

Article 14: "It is unlawful for any person to engage in picketing before or about the residence or dwelling of any individual in the Town of Arlington."

Dear Town Meeting Members,

While I have been sickened by the actions of homophobic, racist, white supremacists noisily demonstrating "before or about" the governor's residence here in Arlington, this vague, overly-broad and dangerous attempt to curtail free speech is not the way to do it.

This bylaw would make it a crime to picket in front of any residence, anywhere in our Town. The problem becomes obvious when you realize that many businesses in Arlington have residences above them. So, for example, if concerned citizens, exercising their constitutional rights, were to picket at the intersection of Mass Ave and Park Ave in support of UPS workers in a labor struggle, they would be in violation of this bylaw because each of the corner businesses at this intersection has a residence above it. Here is a collage photo of the four businesses there:



Mass Ave & Park Ave
Arlington Heights

There have historically been demonstrations across from the Arlington Police HQ at the corner of Summer and Mystic. As you can see in the photo below, this bylaw could be used to remove demonstrators who might be standing in front of the residential homes on Mystic or standing at any corner of the intersection because the language of the bylaw says “before or **about**” the residence or dwelling of any individual in the Town of Arlington. The term “about” enables this.



The proposals to amend this bylaw would not fix its problems either.

Simply to add the phrase “targeted” to the bylaw is meaningless because it leaves it up to law enforcement to determine, unilaterally, whether or not a picket is “targeted.” To limit picketing to only daylight hours would criminalize candlelight vigils which people of good will engage in frequently. And what about a greedy landlord who works from home and who refuses to repair his shoddy apartments? Where are organized tenants supposed to demonstrate their plight except “before and about” the landlord’s residence?

Some have argued that Article 14 is no different than the abortion clinic buffer zone regulations. But those merely pushed demonstrators back a few feet; it did not ban demonstrators entirely as this bylaw does. This bylaw could be used to suppress any type of demonstration...even peaceful, quiet ones. And while other communities may have passed similar laws recently, none of them have yet been tested sufficiently in the courts.

In closing, I think constitutional law experts would agree that the vagueness and overly broad language of Article 14 violates our rights because it curtails free speech and could be used to justify police harassment of picketers. I appreciate the Governor's desire to protect her privacy, but this bylaw is not the way to do it. Its language is an abridgement of each of our constitutional rights and an unnecessary increase in police powers.

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