

Chicago FreeSpeechZone

On Its Face

NLG, activists challenge constitutionality of the city's disorderly conduct ordinance.

By Sergio Barreto
February 6, 2006

Andy Thayer came to the march in observance of the second anniversary of the war prepared to be arrested.

When a Coalition of more than 50 peace groups met early last year to plan the March 29 event, there was controversy about whether to seek a permit to take Michigan Avenue a year after the city denied a similar request.

Some activists said it would be a waste of time to engage in a permit process where the decks were stacked against the Coalition; others thought that the very existence of the permit requirement was an unacceptable infringement on their First Amendment rights and refused to work with the city on principle, calling for an all-out confrontation over civil liberties.



Disruptive protests or disruptive policing: What's your preference?

Thayer and other activists advocated seeking a permit out of sheer pragmatism; they argued that advertising a city-sanctioned demonstration would bring out people who wanted to protest the war but didn't want to face arrest.

"We recognize that there's a lot of people who can't take the risk of being arrested because they have to work the next day, or because they have to worry about immigration or whatever," said Thayer, who's been the de facto leader of the local efforts to oppose the

invasion and occupation of Iraq and also heads the Gay Liberation Network (formerly Chicago Anti-Bashing Network).

Despite reservations on the part of several member organizations, Thayer and other pragmatists convinced the Coalition to apply for a permit. The plan was to march along the three southbound lanes of Michigan Avenue from Oak Street, then snake around four other downtown thoroughfares to the Federal Plaza.

The Transportation Department denied the request, claiming that it would have a negative impact on traffic, businesses and residents along the route. The city proposed Clark Street as an alternative, which would drastically decrease the potential visibility of the protest.

The Coalition appealed the decision, with Thayer pointing out in interviews that the city grants a permit every year for the Greater North Michigan Avenue Association's Magnificent Mile Lights Festival, which follows the same initial route.

The appeal was denied. So was a second permit request. An injunction request in federal court was turned down eight days before the march. The Coalition then announced plans for a press conference at Oak and Michigan to decry the city's use of "a petty [permit] ordinance to dictate where and when free speech can be exercised," Thayer said.

Three days before the event, the Coalition learned from its only ally in the City Council, 49th Ward Alderman Joe Moore, that police would arrest any activists gathered at Oak and Michigan.

Having played by the city's rules and lost, Thayer steeled himself for the confrontation he'd tried to avoid. "We decided to go ahead with the press conference," he said.

Brad Lyttle also came to the March 19 protest fully prepared to go to jail. "I had been following the permit negotiations with the city," said Lyttle, a legendary pacifist who was among the first to practice civil disobedience at nuclear installations in the 1950s and later became one of the leaders of the tax resistance movement against the Vietnam War. "When I found out the permit would not be granted, I knew I had to come down to Michigan Avenue."

Lyttle, who's done "a lot" of jail time, was willing to put his body on the line despite his 77 years of age. "I simply have a visceral reaction to authoritarianism," he said, adding that he was already considering challenging the constitutionality of the city's policies because "somebody had to."

Thayer, Lyttle and two hundred or so other protesters gathered at Oak and Michigan in defiance of the city's ban, facing columns of police in riot gear and on horseback.

Thayer tried to hold a press conference after Police Department Superintendent Phil Cline read a prepared order for the crowd to disperse west on Oak. Cline let him utter a few words, then yelled "You're under arrest, Andy." Thayer was quickly enveloped by a swarm of officers, screaming "You can protest in Beirut, but not in Chicago" as he was hauled away.



Thayer is put away as Lyttle (right) watches
Photo by Steve Dalber/Labor Beat

Lyttle, who was standing by Thayer's side when he got nicked, said he proceeded to borrow a protester's sign and walk down Michigan Avenue. "I got about 15 feet and they told me to go west. I said, 'I'd rather go down Michigan.' I was immediately arrested. The sign was taken away, I was handcuffed and put in a [police] wagon."



The city-sanctioned route following Thayer's arrest: a protest or a police parade?

