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Rights of secessionists violated, ACLU alleges

By Harrison Sheppard
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Thursday, October 31, 2002 - The American Civil Liberties Union on Thursday criticized city officials for violating the constitutional rights of secession activists by removing them from a city event Oct. 5 while allowing the distribution of anti-secession materials.

ACLU of Southern California attorney Peter Eliasberg wrote a letter to City Attorney Rocky Delgadillo, stating he was "very concerned about what appear to be blatant First Amendment violations by city employees, or persons acting at their direction."

The organization opposes secession, Eliasberg said, but supports the First Amendment rights of people on both sides of the issue.

"I'm hoping they will make it very clear to their employees that where public property is involved, they can have reasonable restrictions on place and manner, but they have to lean over backwards to give all sides of any political issue equal treatment," Eliasberg said in an interview. "I hope this doesn't happen in the future."

Eliasberg said the recent incident was particularly troubling in light of the city's history on the issue. In 1998, the city improperly prevented secession supporters from gathering petition signatures at the Van Nuys Air Show. The ACLU took the side of secessionists in that incident, and eventually the city decided to pay \$50,000 to settle a lawsuit.

At the time, the City Council also asked then-City Attorney James Hahn to draft guidelines instructing city departments on how to handle such First Amendment issues in the future.

Eliasberg said there has been no discussion of legal action yet on the recent incident, but that he is hoping the City Attorney's Office will ensure that such actions do not occur again.

City officials deny that any First Amendment rights were violated at the Convention Center and dispute the secession supporters' account of events.

"We've looked into it and don't believe there was a problem," said Deputy Mayor Matt Middlebrook.

According to pro-secession activists, at a budget conference for neighborhood councils held Oct. 5 at the Convention Center, volunteers passing out fliers were removed from the facility, while anti-secessionists were allowed to distribute their materials inside.

Middlebrook refused to give specifics on what the Mayor's Office believed happened that day instead.

But Greg Nelson, general manager of the Department of Neighborhood Empowerment, which sponsored the event, said he was given a different account by Convention Center security guards, whom he spoke to two days after the event. He said he and his staff were not aware of the problem as it was occurring, or they would have directed the secessionists to a "free-speech table" set up inside the facility.

Only the anti-secessionists were using the table, but it was open to either side, he said.

Nelson said the security guards told the volunteers they were obstructing the front entrance of the facility and gave them the name of a Convention Center official they could call to figure out an alternate location.

"We would have accommodated them like we pre-decided we would," Nelson said. "They didn't want to call her. I don't know why. So security said if you want to stay here, why don't you go off to the side where you aren't blocking the entrance."

Instead, Nelson said, they left and were followed by the guards, giving the impression that they were being escorted off the property.

But two of the pro-secession volunteers who were there that day disputed that account of the events.

Gustavo Sanchez, a campaign volunteer from Arleta, said he was one of four volunteers passing out fliers that day -- two in front of the center and two in the back. He was in the front, downstairs near the escalators, he said, when the security guards approached him.

They looked at the fliers first before telling them to leave, he said.

The guards did not tell them to stand to the side or inform them there was a free-speech table inside the hall, he said. They were simply told to leave the property or face arrest -- the only other option they were given, he said, was to stand across the street, off the Convention Center property.

"The security guard read the flier and said we couldn't pass it out," said Sanchez, a computer technician who lives in Arleta.

Raymundo Serrato, a volunteer who was passing out fliers in the back of the facility, said two other volunteers later informed him that they were told to leave. He said he was walking toward the front of the facility when more security guards, including a supervisor, approached them in a golf cart and told him the same thing.

"The security guard told us we could not be there passing out fliers. He threatened to arrest us because we could not be in public property passing out fliers," Serrato said.

Serrato agreed that the guards did not tell them they could come inside to the free-speech table.

Delgadillo staffers said they would look into the complaint, but could not comment.

"We just received this letter today and we are reviewing the allegations," said Frank Mateljan, spokesman for the City Attorney's Office. "We will, of course, move to come to a resolution in a timely manner when and if the allegations have been corroborated."