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"Anti-Occupy" law ends American's right to protest

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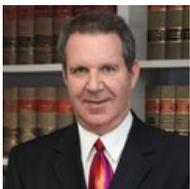
Wednesday, August 1, 2012 - Leading Edge Legal Advice for Everyday Matters by Paul Samakow

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Obama & Economic Recovery

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Paul Samakow



WASHINGTON, D.C., August 1, 2012 — I was stunned upon hearing a news report about a protest going on in China. Teachers, parents with their young, school-age children and pro-democracy activists (one estimate was 90,000 people) marched in Hong Kong to government headquarters last Sunday to publicly protest a new required "Patriotism" class, to be taught in the school system starting in 2015. The protestors think that the effort of the Chinese government here is to brainwash their

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15 Photos
Protests at White House - Now an illegal act

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Why the "Anti-Occupy" law really isn't such a bad thing

kids in favor of communism.

What stunned me was that this protest, *in China*, against the government's upcoming policy, at the government headquarters, would not now be tolerated here in the United States of America.

Thanks to almost zero media coverage, few of us know about a law passed this past March, severely limiting our right to protest. The silence may have been due to the lack of controversy in bringing the bill to law: Only three of our federal elected officials voted against the bill's passage. Yes, Republicans and Democrats agreed on something almost 100%.

We have lived through a number of protests, large and small, and if we are like most, we shrug because the protestors or their message is either irrelevant or objectionable to us, and does not affect us. This non-interest is the case even when some of the protestors and some of their messages are highly objectionable.

Recent example Number One are the military funeral protests by the Westboro Baptist Church. This very small, anti-gay group from Topeka, Kansas says that God is punishing the United States for accepting gay rights by killing US troops in Iraq and Afghanistan. They protested at the funeral of Elizabeth Edwards, wife of former presidential candidate John Edwards, because she supported gay rights. Our Supreme Court upheld the rights of these bigots to continue their protests. We hated the opinion while we recognized its correctness.

The First Amendment to our Constitution guarantees us the rights of free speech and assembly. A fundamental purpose of our free speech guarantee is to invite dispute. Protests can and have been the catalyst for positive change. Thus while we despise that protestors can burn our flag as protected political speech, and we hate that Neo-Nazis can march down our streets, we recognize the rights of these groups to do what they do and we send our troops across the world to fight for these rights.

Last year's "occupy movement" scared the government. On March 8, President Obama signed a law that makes protesting more difficult and more criminal. The law is titled the *Federal Restricted Buildings and Grounds Improvement Act*, and it passed unanimously in the Senate and with only three "no" votes in the House. It was called the "Trepass Bill" by Congress and the "anti-Occupy law" by everyone else who commented.

The law "improves" public grounds by forcing people - protestors - elsewhere. It amends an older law that made it a federal crime to "willfully and knowingly" enter a restricted space. Now you will be found guilty of this offense if you simply "knowingly" enter a restricted area, even if you did not know it was illegal to do so. The Department of Homeland Security can designate an event as one of "national significance," making protests or demonstrations near the event illegal.

The law makes it punishable by up to ten years in jail to protest anywhere the Secret Service "is or will be temporarily visiting," or anywhere they might be guarding someone. Does the name *Secret* tell you anything about your chances of knowing where they are? The law allows for conviction if you are "disorderly or disruptive," or if you "impede or disrupt the orderly conduct of Government business or official functions." You

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QUESTION OF THE DAY

Did you get the flu shot?

- Yes
- No
- Not Yet
- ...I am so sick

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can no longer heckle or "boo" at a political candidate's speech, as that would be disruptive.

After you swallow all of this and correctly conclude that it is now very easy to be prosecuted for virtually any public protest, you should brace yourself and appreciate that it is even worse. Today, any event that is officially defined as a National Special Security Event has Secret Service protection. This can include sporting events and concerts.