Lyttle was charged with disorderly conduct; Thayer was booked for disorderly conduct, resisting arrest and violating the permit ordinance by holding an unapproved event.

Thayer got his first day in court, sort of, on July 15. The city doesn't allow jury trials for permit violations, assigning such cases to administrative hearings.

Administrative Law Officer Michael Cawley found Thayer guilty but "graciously acknowledged that I did not cause a riot" and imposed a \$775 fine rather than the maximum fine of \$1,000 requested by the city, Thayer said.

All the prosecution witnesses were either police officers or city employees like Sherri Mecklenburg, chief counsel to the Police Department, and Deputy Chief Ralph Chiczewski. Thayer pointed out that all of them testified that what happened at Oak and Michigan didn't qualify as a press conference because there was no media there, although anyone else who was present saw "a veritable forest of microphones and video cameras."

Thayer conceded that "we never seriously expected to have a fighting chance at this level." His attorney, Jeffrey Franks of the National Lawyers Guild, appealed the decision in the hopes of securing a jury trial. He also tried to have the disorderly conduct and resisting arrest charges combined; the city refused, twice.

Franks then joined forces with fellow NLG attorney Charles Nissim-Sabat, who is representing Lyttle. They filed a motion to dismiss the disorderly conduct charges against both activists on the basis that the disorderly conduct ordinance is unconstitutional on its face — a "facial challenge," in legal jargon.

A hearing on the matter was originally scheduled for September. It was postponed to November, then rescheduled again, with one day's notice. The hearing finally took place Friday, February 4, in the courtroom of Judge Mark Ballard.

The constitutional challenge was aimed at Subsection D of the disorderly conduct ordinance. Nissim-Sabat argued that the subsection violates the First Amendment and the Due Process Clause of the Fourteenth Amendment by being vague and overbroad.

Subsection d allows a police officer to disperse innocent people exercising constitutionally protected speech if the officer believes that three or more individuals in the immediate vicinity are engaging in disorderly conduct that may cause serious annoyance, inconvenience or alarm.

"There need not be any connection between those ordered to disperse and those who commit disorderly conduct," Nissim-Sabat said in his oral argument. "Those whose misconduct triggered the order to disperse need not be charged with anything at all. They could be counter-demonstrators, or hecklers, who misbehave for the sole purpose of having [activities they disapprove of] disbanded."

He cited a precedent in which the Supreme Court ruled that "preventing annoyance, inconvenience and even unrest are not compelling state interests."

Nissim-Sabat framed his case around the Supreme Court's landmark *City of Chicago v. Morales* decision, which struck down the city's anti-gang loitering ordinance in 1999. He argued that there are numerous similarities between the disorderly conduct statute and the stricken loitering ordinance.

"The city claims that all a citizen needs to do to avoid being charged with disorderly conduct is to disperse when ordered to do so ... But 'one has no duty to obey an order to disperse unless the underlying statute is constitutional,'" Nissim-Sabat said, citing the *Morales* decision. "Resisting an order to disperse is thus different from resisting arrest."

Again citing *Morales*, Nissim-Sabat said that "A statute is vague if 'no standard of conduct is specified at all.'" And here he laid down his key argument: That Subsection d is "vague in all its applications" because it gives people "no way of knowing what to do to avoid being dispersed."

Nissim-Sabat went on: “Subsection D is vague in that it does not define what is serious annoyance, serious inconvenience, or serious alarm. The policeman decides. Also, it is not a court, but the policeman decides whether disorderly conduct has been committed ... All of the above show the policeman has unlimited discretion,” another form of vagueness struck down by Morales.

Chief Assistant Corporate Counsel David Seery argued the city’s case. He sidestepped the Morales decision, focusing instead on three instances when the Illinois Supreme Court “looked at the very issues” raised by Nissim-Sabat and “held that this ordinance is constitutional under overbreadthness and vagueness.”

