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L.A. could bar people from council meetings for multiple days if they repeatedly disrupt proceedings

People who repeatedly disrupt public meetings at Los Angeles City Hall could be barred from attending council or committee meetings for several days at a time under a proposal introduced Friday.

The proposal, backed by Council President Herb Wesson and five other council members, comes after several weeks of complaints from city lawmakers about disruptions in and outside the council chamber.

A small number of people who show up to speak at city meetings have made vulgar, profane and racist epithets a routine part of the council's public comment period. Loud outbursts from the audience, or in the hallways of City Hall, are also commonplace.

Councilman Paul Krekorian said this week that the bad behavior of a few speakers is depriving other members of the public of the right to participate in public meetings.

"There is an imbalance that must be fixed," said Krekorian, who backs the Wesson proposal.

Civil liberties attorney Stephen Rohde, who has represented City Hall critics who were ejected from meetings, called the plan "extremely troubling."

"The greatest fear the founders had was that the government would not only censor you, but prevent you in the future from speaking," he said. "You cannot muzzle and prevent someone in the future based on what they've done in the past."

Under the council's existing rules, people attending L.A. council or committee meetings can be warned and ordered out for being disruptive, including "the utterance of loud, threatening or abusive language," clapping, waving their arms repeatedly or "other disruptive acts."

The new proposal would bar people from attending any council or committee meeting for the rest of the day once they are kicked out of a meeting. If the same person is ejected from another meeting in the next three business days, he or she would be excluded from meetings for the rest of that day and three more business days.

If the same person is kicked out again soon after that, the individual would be barred that day and the next six business days.

Wesson said Friday that council members have been trying to find a balance between "protecting free speech and still controlling the council meetings." He said that the proposed rule change had been vetted by the city's lawyers and that outside experts, including UC Berkeley law Dean Erwin Chemerinsky, had also weighed in.

Wesson said the proposal was not spurred by any particular incident or individual. Still, it comes two days after a noisy episode on the council floor that resulted in the ejection of two of the most unruly public commenters.

The incident began when frequent meeting attendee Armando Herman addressed the council, using profanity, a racial slur for African Americans and a vulgar word for the female anatomy.

After Herman spoke, Wesson addressed a woman seated in the front row not far from the lectern.

"To the mom sitting in the front row, I know that you did not appreciate, nor did your child, what you just heard," Wesson said. "You can help us by sending a little note indicating how offended you felt."

At that point, Herman began yelling from the audience. Wesson instructed police sergeants to remove him from both the chamber and the entire building. Attorney Wayne Spindler, another regular speaker at meetings, was removed moments later.

Minutes afterward, Herman began shouting outside City Hall, making himself loud enough to be heard from the council floor. A city lawyer asked police sergeants to tell Herman he was still disrupting the meeting.

Once Spindler and Herman were gone, several council members said they were exasperated with such behavior. Councilman Mitch O'Farrell said it was the second time that day that the pair had been removed from a meeting. At that meeting, he said, "city staff came to me and they said they felt threatened and afraid."

Councilman Mike Bonin described a meeting held this year at which Herman repeatedly said the "N-bomb" in front of African American audience members. At the time, Bonin apologized to people attending the meeting, one of whom had clapped her hands over the ears of a child.

Such comments, Bonin said this week, are "very clearly meant to offend and intimidate members of the audience, particularly children."

The Times was unable to reach Herman for comment Friday. Spindler, who has sued the city over his free speech rights and other issues, said claims that he was trying to intimidate people were "ridiculous, completely defamatory and untrue."

"I guess after they throw you out, they defame you," he said.

Spindler said the city would lose in court and suffer financially if it pursued the new rule. "They just don't like to be criticized," he said.

A vote on the proposed rule change is expected this month.

Federal courts have found that public speakers cannot be removed simply for uttering curse words or hateful language.

Five years ago, a federal judge ruled that the city had run afoul of the 1st Amendment while enforcing its rules of decorum and cutting off or ejecting activists from meetings. In several instances, the men had been temporarily banned from speaking at meetings.

A year after that ruling, Los Angeles paid \$215,000 to settle a case filed by a Venice resident who sued after being kicked out of a city commission meeting. The man, who is black, had worn a Ku Klux Klan hood and a T-shirt emblazoned with a racial slur.

Rohde, the civil liberties attorney, predicted that the rules, if approved by the council, would be overturned in court. Each time speakers appear at a public meeting, he said, they must be judged on whether their speech "actually disrupts the meeting," not on whether they have been disruptive in the past.

"This is the price we pay for living in an open society," Rohde said.

Times staff writer Laura J. Nelson contributed to this report.