

Declaration of Peace: Basic structure of the press conference and nonviolent action on September 21

September 20

12-2pm (note time change): Nonviolence training at Camp Democracy

6pm: Pre-Action and Arrest Scenario Preparation gathering at Camp Democracy—we will go through the logistics for the day's action, especially the arrest scenario with legal information. Please arrive promptly. Please eat before you come (or bring food).

September 21

Assemble on Pennsylvania Avenue in front of the White House by 10am. The press conference will be taking place on the street, not on the sidewalk. Nearest metro is Metro Center or Federal Triangle.

The press conference will begin at 10:30am, immediately following the CodePINK TroopsHomeFast closing ceremony.

Note that there will be a poster-sized Declaration of Peace that folks will sign and will be presented as part of the action. When you arrive, feel free to sign onto that document. Please see the Declaration of Peace website for more details about the press conference: <http://www.declarationofpeace.org/events/dop-kickoff-press-conference-and-witness-at-the-white-hou>

If you are a speaker or resource person, please check in with Patricia Adams or Timi Gerson upon arrival. Additionally, if you willing to volunteer to fill a number of important roles before, during, and after the conference and action, please check in with Patricia Adams.

Immediately after the press conference, at approximately 11:00am, those risking arrest will begin processing to the entrance of the White House with the poster-size Declaration of Peace in hand, signed by those at the press conference—speakers and attendees alike. The idea is to remain present there until we are met by the President and he receives the Declaration. We will stand together and, in a peaceful, nonviolent manner, be prepared to risk arrest at the entrance to the White House.

The specific plan for nonviolent action is not being discussed with Metro or Park Police, although they will know that some may be moved by conscience to commit acts of nonviolent resistance. Additionally, we should assume they are monitoring our websites and our communication, thus we can assume they will know that we are preparing for nonviolent civil resistance. Knowing only that much, they should be prepared to make arrests and process more quickly. We have contingency plans for how to proceed under a number of circumstances.

Legal Briefing

Antiwar activists interested in challenging the White House as part of the Declaration of Peace activities in Washington, D.C. should give serious consideration to engaging in civil resistance to end the U.S. war and occupation of Iraq. The Declaration of Peace, the organizer of the first action, is optimistic that we are getting close to achieving that goal, and urges all concerned citizens to come to D.C. and take the risks of peace.

Those engaging in nonviolent resistance on September 21 should be prepared for possible arrest, temporary incarceration and court proceedings. Please know that any pending charges from past acts of civil disobedience, including a ban/bar status at the White House, probation, or other offenses not related to acts of civil disobedience, could affect your processing time and the charges levied against you. Additionally, your citizenship/migration status will have an affect on the outcomes of your participation as well. Please seek additional legal advice for any of these cases. See one of the organizers for more information if you need it.

Under the basic proposed action scenario for the 21st and in keeping with nonviolent direct action guidelines, there will be no property destruction of any kind and no assaults on officers. This being the case, it is likely that the grounds for arrest would be disorderly conduct or failure to comply with a reasonable request of an officer,

for which you would be apprehended, processed, and released with the ticket—likely a \$50 fine. The whole process—action, apprehension, processing and release—should average about 4-6 hours.

It is important to note that once you are released, the process does not end here. You must choose how you want to proceed.

There are several options:

1. Pay the fine. This is not a criminal conviction but rather is understood to be the equivalent of a ticket for a minor infraction. You do not have to pay the fine on the spot and as long as you pay the fine within 30 days, you are done.
2. Deny the fine. You will be assigned a date several weeks to several months in the future when you will need to appear in court. You can still choose to pay the fine before you appear in court, but if it is not done within the 30 day period, you will have the disadvantage of paying both for the ticket and the costs associated with getting to and appearing in court. It is still not a conviction but would also be a ticket for a minor infraction.
3. Deny the fine, accept the court date, and present in court. When you appear in court, that day is essentially your trial day—you won't have other preliminary hearings. The government is obligated to put you on trial at that moment for the charge they have brought. It is possible that the government will not be prepared to try you that day and will not appear. Thus the case would drop. However, an officer could appear that day with a government lawyer, prepared to prosecute. However, it is important to note that ninety-nine percent of all arrests at the White House result in un-ticketable offenses before on at trial.

At that point, the outcome of your trial could technically be a criminal conviction, such as disorderly conduct or demonstrating without a permit. In either of these cases, you would most likely be ordered to pay a fine. It is up to the individual whether or not to pay that fine. Many activists have chosen to ignore these fines and there have never been further repercussions related to that conviction.

Choosing the third option offers the opportunity to argue the Declaration of Peace on the grounds of free speech: After trying every single avenue to voice our concerns over the Iraq war and occupation, we created the Declaration of Peace campaign—wrote the pledge, created the website, found funding, created networks, trained folks on local/national level, etc—and designed this day's action as a way of delivering that message to the White House as a petition for redress of grievances. We demanded a hearing and didn't get one. The court could listen to all of this and still argue that you violated whatever statute and continue to try and prosecute, but you enter at an advantage—this gives you the high moral ground. The government may still claim to be upholding the time/place/manner restraints to free speech but you have still entered on the high moral ground which gives you an advantage in this case. Such dialogue is not possible if a defendant opts to simply pay the fine and terminate the case.

For this reason, we are encouraging anyone who is considering risking arrest, that you evaluate your possibilities for taking the third option and attempting to give voice to the Declaration of Peace within the court system. That is, that you do not pay the fine on the day you are arrested, nor within the thirty day limit, and that you opt for a court appearance, because it is possible the case will be dismissed after all. For those arrested on June 26, 2006 for being on the restricted portion of the White House sidewalk, it appears that the cases are being dismissed. The case, which was scheduled for trial on Wednesday, September 20, is not on the docket. Even still, if the case is not dismissed, you can choose to pay the fine before the commencement of the trial if you so choose.