Seery took issue with Nissim-Sabat’s argument that the ordinance allows for a heckler’s veto, pointing out that the language statute is “content-neutral” and doesn’t single out any form of speech. The defendants “have to show that the potential for a heckler’s veto is written into the law,” he said, and anything less than that is “not sufficient to render it susceptible to constitutional challenge.”

Seery said the ordinance serves two compelling state interests: securing public safety and the free flow of traffic. And he maintained that the ordinance doesn’t infringe on the rights of innocent bystanders. “Nothing in the law prevents dispersed individuals from engaging in lawful protest outside area of dispersal ... [the ordinance] leaves other channels open.”

Besides, Nissim-Sabat had “not demonstrated that the defendants could not understand what conduct was prohibited,” Seery went on. And since the ordinance metes out civil charges, it requires a lower degree of specificity than the standard for criminal charges, he added.

Seery was relentless and articulate. “He’s very smart,” said a clearly nervous Thayer during court break. “Too bad he’s at the service of evil.”

The written brief Seery submitted prior to the hearing didn’t mention the three cases on which he ended up basing his arguments, limiting Franks’ ability to respond during his counter-argument. Instead of struggling with the cases he wasn’t briefed on, Franks sought to convince the court that its decision should be based on Morales, which “sets a precedent in terms of vagueness.”

Nissim-Sabat strove to drive that point home with a forceful closing argument. “The concept of knowing has been changed by the Morales decision,” he said. “It’s not that you know you’ve been ordered to disperse, it’s whether you know that you are violating the statute.” He also accused Seery of misinterpreting some of the precedents he cited.

After all the buildup, Judge Ballard left the outcome up in the air, ordering everyone to come back on February 24 for a written decision. Ballard listened attentively to both sides and made no statements that could indicate which way he was leaning.

* * *

When Chicago-area peace organizations began meeting last month to plan for the third anniversary of the war, the debate over whether or not to work with the city flared again, and again Thayer applied for a Michigan Avenue permit seeking the same route and start time as the Magnificent Mile Lights Festival.

To strengthen the Coalition’s case, Thayer had CIMC videographer Jon Groot document the parade, along the way trying to interview police officers about the city’s permit approval

process. The Coalition also filed Freedom of Information Act requests for information about the permit applications and approvals for that event.

“The city was amply on notice that we were prepared to fight them on the issue even before our permit application was filed,” Thayer said.

The message to the city was that turning down the permit would lead to a lawsuit accusing it of trampling on the Constitution by selectively suppressing the anti-war message. To underscore the point, the proposed event was dubbed the Festival of Rights.

The permit for the requested route wasn’t granted, but for the first time the city offered a truly comparable alternative: marching down Michigan Avenue to Wacker Drive, then continuing to Federal Plaza.

Three years after leading a police-sanctioned takeover of Lake Shore Drive that ended in wholesale busts, Thayer had finally secured the right to march down the Magnificent Mile without fear of arrest. But as the constitutional challenge showed, he’s not about to go on honeymoon with the city anytime soon.

“What we can learn from the history of all previous unpopular wars like Vietnam is that wars at home develop as well,” Thayer said. “If you organize against war, government at all levels will come after your civil liberties. The two issues are integrally connected.”

On Its Face: The Decision

By Sergio Barreto
March 16, 2005

On March 10, Judge Mark Ballard handed down a written decision denying Andy Thayer and Brad Lyttle’s motion to dismiss the disorderly conduct charges filed against them on the second anniversary of the war.

National Lawyers’ Guild attorneys Charles Nissim-Sabat and Jeff Franks argued on February 4 that Subsection D of the disorderly conduct ordinance is unconstitutionally vague and gives police officers too much latitude.

Ballard disagreed, stating that the ordinance presents “a standard of reasonableness and a weighing of public interests: the rights of citizens to use public areas as open forums versus the subjective decision of the police that the exercising of those rights on specific instances are reasonable (or unreasonable) as to particular times, places and manner.”

Ballard cited several precedents in which the Illinois Supreme Court upheld the constitutionality of the ordinance and concluded that “the defendants have failed to meet their burden in showing that [Subsection D] is vague or overly broad.”

