

Occasional RTS participant and one of the leading conceptual architects of The Absurd Response, L.A. Kauffman has suggested that it is easy for activists to fall into rut in which they repeat the same approaches over and over, confusing a tactic with a strategy. [HYPERLINK "http://www.journalofaestheticsandprotest.org/new3/shepard.html"](http://www.journalofaestheticsandprotest.org/new3/shepard.html) "shep4" The Absurd Response was a fun tactic for speaking to other activists. For speaking to City Council members though, it is not the most useful approach.

RTS organizer Steve Duncombe suggests that in term of pure politics, for many of us Bush and the Patriot Act appears so absurd that parody comes perilously close to reality. With Bush in office, ignorance really is strength. In the same vein, the Republicans appear so vengeful, angry and frenzied over 9/11 and the war that many of them would likely agree with RTS' most outrageous, absurd responses—"All War all the Time," "Leave no Billionaire Behind," etc. Further, while The Absurd Response was a great way make politics fun, the political terrain was shifting. Irony works best as an inside joke to mobilize and appeal to a subculture. Yet Bush has polarized so many issues that there is now a realistic chance to reach a majority of people who think of themselves as thoughtfully ironic (and even some non-ironic) patriotic citizens of the USA. In the end, irony is good for critique but is limited in its ability to demonstrate what kind of world we really want to create. If we are going to suggest that another world is possible, we'd better be able to suggest that this world is more than simply ridiculous.

In an essay entitled *Mass Action Since Seattle: Seven Ways to Make Our Protests More Powerful*, George Lakey suggests that actors heighten the contrast between protestors and police behavior. While sophisticated theater audiences might prefer complexity, shades of gray are harder to pull off in the street. "Our power lies in our choices," he writes. "We can choose to design our confrontations using appropriate symbolism so that the part of the public we most want to influence will see us as the people standing for justice." [HYPERLINK "http://www.journalofaestheticsandprotest.org/new3/shepard.html"](http://www.journalofaestheticsandprotest.org/new3/shepard.html) "shep5" With this in mind, RTS members made a decision. We would play it straight dressed like Colonial American heroes, carrying a banner reading "Patriots Against the Patriot Act" at the rally before the public hearings.

Prodding Speaker Miller

The October 20 hearings for Resolution 909 offered a glimpse of the politics of fear supporting the Patriot Act. Peter Vallone, Jr. the son of the former council speaker from Queens who was ousted after term limits, was the only council member opposing the measure at the hearing. Vallone's opinion was that that New York City had not been attacked again because of the Patriot Act. For him, security from an unknown enemy was justification in and of itself. Fear propelled a zero-sum quest for security over freedom. At one point in the hearings, Donna Lieberman of the New York Civil Liberties Union explained that Jose Padilla, a Puerto Rican, had been detained in the U.S. and held without access to counsel as an "enemy combatant." Vallone said he was comfortable with holding aliens without access to lawyers. Lower East Side councilwoman Margarita Lopez asked Vallone if he knew that Padilla was from Puerto Rico, and therefore a U.S. citizen. Vallone did not, and backed down.

September 11 had created yet another enemy "other" to place in a long cavalcade of villains?from witches to communists to immigrants?demonized throughout U.S. history. After 9/11, these "us and them" dynamics propelled a new wave of racial profiling as even U.S. citizens were denied access to the U.S. court system because they "looked like terrorists." Lieberman situated the Patriot Act's detentions historically, "But if you read the history of these outrages, there is always a counter-narrative in which wiser voices respond to the hysteria," Lieberman testified. "To those who claim the times are so perilous and the risk of harm so great that we cannot tolerate democratic principles of freedom, there are other voices that say: we do not accept the argument that in order to preserve democracy, we must suspend individual freedoms."

Walking out of the hearings, RTS members knew where 909 stood on the legislative food chain and moved to act. After the hearings, the goal was to convince the speaker that civil liberties and security are not a zero-sum game, but rather that neither exist without the other. In the following weeks, coalition members made use of the Mobilize New York alerts list, wrote letters and begged friends to beg the speaker to "Pretty Please Support City Council Resolution 909." In the weeks before the hearings, it had become apparent that the resolution's fate rested in the hands of Council Speaker Gifford Miller, who could allow the measure to die in committee without ever letting the full council vote on it. Phone calls and emails to the speaker's office went unreturned. When activists finally reached his office, his staff offered political doublespeak. Miller supported both civil liberties and security, we were told.

We sent out hundreds of letters stating, "There are 29 supporters out of 50 on the City Council who support the defense of our civil liberties. Please help New York preserve constitutional freedoms and civil liberties for our diverse communities by passing anti-Patriot Act Resolution 909." We collected some 500 signatures on post cards at the Critical Mass Halloween party alone. We sent cards to Miller all fall long. Some days the speaker's office representatives took calls, other times they put calls through to message machines already filled to their limit. His office knew something was in play.

On December 2, in the midst of a snowstorm, coalition members gathered at City Hall for a "Rally to Defend the Bill of Rights and Pass Resolution 909" organized by the Bill of Rights Defense Committee. Once again, the patriots arrived, but this time their numbers were dwarfed by the large outpouring of New Yorkers from all walks of life that had been offended by the political misuse of 9/11. Speaker Miller even made a surprise appearance in which, using political doublespeak, he thanked everyone for coming, spoke out against the Patriot Act, but somehow avoided mentioning support for the resolution. Again we inundated his office with calls.

