Saltzman | Saltzman, 2004c | July 20, 2004 | Section B; Page 1 | no |
| BG 6 | Room for Disagreement | Boston Globe | Boston Globe, 2004b | July 21, 2004 | Section A; Page 14 | no |
| BG 7 | Protest Zone Draws Ire: Court Asked to Rule on Use of High Barriers and Netting | Jonathan Saltzman | Saltzman, 2004d | July 21, 2004 | Section A; Page 1 | yes, photo |
| BG 8 | An Oppressive Zone | Boston Globe | Boston Globe, 2004c | July 22, 2004 | Section A; Page 10 | no |
| BG 9 | Judge Inspects Protest Zone: Activists Compare the Area to a Prison | Jonathan Saltzman | Saltzman, 2004e | July 22, 2004 | Section B; Page 1 | no |
| BG 10 | A Drawing of Lines | Boston Globe | Boston Globe, 2004d | July 24, 2004 | Section A; Page 10 | no |
| BG 11 | Antiviolence Bl(A)ck tea Activists Draw Attention of Authorities | Jenna Russell | Russell, 2004 | July 24, 2004 | Section A; Page 1 | yes, photo |
| BG 12 | Boycott is Planned for Free-Speech Zone | Marcella Bombardieri | Bombardieri, 2004 | July 25, 2004 | Section B; Page 8 | no |
| BG 13 | Police Look to Past for Unified Strategy | Stephen Kurkjian and Kevin Cullen | Kurkjian and Cullen, 2004 | July 25, 2004 | Section B; Page 12 | yes, photo |
| BG 14 | Fencing Freedom In | Eileen McNamara | McNamara, 2004 | July 25, 2004 | Section B; Page 1 | no |

| | Headline | Byline | Bibliography Reference | Date | Location | Graphic/Photo |
|---|---|---|---|---|---|---|
| BG 15 | Civil Disobedience | Boston Globe | Boston Globe, 2004e | July 26, 2004 | Section A; Page 22 | no |
| BG 16 | Convention City Springs to Life: Security is High, Mood Upbeat; Protest Falls Short | Marcella Bombardieri and Kevin Cullen | Bombardieri and Cullen, 2004 | July 26, 2004 | Section A; Page 1 | yes, photo |
| BG 17 | Law Enforcement, Demonstrators Take Their Positions Around the City | Kevin Cullen and Shelley Murphy | Cullen and Murphy, 2004 | July 27, 2004 | Section C; Page 14 | no |
| BG 18 | Iraqi Prison Scandal, Abortion Among Causes of Demonstrators | Jonathan Saltzman | Saltzman, 2004f | July 27, 2004 | Special Section C; Page 12 | no |
| BG 19 | For D.C. Delegates, A Modern Tea Party | Brian MacQuarrie and Bryan Bender | MacQuarrie and Bender, 2004 | July 27, 2004 | Special Section C; Page 4 | no |
| BG 20 | For the Protesters, A Place to Bond | Jenna Russell | Russell, 2004b | July 28, 2004 | Special Section C; Page 14 | yes, photo |
| BG 21 | Protesters Reach Wary Acceptance of Police Role | Jenna Russell | Russell, 2004c | July 29, 2004 | Section A; Page 19 | no |
| BG 22 | Activists Appear to Save Anger for NYC | Marcella Bombardieri and Jonathan Saltzman | Bombardieri and Saltzman, 2004 | July 29, 2004 | Section A; Page 1 | no |
| BG 23 | Demonstrators, Police Tablge; Three Arrested | Marcella Bombardieri and Jenna Russell | Bombardieri and Russell, 2004 | July 30, 2004 | Section A; Page 13 | no |
| BG 24 | Many Among City's Homeless Steer Clear of Fleet Center | Ric Kahn | Kahn, 2004 | July 30, 2004 | Section B; Page 6 | yes, photo |
| BG 25 | Amid Exodus, A Return to Normalcy | Anand Vaishnav | Vaishnav, 2004 | July 31, 2004 | Section B; Page 4 | yes, photo |

**Vita**

Anna Livia Brand was born and raised in Chicago, Illinois where she was inspired at an early age by the structure of cities and suburbs. As her interest in architecture and the built environment grew, Anna moved to New Orleans to study architecture and art at Tulane University School of Architecture, where she spent five intense years developing herself intellectually and creatively. Upon graduating from architecture school, Anna began teaching what she loves – art and architecture. She worked in a local architecture firm and taught architecture in New Orleans' public schools before beginning graduate studies at the University of New Orleans. Throughout her tenure at the College of Urban and Public Affairs, Anna focused her research on public housing, media analysis, and post-disaster planning. Following graduation, Anna will pursue a doctoral degree in City Design and Development at the Massachusetts Institute of Technology.