But the case is not yet closed. “We don’t think Judge Ballard’s decision is in accordance with the law,” Franks said. “We are weighing our next steps.”

With the ordinance upheld, the city can continue to prosecute Thayer and Lyttle for disorderly conduct. A hearing on those charges is scheduled for March 24.

“Do we appeal right now or do we appeal after trial?” Nissim-Sabat pondered. “It’s a very complex matter.” He listed three possible strategies for an appeal; in all cases the goal would be to bring the ordinance under scrutiny at the federal level, since the Illinois Supreme Court is clearly favorable to it.

Nissim-Sabat based his oral arguments on the *City of Chicago v. Morales* decision, with which the U.S. Supreme Court struck down the city’s anti-gang loitering ordinance in 1999. He pointed out that Judge Ballard’s decision didn’t even mention *Morales*. Instead it listed precedents cited by the city in defense of the ordinance — precedents that predate *Morales* by decades and “have been superseded,” Nissim-Sabat said.

At least one of the precedents was a case that stemmed from the 1968 Democratic Convention brouhaha.

“I find it highly ironic that to defend the ordinance, the city had to go back to a case that symbolizes gross police misconduct and wholesale abuse,” Thayer said. “It’s also ironic that we found ourselves fighting this battle as we face another potential showdown with the city” on March 18.

The Battle for Michigan Avenue: Year IV

What’s in a parade permit? Few specifics, as it turns out.

As a result, activists and the Chicago Police Department are locked in a war of words over the details of tomorrow’s march on Michigan Avenue.



Hello again, officer

By Sergio Barreto
March 10, 2006

After receiving a permit to march on Michigan Avenue for the first time since the Iraq war began, the March 18 Coalition struggled to determine just what this piece of paper permits them to do.

Coalition organizers Andy Thayer and Ame Meyers, along with attorney Charles Nissim-Sabat and two observers — including this writer — sat with representatives from the Chicago Police Department and the Office of Emergency Management Communications on March 2.

Although the planned March 18 events include numerous feeder marches and a rally at the West Side's Union Park, the meeting was primarily focused on the events scheduled for the Gold Coast: a rally at Ogden School and the march on Michigan Avenue.

Commander Ed Lanuti, who is in charge of special events, opened the meeting by passing out a written response to the requests submitted by the Coalition weeks earlier, giving Thayer minutes to absorb the information and haggle over it.

Lanuti and Deputy Chief Ralph Chiczewski raised no objections to Thayer's requests for minor changes to the parade route, but a request that Oak Street be closed to traffic between State and Dearborn at 5 p.m. was not well-received. "I will have to bring that to Sheri," Lanuti said, referring to Sheri Mecklenburg, Chief Counsel to the Chicago Police Department.

Mecklenburg was expected to be at the meeting but was unable to make it due to a scheduling conflict, according to Lanuti. It soon became apparent that nobody was authorized to make decisions in her absence; Thayer was told numerous times during the meeting to put the Coalition's requests in writing for Mecklenburg to review.

The rally at Ogden School was scheduled to last from 6 to 7 p.m., but Lanuti said police would start moving the crowd from the school to Michigan Avenue at 6:30 p.m.

"I believe that's not what the permit says," Thayer complained, pointing out that the Coalition had already distributed publicity materials announcing that the march would begin at 7 p.m.

"If I start moving you later than 6:30, I may not have you there by 7," Lanuti said. "I won't start you [onto Michigan Avenue] early ... but you need time to get control of your crowd."

Lanuti made it clear that the parade will have to make it from Oak and Michigan to Federal Plaza in the one-hour period allotted by the permit. He emphasized that stops along the route are not allowed, pointing out that float drivers are usually professionals trained to speed up or slow down to keep up with marchers.

Lanuti also handed out forms for float drivers' identification, explaining that the city couldn't take anything for granted. "We've had parades where 14-year-old kids show up wanting to drive motorcycles," he said.