By late December, some 33 of the council's 50 members had signed on to 909. Throughout the final weeks of 2003, rumors whirled through the internet that City Council would vote on the resolution by the end of the session during the third week of December. Yet, for many of us, a tenuous feeling remained. December 15th, the date the resolution was scheduled to move, came and went. Nothing. Word from the council was that they wanted to hold the passage off until news of the capture of Saddam died down because they thought passing it concurrently would send the wrong message. Would the right message at the time of his capture be a bill to oppose the Bill of Rights?

Miller co-signed a letter with Deputy Majority Leader Bill Perkins committing to bring Resolution 909 to vote at the City Council's first business session in 2004. And finally, Miller responded to the thousands of emails sent imploring his support. "Res. 909-A makes clear that the government's anti-terrorism initiatives can and must be undertaken in a manner that respects basic constitutional rights and liberties. We strongly agree with this proposition and we look forward to adopting the resolution with the support of an overwhelming majority of the City Council Members."

It would be almost two months before the resolution (renamed #60 with the new year) was scheduled for a vote. By that time, even Los Angeles had passed its own anti-Patriot resolution. Feeling the heat of the burgeoning Bill of Rights Defense Movement, the President defended the Patriot Act in his State of the Union Address. Yet the City Council moved forward. On February 4, a vast majority of New York City Council responded passing Resolution 60 calling for government to uphold civil liberties. With 60's passage, New York became the 250th legislative body to pass such a Bill of Rights resolution, creating a series of civil liberties free zones from NYC to Los Angeles and Hawaii.

Udi Ofer and Glenn C. Devitt of The New York City Bill of Rights Defense Campaign noted: "Given that the Council convened to deliberate on the resolution only a few blocks from Ground Zero, it was hard not to appreciate the historical significance of the vote. It's largely in the name of the New Yorkers who perished on 9/11 that the federal government continues to push through anti-terrorism policies which needlessly sacrifice our most fundamental rights and freedoms." With the passage of Res. 60 the City Government caught up with the citizens who were already saying no more immigrant profiling and illegal detentions, no more harassing library clerks for records of citizens, no more stifling free speech. Not in our name.

Riding home one night through the snow after one of our bi-weekly drunken RTS "meetings" and "planning" sessions in the midst of the campaign, a friend explained that even if the world she lived in was going completely to hell on a macro level, she still had to do something at home. Taking care of her own community was the only thing she could see doing. As answers to bigger questions, few emerged. Irony and play would still be necessary fun parts of strategy to be used when they seemed tactically appropriate, when coordinated with great research and political savvy. For now, street aesthetics had successfully complimented a legislative campaign to make one city and the US a little bit more free.

February 4th, I sent out a final email congratulating everyone involved: "thanks for all your amazing work, thanks to everyone who sent a email, signed a card, showed at a rally, a street party or a rant off.... thanks to all of you, New York City just became a Patriot Act Free Zone."

Endnotes

1 Thanks to Liz Highleyman, Steve Duncombe, Larry Bogart, Jason Grote, and Elizabeth Bernstein for their comments and careful reading of this essay. [HYPERLINK "http://www.journalofaestheticsandprotest.org/new3/shepard.html"](http://www.journalofaestheticsandprotest.org/new3/shepard.html) "backshep1" [back](#)

2 Ben Shepard, "Absurd Responses Versus Earnest Politics." *Journal of Aesthetics and Protest*, vol. 1, no. 2, January 2003. www.journalofaestheticsandprotest.org/1/BenShepard/index.html. [HYPERLINK "http://www.journalofaestheticsandprotest.org/new3/shepard.html"](http://www.journalofaestheticsandprotest.org/new3/shepard.html) "backshep2" [back](#)

3 Ben Shepard, "From Global Justice to Antiwar and Back Again: A Personal Chronicle of a Season of "Better to Laugh than Cry" Antiwar Activism." *Journal of Aesthetics and Protest*, vol. 1, no. 2 extended online edition. August 2003. www.journalofaestheticsandprotest.org/1/shepard2/index.html. [HYPERLINK "http://www.journalofaestheticsandprotest.org/new3/shepard.html"](http://www.journalofaestheticsandprotest.org/new3/shepard.html) "backshep3" [back](#)

4 L.A. Kauffman, "A Short, Personal History of the Global Justice Movement." In *Confronting Capitalism*, Edited by Eddie Yuen, George Katsiaficas, and Daniel Burton-Rose. Brooklyn: Soft Skull Press, 2003. [HYPERLINK "http://www.journalofaestheticsandprotest.org/new3/shepard.html"](http://www.journalofaestheticsandprotest.org/new3/shepard.html) "backshep4" [back](#)

5 Lakey, George. 2002. "Mass Action Since Seattle: Seven Ways to Make Our Protests More Powerful," from *The Battle of Seattle: The New Challenge to Capitalist Globalization* edited by Eddie Yuen, Daniel Burton-Rose and George Katsiaficas. Soft Skull Press. [HYPERLINK "http://www.journalofaestheticsandprotest.org/new3/shepard.html"](http://www.journalofaestheticsandprotest.org/new3/shepard.html) "backshep5" [back](#)