

US Congress expands authoritarian anti-protest law

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A bill passed Monday in the US House of Representatives and Thursday in the Senate would expand existing anti-protest laws that make it a felony—a serious criminal offense punishable by a lengthy prison term—to “enter or remain in” an area designated as “restricted.”

The bill—H.R. 347, or the “Federal Restricted Buildings and Grounds Improvement Act of 2011”—was passed by unanimous consent in the Senate, while only Ron Paul and two other Republicans voted against the bill in the House of Representatives (the bill passed 388-3). Not a single Democratic politician voted against the bill.

The virtually unanimous passage of H.R. 347 starkly exposes the fact that, despite all the posturing, the Democrats and the Republicans stand shoulder to shoulder with the corporate and financial oligarchy, which regarded last year’s popular protests against social inequality with a mixture of fear and hostility.

H.R. 347 expands an existing federal criminal statute – Title 18, Section 1752 of the United States Code, or the “restricted buildings or grounds” law. The law was originally passed in 1971 and was last amended in 2006.

Under existing law, the areas that qualify as “restricted” are defined in extremely vague and broad terms. Restricted areas can include “a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting” and “a building or grounds so restricted in conjunction with an event designated as a special event of national significance.”

The Secret Service provides bodyguards not just to the US president, but to a broad layer of top figures in the political establishment, including presidential candidates and foreign dignitaries. What constitutes an event of “national significance” is left to the discretion of the Department of Homeland Security. The occasion for virtually any large protest could be designated by the Department of Homeland Security as an event of “national significance,” making any demonstrations in the vicinity illegal.

For certain, included among such events would be the Democratic and Republican National conventions, which have

been classified as National Special Security Events (NSSE), a category created under the Clinton administration. These conventions have been the occasion for protests that have been subjected to ever increasing police restrictions and repression. H.R. 347 signifies that federal law will now more likely be used to criminalize future protests at such events.

The standard punishment under the “restricted buildings and grounds” law is a fine and up to one year in prison. If a weapon or serious physical injury is involved, the penalty may be increased to up to ten years.

Also criminalized is conduct “that impedes or disrupts the orderly conduct of Government business or official functions” and “obstructs or impedes ingress or egress to or from any restricted building or grounds.” These provisions, even more so than the provisions creating “restricted areas,” threaten to criminalize a broad range of protest activities.

In order to appreciate the broad sweep of the “restricted buildings or grounds” law, it is necessary to consider a few possibilities:

- A wide area around the next G-8 meeting or other global summit could be designated “restricted” by the Secret Service, such that any person who “enters” that area can be subject to a fine and a year in jail under Section 1752(a)(1) (making it a felony to enter any restricted building or grounds without lawful authority to do so).

- Senator Rick Santorum, the ultra-right Republican presidential candidate, enjoys the protection of the Secret Service. Accordingly, a person who shouts “boo!” during a speech by Santorum could be subject to arrest and a year of imprisonment under Section 1752(a)(2) (making it a felony to “engag[e] in disorderly or disruptive conduct in” a restricted area).

- Striking government workers who form a picket line near any event of “national significance” can be locked up under Section 1752(a)(3) (making it a crime to “imped[e] ingress or egress to or from any restricted building or grounds”).

Under the *ancien regime* in France, steps were taken to ensure that the “unwashed masses” were kept out of sight whenever a carriage containing an important aristocrat or church official was passing through. Similarly, the laws expanded by H.R. 347 help create for the US president and

other top officials a protest-free bubble or “no-free-speech zone” that follows them wherever they go, making sure the discontented multitude is kept out of the picture.

The Federal Restricted Buildings and Grounds Improvement Act is plainly in violation of the First Amendment to the US Constitution, which was passed in 1791 in the aftermath of the American Revolution. The First Amendment provides: “Congress shall make no law... abridging the freedom of speech... or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” (The arrogance of the Democratic and Republican politicians is staggering—what part of “Congress shall make no law” do they not understand?)

H.R. 347 comes on the heels of the 2012 National Defense Authorization Act (NDAA), which was signed into law by President Obama on December 31, 2011. The NDAA gives the president the power to order the incarceration of any person—including a US citizen—anywhere in the world without charge or trial.

The passage of H.R. 347 has been the subject of a virtual blackout in the media. In light of the nature of the bill, which constitutes a significant attack on the First Amendment, this blackout cannot be innocent. The media silence represents a conscious effort to keep the American population in the dark as to the government’s efforts to eviscerate the Bill of Rights.

The timing of the bill is significant. H.R. 347 was reported to the Senate floor by the Senate Judiciary Committee on November 17, 2011, amidst a massive nationwide crackdown on the Occupy Wall Street protests – and just two days after hundreds of New York City police conducted the infamous military-style raid on the demonstrators’ encampment in Zucotti Park, driving out the protesters and erecting barricades.

A Congressional Budget Office Cost Report accompanying H.R. 347 explains that the bill “would modify and expand the current laws that prohibit access to certain federal property” such that the government could “pursue cases against violators that it otherwise would not be able to prosecute.”

The CBO report claims that “H.R. 347 would apply to a relatively small number of offenders,” but the dramatic sweep of existing law combined with the changes made by H.R. 347 suggest otherwise.

H.R. 347 expands the existing law (according to congressional records, it “clarifies” existing law) by replacing language prohibiting “willfully and knowingly” entering a “restricted area” with language prohibiting merely “knowingly” entering a “restricted area.” This seemingly minor change in fact dramatically increases the reach of the law and makes the prosecution of demonstrators easier. Under H.R. 347, individuals could be charged for violating the statute even if they did not intend to do so. The bill also extends the reach of the law to include Washington, DC, which previously was covered in regard to “restricted” areas only by local laws. This change, reportedly requested by the Secret Service, enables the

accused to be prosecuted in federal court.

The bill now awaits President Obama’s signature before it becomes the law of the land.

What lies behind the ongoing attack on the US Constitution and Bill of Rights is a growing understanding in the ruling class that the protests that took place around the world against social inequality in 2011 will inevitably re-emerge in more powerful forms in 2012 and beyond, as austerity measures and the crashing economy make the conditions of life more and more intolerable for the working class. The virtually unanimous support in Congress for H.R. 347, among Democrats as well as Republicans, reflects an overriding sentiment within the ruling establishment for curtailing existing democratic rights and moving toward dictatorial methods of rule.

This sentiment was most directly expressed this week by Wyoming Republican legislator David Miller, who introduced a bill in the state legislature that would give the state the power, in an “emergency,” to create its own standing army through conscription, print its own currency, acquire military aircraft, suspend the legislature, and establish martial law. “Things happen quickly sometimes—look at Libya, look at Egypt, look at those situations,” Miller told the *Star-Tribune* in Casper, Wyoming. Repeating arguments employed by every military dictatorship over the past century, Miller declared, “We wouldn’t have time to meet as a Legislature or even in special session to do anything to respond.” Miller’s so-called “doomsday law” was defeated in the Wyoming legislature Tuesday by the narrow margin of 30-27.

This article, originally posted March 3, has been edited to clarify the extent of existing law.



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