

Citizen Protests

Do mass demonstrations lead to policy changes?

Dissent has always been part of American politics, but scholars say Donald Trump's election has sparked a heightened era of protests reflecting the country's deep ideological polarization. Fueled by social media, demonstrations have arisen over Trump administration policies on such issues as health care, climate change and immigration. Meanwhile, alleged police brutality and the removal of Confederate monuments have aroused mass protests, some violent. And on college campuses, students have clashed over whether right- and left-wing provocateurs should speak at public forums. In addition to using street protests, conservatives for decades have turned to ballot measures to oppose abortion, and more recently the tea party movement rallied against the Affordable Care Act and other policies championed by former President Barack Obama. But experts say the size and stridency of today's protests are reminiscent of the civil rights and anti-Vietnam War movements of the 1960s. Still, skeptics question whether street protests can change government policy, and some states are cracking down on protests that become disruptive or violent.



Demonstrators at the massive Women's March on Washington, on Jan. 21, 2017, protest Donald Trump's election, which scholars say has triggered the largest demonstrations in recent memory. Other protests have erupted over Civil War monuments, alleged police brutality, immigration policy and the weakening of environmental protections. But some scholars question whether protests sway policymakers.

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Citizen Protests

BY ALAN GREENBLATT

THE ISSUES

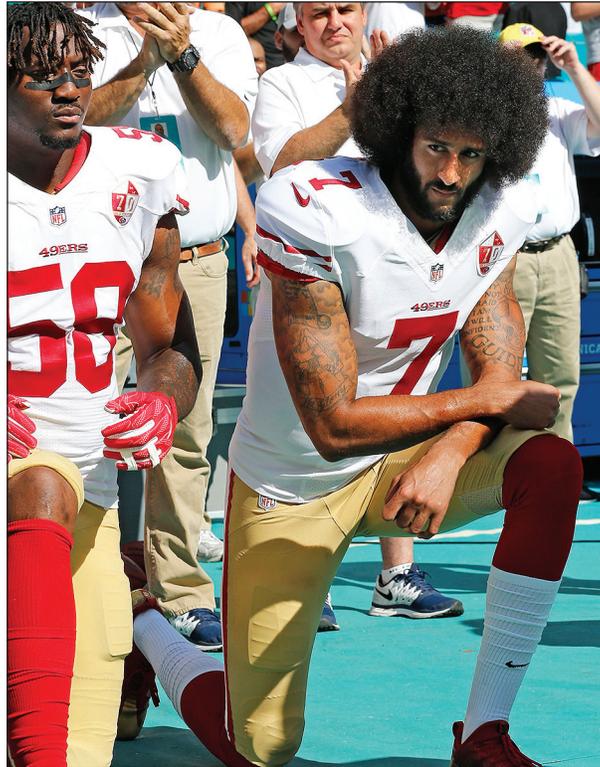
Like millions of Democrats, Anne Taussig was dismayed when Donald Trump was elected president. Unlike after past elections, however, she felt she could not wait four years before trying to do something about it.

The 66-year-old product designer from St. Louis opposes Trump's policies on issues such as taxes, health care and abortion and is concerned about his campaign's possible collusion with Russia. Thus, she became an activist in 2017, even though she had not participated in a street protest since college.

"We follow that strategy, to go after Trump the way the tea party went after [President] Obama," she says, referring to the conservative, antitax, populist movement that arose after the election of Barack Obama in 2008.

Taussig co-founded a St. Louis chapter of Indivisible, a left-leaning nationwide advocacy group that sprang up after Trump's election. Her chapter claims 3,000 members, many of whom routinely protest outside congressional offices or when administration officials come to town. The group showed up at the St. Louis airport last January, as activists did at other facilities around the country, to protest Trump's ban on travel from certain majority-Muslim countries.

Political protests are hardly new — citizens have demonstrated against government officials and policies they oppose since before the country was born. In recent years, conservatives held protests and disrupted town halls during Obama's presidency, complaining about deficit spending and health care



Getty Images/The Miami Herald/AI Diaz

San Francisco 49ers quarterback Colin Kaepernick, right, sparked nationwide controversy in 2016 when he began kneeling during the national anthem to protest police shootings of unarmed black Americans. Since then, many other players have joined him. Some polls indicate pregame kneeling is considered unpatriotic by many Americans, including President Trump, who said protesting players should be fired and urged fans to boycott NFL games.

policy. Anti-Iraq War protests became routine during the George W. Bush administration.