The floats were one of the most contentious item on the agenda. The city insisted that floats must lead the march, but Thayer asked for permission to intersperse floats with marchers.

“There’s a contingent of folks associated with organizations who want to be behind specific floats,” he said.

“Get me the line of march on that,” Lanuti said, adding another item to the list of issues to be settled by Mecklenburg.

Then Thayer asked for permission to park the floats on Washington Street during the three 3 p.m. rally at Union Park. That request went over like the proverbial lead balloon.

“I didn’t know floats were going to be there,” Lanuti said.

Thayer explained that the float drivers were also involved with the Union Park rally and would need to drive from there to Ogden School for the 6 p.m. rally.

“That almost sounds like another parade,” Deputy Chief Chiczewski said. Again, the final decision was deferred to Mecklenburg.

Although the tone of the meeting was cordial, there were occasional outbursts of sarcasm that exposed the mutual distrust between the two camps — for example, when Lanuti inquired about the plan for dispersal after the march reached Federal Plaza.

“Thank you for coming,” Thayer said. “Keep up the fight. Go home.”

“So the message will be ‘go home?’” Lanuti asked. “It will not be ‘let’s go into Daley Plaza and have another rally?’” Later he asked Thayer whether there were any “planned problems” with the march. “I’ve been on the job for 32 years,” he said. “I’ve seen lots of planned problems.”

While discussing the planned feeder marches, Thayer explained that individual organizations were organizing their own feeders. Chiczewski asked Thayer if he could account for everyone’s behavior.

“I can’t assure the legal conduct of everyone any more than you can assure the legal conduct of your officers,” Thayer responded.

“I can assure the legal conduct of my officers,” said Chiczewski, visibly miffed.

“All the litigation filed [against the Police Department] says otherwise,” Thayer retorted, with a smile.

After the meeting, Thayer alleged that the Police Department wasn’t acting in good faith. “What this process does is force us to put all our cards on the table,” he said. “Then they can come back and say [no]” to whatever they dislike.

Thayer proceeded to fax Mecklenburg a three-page letter detailing the Coalition’s requests and asking that copies of the response be sent to the National Lawyers’ Guild and the American Civil Liberties Union.

For a week there was no response, keeping the Coalition from finalizing and publicizing its plans. On March 9 a reply finally came, and it wasn’t encouraging.

“They basically denied everything we asked for,” Thayer said. “They’re insisting on starting to move us [from Ogden School] to Michigan Avenue at 6:30. That’s going to screw up our program.” The Coalition had several speakers and musicians scheduled for 6 to 7 p.m.

But his top concern was that police only agreed to close Oak Street to traffic between State and Dearborn at 6 p.m. The Coalition had requested that Oak be closed to traffic at 5 p.m. to facilitate the arrival of private buses bringing demonstrators from the earlier rally at Union Park.

“This doesn’t just create a potential for gridlock,” Thayer said. “It could also be a safety hazard.”

March 18 is still a week away, but it’s already clear that the permit issuance did not signal a truce between the city and the anti-war forces.

“They’re being obstinate,” Thayer said. “Two can play that game. They gave us a permit; we’re gonna hold them to it.”

The Battle for Michigan Avenue: Update

By Sergio Barreto
March 16, 2006

In a letter dated March 9 and signed by Commander of Special Events Edward H. Lanuti, the Chicago Police Department rejected all the logistical requests presented by the March 18 Coalition regarding tomorrow’s march on Michigan Avenue.

Most of the requests pertained to details that were not spelled out in the parade permit and were entirely up to the city’s discretion, but the Coalition had also asked for permission to .

On March 15, organizer Andy Thayer faxed Lanuti a sharply worded response.

“We requested that a one block area on the south side of Daley Plaza, currently marked as a tow zone, be allowed to serve as a temporary stopping point for floats at the terminus of our parade,” Thayer wrote.

“We find this rejection particularly spiteful in view of the fact that your office routinely tolerates illegal parking in multiple tow zones around Daley Plaza during other special events, such as occurred [during the St. Patrick’s Day Parade] last Saturday night, and have the photographic evidence to prove it.”