It is very unlikely that the conviction would include jail time, unless there was assault on an officer or property damage or destruction of more than \$250. It is important to remember that you must never touch in any way an officer. The officers can touch you but you cannot touch back. There is little history of the police at the White House roughing up protesters.

With regard to federal property damage, anything over \$250 is considered a felony and can result in jail time of up to 10 years. While there may be appropriate time and venues for the use of symbolic acts which may result in damage, this scenario is not designed and has not been contemplated to include anything of that sort. Thus, if you are considering the use of such tactics, please know that this is not the time or place for that. We encourage you not to participate in this act but instead to make plans of your own for such witness at a different time.

We will have legal observers on hand to witness the arrests. They will observe interactions between the police and protesters.

Arrest and Processing

Prior to arrest, you should hand over to your supporters almost all of your paraphernalia except for a picture ID, a few dollars, a metro ticket, and a prescription for any accompanying medication. Arrested people will be handcuffed and searched on the spot. Then the police will transport the prisoners to a nearby area for processing, where they may be fingerprinted, photographed, and issued individual citations which will require the arrestee to appear in court at a later date. It is best to have as little personal possessions on you as possible, as the more you have on you, the longer the process. Each item you have on your person must be counted and registered upon entering and exiting. Thus, you will facilitate the process for yourself and others by only carrying the bare necessities as listed above.

During processing, you will be asked for identification. Sometimes, the police will write you a citation to return to court and release you from custody. Also, you are obliged by law to sign the citation, acknowledging only that you received it and promise to appear in court in the future. You are not waiving any rights or admitting guilt by signing the ticket. If you do not sign the citation, you could be booked into jail.

If you are taking medications that are vitally necessary (i.e. for HIV, high blood pressure medicine, etc.), it is very important that (1) you tell the processing officers that you need these medications to live; (2) you have the medications in their original containers (as it is a crime to carry prescription medications outside of their original containers); and (3) you have a copy of the prescription from your doctor.

In the unlikely scenario that you are booked into jail, most prescription medications are confiscated and placed into your "property" which is inaccessible to you while in jail, and (possibly) returned to you upon release. For a variety of reasons (security, lawsuits), the jail has a policy of using their own medications for prisoners. The exception to this policy is if the medications are rare and expensive, in which case they will use your prescription.

However, you could be incarcerated overnight and brought before a magistrate in District Court. You would then probably be released on personal recognizance and scheduled for a hearing. At that court hearing you will be asked if you want to plead guilty or not guilty. If you want to plead not guilty, you will be given a date to return for trial. If you plead guilty to a minor charge, you may be sentenced right then. It is very unlikely that a nonviolent action will result in jail time. More likely scenarios would be community service, a fine and/or probation.

DC has the option of "post and forfeit," where you pay ("post") a set amount of money (a small amount) and forfeit the right to ever get the money back. It is not the same as a guilty plea, and does not become part of your record as it is not a criminal conviction. It is considered an administrative adjudication of your arrest, and is akin to receiving and paying a traffic ticket. You may consider this option up to and including on your trial date.

Charges are possible under the DC Code or under federal laws. All White House cases are prosecuted in the US District court.

DC Charges

Incommoding. This is blocking vehicle or pedestrian traffic on the streets, sidewalks, and other walkways. Maximum penalty is a \$250 fine and/or 90 days in jail--DC Code § 22-1107. The charge of disorderly conduct is essentially the same--DC Code § 22-1121.

Failure to obey a Police Officer. Often called "failure to disperse," this charge is possible when the police order you to depart and you refuse. The order must be "lawful," which means that if the police issue an unconstitutional order, there is no offense in ignoring it. But police authority is very broad. At trial, if the order is ruled lawful, you can be fined \$100-\$1,000. DC Muni. Reg. §§ 18-2000.2 & 2000.10.

Unlawful entry on property (trespassing). Remaining on government property after being told to leave is punishable by a fine up to \$100 and/or up to 6 months in jail. For government buildings and the surrounding land, there must be some reason that you have been asked to leave, such as to prevent disruption or to maintain security. DC Code § 22-3102.

Final Note

The Declaration of Peace wants to emphasize that these are guidelines. In risk arrest situations, there are many contingencies and too many variables to ascertain today what the police may do on September 21. It is possible, for example, the police may decline to arrest. Nevertheless, lawyers familiar with criminal law will be available to provide advice during the entire process.

Again based on much experience, the Declaration of Peace feels that by maintaining nonviolent discipline, the arrests will be a comparatively "easy." In other words, the worst-case scenario would be a night in jail, but more likely incarceration will amount to several hours. The punishment after conviction is likely to be a small fine.

Remember that the action does not end on Thursday. In addition to making decisions about how to proceed with your charges, you should also consider continuing similar work and witness in your home communities and districts. You should immediately communicate to local media about the action you participated in and your plans for continuing with a variety of resistance tactics to end the Occupation. Taking action to the end the Occupation requires an ongoing commitment beyond the risks of arrests.

Finally, it must be realized that whatever risk or suffering we endure in this action, it is nothing compared to what the people of Iraq have faced since March 20, 2003. As nonviolent activists, we should recognize that soldiers and civilians on all sides are risking their lives on a daily basis. By taking action, we hope to influence decision-makers to bring the troops home and to provide reparations to rebuild a devastated Iraq.

Please stay in touch with the Declaration of Peace campaign, posting your actions, events, reflections, photos, and campaign/movement updates regularly. If you haven't already, please sign the Declaration of Peace. We are building a movement and need everyone's presence, participation, creative energy and wisdom to continue forward. You are principal in that effort. We thank you and look forward to continue working with you.

www.declarationofpeace.org