



JOINT STATEMENT ON FERGUSON CURFEW

While the Ferguson Police Department is permitted to continue to openly defy the Sunshine Law by hiding the incident report of the shooting of Michael Brown, the First Amendment rights of civilians are being curtailed by the curfew order. Allowing the City of Ferguson to break the law is contrary to law enforcement's insistence that citizens obey all laws and to Ferguson's own shameful decision to selectively release public records in a transparent effort to smear its victim. A transparent investigation is necessary to build trust and bring peace, and efforts to restrict freedoms and hide records are contrary to those goals and serve to escalate a situation fraught with tension.

Governor Nixon correctly observed yesterday that we cannot allow the ill will of a few to undermine the goodwill of the many. Unfortunately, that is precisely what this curfew order does. It suspends the constitutional right to assemble by punishing the misdeeds of the few through the theft of constitutionally protected rights of the many. From the founding of our Nation, the people have taken to the streets and sidewalks, in good times and bad, in times of peace and times of war, to express their opinions to the public and to the government. Restricting this most fundamental of all American values is not a solution to the problems in Ferguson. We need more protest, expression, discussion, and debate—not less.

But the suspension of constitutional rights in Ferguson does much more than suppress speech. It subjects an entire community to imprisonment in their homes—a lockdown on the residents of Ferguson who have done no wrong and seek nothing more than justice. This unprecedented action cannot be divorced from the history of law enforcement officials treating communities of color as the problem rather than an indispensable part of the solution. It continues this community's experience of law enforcement as there to control and dictate, rather than to serve and protect.

Even more troubling is the unclear nature of the Governor's order suspending constitutional rights in Ferguson. People have a right to know when and where their conduct is lawful under all circumstances, but especially when the government is restricting activities that are protected by the First Amendment. The people of goodwill, whom the Governor rightfully praises, want to know where they can stand and raise their voices without fearing arrest or military-style assault. Community leaders want to provide protestors alternative locations to continue their demonstrations. But government officials are unable to clearly describe where the suspension of constitutional rights will be enforced. Last night's enforcement appears to have extended well beyond the boundaries of Ferguson. The lack of clarity has forced peaceful protestors to surrender their constitutional and civil rights to avoid arrest and attack. This will not promote the peace or dialogue that the Governor desires. We, to, would like to ensure the safety and welfare of all Ferguson citizens and businesses. However, we do not believe that this protection must come at the expense of constitutional freedoms and trust that Ferguson can balance these interests with the rights of lawful protesters.

Finally, it is inexcusable that the media were kept away from the Saturday night's interactions between law enforcement and protesters. As a result, there are divergent stories about the seven arrests and one



shooting that occurred, despite a mass of media two blocks away that could have created an objective record. The actions of law enforcement are viewed with great skepticism nationally and internationally. It is, therefore, imperative that the media have access to the events on the ground.

Any order restricting constitutional rights must clearly communicate to the public when and where it will apply, articulate valid justifications for the restrictions, and provide ample alternative locations where people may gather to express their views on the important issues being discussed in Ferguson. The current executive order falls short of these requirements. We, therefore, call on the Governor to rescind his order declaring a state of emergency and restore to Ferguson the full protections secured by the constitution and other laws.