Thayer went on: “Capriciously, you insist on some issues to stick to the literal wording of the permit, and in other issues, to force us to depart from the literal language of the permit. We have decided to abide by the literal language of the permit concerning all events in the Walton Street /Oak Street /Michigan Avenue area.”

The main point of contention is that the Coalition has booked speakers and performers to present from 6 to 7 p.m. at William B. Ogden Elementary School.

“Your vehicles must be prepared to move into position at Michigan Ave. and Oak St. at 6:30 p.m. to ensure ample time for marchers to fall into place and the parade to begin on time,” according to Lanuti’s letter.

“We reject this,” Thayer wrote, “and in doing so stand upon the literal wording of the permit issued to us by the City, as well as the videotaped evidence we gathered from last

November's [Magnificent Mile Lights Festival] parade, which did not move from its assembly point until the time indicated on its permit."

The holiday-themed Lights Festival organized annually by the Greater North Michigan Avenue Association came up numerous times in the back-and-forth between Thayer and the police. The permit application for tomorrow's march mimicked the Lights Festival to make it difficult for the city to say no; the 2005 Lights Festival was captured on video as potential evidence in any litigation that may arise.

"In short, no vehicles will move from [Ogden School] until the 7 p.m. time indicated on the permit," Thayer wrote. "At that point in time, the parade will proceed along the permitted route and will not make any stops en route, unless directed to do so by emergency personnel or for other safety reasons."

Instead of responding to Thayer's letter, the Police Department posted a parade order on its Web site, indicating that the negotiations are over.

"You have a permit to assemble in the lot of Ogden School (Walton & State Streets) beginning at 6 p.m.," the order states. "Shortly before 7 p.m., police will direct the floats east on Oak Street and then into the southbound lanes of Michigan Avenue."

The order, addressed to "demonstration participants," also includes some pleasantries.

"The City of Chicago and the Chicago Police Department respect your First Amendment Rights," it reads. "It is our honor and responsibility to protect your right to demonstrate and speak freely today in a reasonable time, place and manner which ensures public safety — yours as well as others'. Public safety is our primary concern."

The War Abroad and the War at Home

'This Is What Democracy Looks Like'

By Sergio Barreto
March 21, 2006

You know the story by now. It's been reported everywhere from the Tribune to Al Jazeera, mainly in positive terms: crowd of thousands on the Magnificent Mile, largest U.S. protest on the third anniversary of the Iraq war, peaceful, no arrests, joy all around.

But behind the scenes, March 18 was just the latest chapter in Andy Thayer's unending tug-of-war with the city and its Police Department.

Late Friday afternoon, Thayer received a response to a letter he had faxed to Commander of Special Events Edward H. Lanuti two days earlier. The response essentially stated that the March 18 Coalition would be held in violation of its hard-fought parade permit if it didn't comply with all the requirements imposed by the CPD.

The level of cooperation to be received from the city became clear at the rally held in Union Park at 3 p.m. The organizers had requested permission to park the Festival of Rights floats next to the park, then drive them to the parade tip-off. The CPD nixed the idea. "These streets are no parking areas, so any vehicles must secure legal parking in the area," Lanuti wrote in an earlier letter to the organizers.

As it turned out, parking next to the park had been reserved for the police cars and wagons that would ring the entire perimeter.



By Aaron Dellutri

There were also plenty of police vehicles parked across the street. And a forbidding-looking Documentblack van from the Transportation Management Authority, topped with an impressive antenna, parked on Ashland. And camera-toting officers documenting the event.

“Every time we communicated with police they made sure to get in on video or record,” Thayer said.

At one point, Thayer said, he walked up to an officer to ask why the restrooms in the park club house weren’t open, as the organizers were told they would. “I started to talk, and then this other officer said, ‘wait a minute, commander, wait for so and so.’” Then someone came over to take notes on the conversation.