The timing of the law was not coincidental. The bill was presented to the Senate, after House passage, on November 17, 2011, during an intense nationwide effort to stop the Occupy Wall Street protests. Two days before, hundreds of New York police conducted a raid on the demonstrators' encampment in Zucotti Park, shutting it down and placing barricades.

This law chips away our First Amendment rights. Its motivation is 100 percent politically based, as it was designed to silence those who would protest around politicians giving speeches. Both Republicans and Democrats agreed they did not want hecklers at their rallies. If you want to protest a politician speaking to a crowd now, you can do so maybe a half mile or so away.

We used to have a right of access to streets, sidewalks, and public parks to engage in political discussion and protest. The government should be able to impose reasonable limits to ensure public order, but that power must have a limit; it must never be used to quell unpopular opinion or to discriminate against disfavored speakers. Protestors must be allowed to be in the same place at the same time as the speaker they oppose. The presence of a Secret Service Agent (remember, how do we know they are there?) should not prevent us from lawfully, non-violently organizing and demonstrating against a cause or a speaker we disfavor.

Write to Congress. Protest this anti-protest law.



Paul A. Samakow is an attorney licensed in Maryland and Virginia, and has been practicing since 1980. He represents injury victims and routinely battles insurance companies and big businesses that will not accept full responsibility for the harms and losses they cause. He can be reached at any time by calling 1-866-SAMAKOW (1-866-726-2569), via email, or through his website. He is also available to speak to your group on numerous legal topics. Paul is the featured legal analyst on the Washington Times Radio, on the Andy Parks show, on Wednesdays at 5:15 P.M., and he is a columnist on the Washington Times Communities.

His book, The 8 Critical Things Your Auto Accident Attorney Won't Tell You, is free to Maryland and Virginia residents and can be obtained by ordering it on his website; others can obtain it on Amazon.

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Massiveblr

All Americans should be like Gandhi, Do nothing... This includes work, Because if we don't work they don't get the money... Could you imagine every American not working for a whole week what that would do to the government? You have no money you can govern and you can police... America should go on strike... The banks money is made on our backs... So don't want protest stay home do nothing... You want change there it is

4 months ago 1 Like

Like Reply



OnceMagPhoto

Anyone who has every been anywhere near a president knows the secret service are there long before the president, first lady, or other protected people are. They are obvious and easy to recognize. "How do we know they are there?" sounds like someone has never seen the guys in dark suits with the little lapel pins, who talk into their wrist watches, going about with bomb sniffing dogs and robots.

4 months ago

Like Reply



timkern

"Yes, Republicans and Democrats agreed on something almost 100%."

Yes: their unquestioned power.

4 months ago

Like Reply



H20

"Thus while we despise that protestors can burn our flag as protected political speech, and we hate that Neo-Nazis can march down our streets, we recognize the rights of these groups to do what they do and we send our troops across the world to fight for these rights."

Hahahahahahahahaha!

SO that's what our troops are fighting for in Aghanistan, Pakistan, Yemen, Somalia, Libya, Syria, Honduras, El Salvador, etc. etc.

5 months ago 1 Like

Like Reply



xtra

I for one am tired of protest that are, in fact, riots with looting and wanton damage to property. I have a right to attend a peaceful political event and not be denied my right to hear the speaker because of some, probably paid, stooge making rude and incoherent noises.

"Rights" are becoming a word for.. "whatever I want and if you don't agree I am going to stomp and storm and scream" until the rest of you rightless boring borgouisie, give up and give in... "Rights, rights rights" shouted from every streetcorner by any loon who feels they have some.. government granted ..right to trash and crash and



VIDEO



Raw: Seattle Stages 'Biggest' Snowball Fight (Runtime: 00:39)

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Sneak preview renderings of 25 out of the 41 floats in the 2013 Tournament of Roses Parade.

25 Photos



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(Photos by Adam Tanner)

18 Photos



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Shooting at Sandy Hook Elementary School in Newtown, Conn.

8 Photos



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Images of Bethlehem by photographer

Dave Bartruff