

Targeting Free Expression

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Free expression in all forms is fundamental in democratic societies. Without it, all other freedoms are at risk.

Included are free speech, a free press, freedom of thought, culture, and intellectual inquiry. It also includes the right to challenge government authority peacefully, especially in times of war and cases of injustice, lawlessness, official incompetence, and abusive government behavior.

Denying it risks tyranny. Voltaire defended it, saying “I may disapprove of what you say, but I will defend to the death your right to say it.”

Howard Zinn called dissent “the highest form of patriotism.” It includes the right to speak and write freely, assemble, protest publicly, and associate with anyone for any reason lawfully.

Democracy depends on it. Bill of Rights freedoms affirm it. Nonetheless, US history is strewn with abusive laws. The 1798 Sedition Act criminalized publishing “false, scandalous and malicious writing” against President John Adams or Congress, but allowed it against Vice President Thomas Jefferson.

The 1917 Espionage Act imprisoned anyone convicted of “insubordination, disloyalty, mutiny, or (encouraging) refusal of duty in the military or naval forces of the United States.”

It targeted First Amendment speech against WW I and American’s participation in it. The 1918 Sedition Act went further. It criminalized “disloyal, scurrilous (or) abusive” anti-government speech.

The Supreme Court upheld the Espionage Act, notably in (Eugene) Debs v. United States. A five-time socialist presidential candidate, he served prison time for opposing militarism and America’s WW I entry.

In 1968, the Warren Court disallowed draft card burning on grounds it would disrupt the “smooth and efficient functioning” of American recruitment.

However, in 1969, the Court upheld student rights to wear black arm bands, protesting the Vietnam War. In *Brandenburg v. Ohio* (1969), it ruled government can’t punish inflammatory speech unless directed to incite lawless action.

In *Texas v. Johnson* (a 1989 flag burning case), Justice William Brennan wrote the majority opinion, saying:

“(I)f there is a bedrock principle underlying the First Amendment, it is that government may not prohibit the expression of an idea simply because society finds the idea offensive or disagreeable.”

America has no Brennans today. As a result, speech and all other liberties are threatened. Under either major party, the nation’s hurtling toward tyranny.

Forgotten is Jefferson’s warning, saying:

“What country can preserve its liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance.” He also said free speech “cannot be limited without being lost.”

Former US Supreme Court Justice Thurgood Marshall added:

“Above all else, the First Amendment means that government has no power to restrict expression (regardless of its) ideas...subject matter (or) content....Our people are guaranteed the right to express any thought, free from government censorship.”

Suppressing Free Expression

Major media scoundrels are thought control gatekeepers. Instead of reporting vital information accurately, they suppress it. The free interchange of speech, ideas, and opinions suffers. Public opinion’s manipulated to support what people should oppose, denounce, and refuse to accept.

Police state laws pass largely below the radar. They erode and destroy fundamental freedoms. The USA Patriot Act alone wrecked key constitutional protections, including:

- Fifth and Fourteen Amendment due process rights;
- First Amendment freedom of association rights;
- Fourth Amendment protections from unreasonable searches and seizures;
- prohibitions against unchecked government surveillance powers to monitor virtually all our activities, and use secret “evidence” unavailable to counsel in prosecuting politically targeted defendants.

In addition, the Act created the federal crime of “domestic terrorism.” It applies to US citizens and aliens. It states criminal law violations are considered domestic terrorist acts if they aim to “influence (government policy) by intimidation or coercion (or) intimidate or coerce a civilian population.”

By this definition, anti-war and global justice demonstrations, environmental and animal rights activism, civil disobedience, and dissent of any kind may be called “domestic terrorism.”

As a result, Occupy Wall Street and other protesters may be arrested and so charged.

HR 347 increases the likelihood. The Federal Restricted Buildings and Grounds Improvement Act of 2011:

“Amends the federal criminal code to revise the prohibition against entering restricted federal buildings or grounds to impose criminal penalties on anyone who knowingly enters any restricted building or grounds without lawful authority.”

“Defines ‘restricted buildings or grounds’ as a posted, cordoned off, or otherwise restricted area of: (1) the White House or its grounds or the Vice President’s official residence or its grounds, (2) a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting, or (3) a building or grounds so restricted due to a special event of national significance.”

On February 6, a Senate amendment titled, “Federal Restricted Buildings and Grounds Improvement Act of 2011” passed unanimously with no dissent.

On February 28, the House suspended the rules and passed HR 347 388 – 3. The bill awaits Obama’s signature.

Only the fullness of time will determine how much damage is done, but clear red flags are raised.

On February 29, Russia Today reported how First Amendment rights are risked, saying:

“Just when you thought the government couldn’t ruin the First Amendment any further,” this measure threatens legitimate protests near locations where US officials are present, even with no knowledge they’re there.

Participants may be criminally prosecuted for exercising their First Amendment rights.

Section (c) states:

“the term restricted buildings or grounds means any posted, cordoned off, or otherwise restricted area –

(A) of the White House or its grounds, or the Vice President’s official residence or its grounds;

(B) of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting; or

(C) of a building or grounds so restricted in conjunction with an event designated as a special event of national significance; and

(2) the term ‘other person protected by the Secret Service’ means any person whom the United States Secret Service is authorized to protect under section 3056 of this title when such person has not declined such protection.’ ”

In fact, they may be covered wherever they are any time for any purpose. Virtually any event may be designated “significant.”

Among others, they include congressional sessions, party conventions, G8, G20, IMF, World Bank, and NATO meetings/summits, public appearances for any reason, funerals of prominent officials, locations with visiting foreign dignitaries or despots, and other events unrelated to government business.

Vague language leaves it up for grabs how authorities will use this measure, and how courts will interpret it if challenged.

OWS protesters target government, corporate, and related locations for redress. Many hundreds already have been harassed, violently attacked, arrested and detained.

Expect worse if they're criminalized for exercising their First Amendment rights. As a result, they may be subject to arrest, prosecution, imprisonment up to 10 years, and/or fines.

Whether it turns out this way isn't clear. However, numerous police state laws currently target First Amendment and other freedoms. Activists are wrongfully imprisoned on bogus domestic terrorism charges.

A Final Comment

Will sweeping anti-OWS crackdowns follow under HR 347 and other measures entirely destroying inviolable constitutional rights cast aside to enforce tyranny? Only the fullness of time will tell, but don't bet against it.

Remember Jefferson's warning that "All tyranny needs to gain a foothold is for people of good conscience to remain silent."

In today's climate of permanent war, corporate predation, and state-sponsored fear, if ordinary people don't defend their rights, who will?

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