

JAMES W. KAUCHER

2809 East Richards Row
Tucson, Arizona 85716

November 15, 2011

Via E-mail Only

Hon. Robert Walkup
City Hall
255 West Alameda Street
Tucson, Arizona 85701

Hon. Shirley Scott
Ward Four Office
8123 East Poinciana
Tucson, Arizona 85730

Hon. Regina Romero
Ward One Office
940 West Alameda Street
Tucson, Arizona 85745

Hon. Richard Fimbres
Ward Five Office
4300 South Park Avenue
Tucson, Arizona 85714

Hon. Paul Cunningham
Ward Two Office
7575 East Speedway Boulevard
Tucson, Arizona 85710

Hon. Steve Kozachik
Ward Six Office
3202 East 1st Street
Tucson, Arizona 85716

Hon. Karin Uhlich
Ward Three Office
1510 East Grant Road
Tucson, Arizona 85719

Dear Mayor Walkup and Members of the City Council:

I am writing because I am concerned about the use of Veinte de Agosto Park by the "Occupy Tucson" protesters.

At the outset, let me be clear that my concern has nothing to do with the protesters' message. The rights of the Occupy Tucson protesters to gather and to voice their grievances have been established and defended by the sacrifices of men and women who are better than we. It is beyond question that the protesters have a right peaceably to assemble and lawfully to express their concerns.

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My concerns are instead two-fold.

First, I am concerned that Occupy Tucson is being accorded favorable treatment. I read media reports late yesterday and this morning that Council Member Romero wants to stop citing the protesters. She apparently advocates this and other measures because she agrees with the protesters' message. Anyone familiar with the rudiments of First Amendment jurisprudence can tell you that favorable treatment of Occupy Tucson, based on the content of its message, is impermissible.

Second, I am concerned about the threat to public safety and the increased burden on City resources that the continued occupation of Veinte de Agosto Park represents. Failure to enforce reasonable laws to ensure safety and public order, such as are generally applicable to the use of City parks, will invariably lead to an increasing level of lawlessness. The violence, theft, and criminal behavior in other cities are entirely predictable results of the general lack of order that pervades many of the "Occupy [Whatever]" camps. Although the current inhabitants of Veinte de Agosto Park seem to be relatively peaceful, there is no guarantee that it will remain so. The confrontation at the Pima County Courthouse yesterday leads me to believe it is only a matter of time before the confrontations escalate beyond slogans, signs, and chanting.

I therefore ask that the Mayor and Council direct the Tucson Police Department to enforce the law, to require the protesters to comply with the laws and regulations generally applicable to the use of City parks, and to eject those who refuse to do so.

Thank you for your consideration.

A handwritten signature in blue ink that reads "Jim Kaucher". The signature is written in a cursive style with a large, sweeping initial "J".