By Marge Weinstein

The “hypervigilance” would continue for the rest of the day and throughout the parade, according to Thayer. “They were clearly trying to nail us on something.”

Cmdr. Lanuti had completely nixed the idea of driving the floats together from the park to the 6 p.m. rally at Ogden School. "I am not aware of any permit for a motorcade from Union Park," he wrote earlier this month.

The uncooperative attitude, coupled with the demands of organizing a daylong, cross-town anti-war affair, produced a logistical nightmare. The sound truck guy was a nervous wreck; after Union Park he'd have to get his vehicle and equipment set up for the second rally two miles away, then get into position behind three other floats being driven from different locations, with no margin for error.

"The city made it ultraclear that if we didn't step off right at 7 p.m. they would pull the permit, Thayer said. So Thayer pushed to close the Union Park event a little around 4:30 rather than 5 p.m. and drove off with the sound truck, leaving more logistical gizmos behind.

Emcee Linda Beckstrom implored the audience of about 2,000 not to leave behind any signs, literature or other debris; the city would charge almost \$1,000 if it had to put its garbage sweepers to use after the event.

The organizers had spent about \$900 leasing school buses to transport demonstrators to the Magnificent Mile. The idea was to make it easier for Latinos and African-Americans in the neighborhoods to take part in the parade, making it less of a white, middle-class affair. But police had even parked in the areas that had been designated for bus pickup, and they took a while to move.

By 6 p.m. everyone had somehow made it to Ogden School parking lot, and the rally was ready for kick off. Across the street there was a line of riot gear-clad officers too long to fit into one frame.



By CodePINK

After spending three years fighting with the city for a Michigan Avenue permit, Thayer could have claimed this as his night; instead he thanked the crowd for coming. "If you're going to stop the war, it's not going to be because of some great leader, it's going to be due to regular people like you," he said.

Thayer also encouraged the audience to keep up the struggle on two fronts. "When you have an unpopular war abroad, you have a clampdown on civil liberties at home," he said. "The two go hand in hand."

Several speakers and poets denounced the war at Union Park, so this second rally was focused on civil liberties issues. Civil rights lawyer Standish Willis was the first speaker, followed by Sabah Khan, who is facing up to four years in prison in connection with a protest against the anti-immigrant Minutemen group in Arlington Heights last fall.

People laughed when Khan, a small woman in Muslim garb, said she has been accused of resisting arrest and hitting a police officer, presumably because the charges struck them as a joke.

Alderman Rick Munoz closed the program, and Thayer explained how the parade was supposed to proceed. Three floats and a sound truck would go first, followed by a lead banner. All marchers would have to stay behind it, and follow any instructions from the demonstration facilitators, who were identified by red armbands.

Thayer urged everyone to follow the city-imposed regulations. Pointing to the police line across the street, he said, “[They are] looking for an excuse to clamp down on our civil liberties. Let’s not give it to them.”

Thayer then ran off to check on the floats. An organizer killed time by teaching the audience chants. “One, two, three, four, we don’t want your dirty war. Five, six, seven, eight, protest and agitate.” And so forth.

He ran out of chants and the floats were still not ready to go. People were growing restless. Things were a getting bit crazy.

An unidentified schoolteacher climbed on the back of the sound truck that was serving as a stage, grabbed the microphone, delivered a surprisingly well-received impromptu speech, and ended up leading the crowd into a raucous chorus of “Education not occupation,” with syncopated drumming.

“I don’t even know how I got this mic,” she said. “I was just walking through the crowd.”

The parade finally got underway around 6:45 p.m. An organizer who was scooped up in the mass arrest of March 20, 2003 pointed out that many of the 1,000 or so people who were corralled by police just a few blocks away on that night had pleaded with officers to “Let us march, let us march.” She then led the crowd into chants of “We are marching, we are marching.”

Oak Street, one of the favorite haunts of Chicago’s beautiful people, was quite receptive to the march. Several people gave thumbs up from upscale store windows. A woman at Mon Ami Coiffeur got loud cheers for taping anti-war messages to the salon’s windows. There were chants of “This is what democracy looks like.”



By Aaron Dellutri

The reception was still positive when the crowd finally reached Michigan Avenue and turned south, although there were about two dozen counter-protesters on the 900 block. They held signs like “Let’s end this war by winning” and “American interventionism: One billion people freed from tyranny can’t be wrong.”

Some of the counter-protesters chanted “Support the troops” and were quickly drowned out by chants of “Support the troops, bring them home.”

The parade was polite to a fault; it stopped at red lights. For every gaggle of scruffily dressed radicals flashing hammer and sickle signs there was a family with young children, or a group of gray-haired suburban matrons.



But the police wasn’t going to drop the hypervigilant mode. The parade was flanked on both sides by marching lines of officers in flak jackets or full riot gear.

There were metal pens along some stretches of the parade route. There were officers on the median. Officers atop planters. Officers on horseback. Officers zipping by on Segways.



Thayer fought back with sarcasm. “Folks, we are coming up on the location of the largest mass arrest in Chicago history,” he said as the parade neared Water Tower.

“It was also the largest false arrest in Chicago history,” Thayer went on, reminding the crowd about the pending class action lawsuit on behalf of all the 800-plus detainees.

As the parade neared the Tribune Tower, Thayer was told by a reporter from the Northwest Indiana Times that a police commander had estimated the number of marchers at about 1,000.

“I wish they calculated our taxes like that,” Thayer said. “There at least 10,000 of you,” he went on, noting that the crowd stretched all the way to Water Tower Place.

“The Mag Mile has become a mile full of anti-war people. If they say there’s only 1,000 of you, well ... I guess that shows why we need more money for education if our officers are so challenged.”



The march finally reached Daley Plaza around 8:30 p.m., about half an hour behind schedule. Several officers were handing out written orders to disperse, warning people that they could hold an “assembly” until no later than 9 p.m. — which seemed odd, because police had previously said that everyone would have to disperse immediately.

There was no stopping people. In a few minutes the crowd had taken over the Plaza.

Sensing that everyone still needed to blow off some steam, Thayer and other organizers stood on a cement bench, taking turns belting into a megaphone. “Rights are not given to you,” Thayer said. “You have to organize for them.”

Thayer went off on some tangents before acknowledging that “we had not planned a formal rally here today, so I’m afraid this is pretty much it.”

But some people were reluctant to give back whatever freedom they felt they’d earned that night. There were chants of “hell no, we won’t go” and “take the streets.” The police parked several buses around the perimeter of the Plaza; for the first time things got really tense. It took some pleading from organizers, but around 9 p.m. nearly everyone had dispersed.

“Then [Deputy Chief] Ralph [Chiczewski] comes up to me and says, ‘Okay, Andy,’ you’re under arrest,’ clearly in a joking manner,” Thayer said. “So I held out my hands and turned my back” as if to get ready to be handcuffed.

The joke wasn’t so funny, considering that Thayer will be in court this Friday for a hearing related to his disorderly conduct arrest a year ago, and Chiczewski may testify against him in that case.

Two days after the Festival of Lights, Thayer said he was still processing it. On one hand, he was predictably angered by the police overkill. “It’s such a ridiculous expenditure of resources,” he said, pointing out that officers were brought in from several jurisdictions, including some Indiana State Troopers.



CodePINK/Gay Liberation Network float

“It’s a transparent attempt to dissuade people from exercising their free speech rights,” Thayer said. He was also “creeped out” by the blatant police surveillance. “I’d like to ask them, ‘what do you do with the files and videos that collect?’”

But Thayer also saw some strong positives. “We not only won a great victory for civil liberties but also for the peace movement,” he said. “When you have this level of anti-war sentiment on the streets, it infects the military ... that’s what happened in Vietnam.”

Thayer pointed out that a recent survey showed more than 70 percent of enlisted personnel in Iraq wants an end to the war . “That shows these fissures are already pretty advanced. We need to keep up the pressure.”