But Trump's election has ushered in an era of heightened protest, according to those who study citizen activism. From marching and demonstrating to flooding Capitol Hill switchboards with phone calls, many Americans are voicing strident opposition to a president whose approval rating is consistently under 40 percent — historically low for a first-year president.¹ At the same time, anti-Trump Americans are boycotting products associated with him or his family, while millions are expressing their anger on social media about his policies.

The question remains whether such protests matter: Trump has shown few signs of changing course on policy. Some, however, argue that the wave of popular dissent — dubbed by liberals as the "resistance" — has injected new life into liberal causes that will pay dividends in this year's midterm congressional elections and beyond.

"While Trump has given his followers the liberal tears they crave, that victory contains the seeds of its own reversal," wrote Michelle Goldberg, a *New York Times* opinion columnist.²

Of course, it's not just liberals who embrace protests, and activism is not just about national politics. Conservatives have protested issues such as abortion, gay marriage, the growing national debt and the Affordable Care Act. Liberals have demanded action on climate change, environmental protection, LGBT rights and alleged police brutality against unarmed

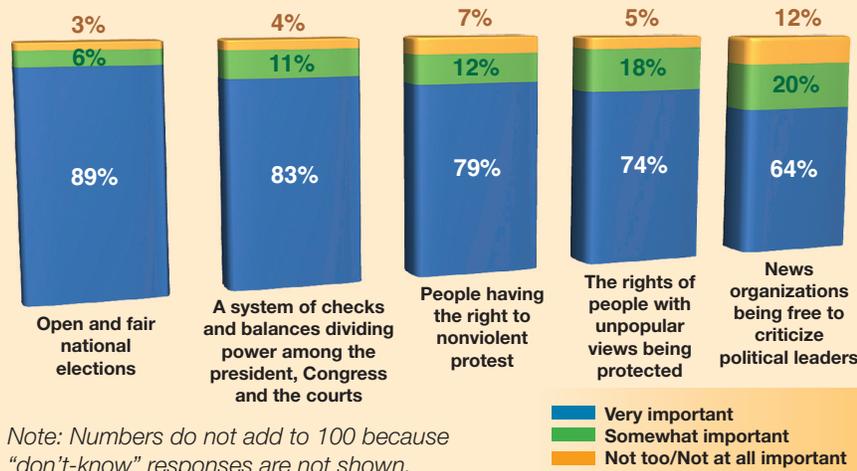
African-Americans. Angry protests also have erupted on college campuses in response to both liberal and conservative speakers. Native Americans and their allies have staged long-running protests against oil pipelines built on sacred Indian lands. And some white supremacists have taken to the streets to oppose the removal of Confederate monuments, among other causes. (See sidebar, p. 14.)

In politics, such protests are part of an "outside game" — a strategy of agitating for or against policies from outside formal political institutions. The strategy can be part of an activist's toolkit for changing government or corporate practices, but some experts on activism say to effect change it must

Most Rate Nonviolent Protest a Key Right

The vast majority of Americans — 91 percent — believe the right to protest nonviolently is important to a strong democracy. A smaller majority — 84 percent — say news organizations’ freedom to criticize political leaders is important.

How Americans Rate Various Aspects of a Strong Democracy



Note: Numbers do not add to 100 because “don’t-know” responses are not shown.

Source: “Large Majorities See Checks and Balances, Right to Protest as Essential for Democracy,” Pew Research Center, March 2, 2017, <https://tinyurl.com/hn39mwd>

be followed up by long-term commitment to an “inside game” — lobbying and participation in political campaigns.

The tea party movement did just that. It started off holding large rallies, such as an antitax protest in Washington in 2009 that attracted as many as 70,000 people.³ Eventually, attending such protests largely gave way to organizing local groups that aimed to influence and bolster GOP political campaigns.

Scholars who study protest movements say the Trump presidency has triggered larger and more frequent demonstrations than have been seen in recent memory. Most notably, the Women’s March the day after Trump’s inauguration saw more than 4 million people in Washington and elsewhere participate in anti-Trump demonstrations — the largest single-day set of protests in U.S. history. And up to 1.2 million people took part in 950 rallies, marches, sit-ins or other forms of political activity in April, according

to academics tracking protests across the United States.⁴ Since Trump took office, Washington has seen several marches that drew 50,000 or more participants protesting administration policies on climate change, science and racial justice, among other issues.⁵

While most protests — whether directed at Trump or involving other issues — have been peaceful, some have spawned violence and even death. Last August in Charlottesville, Va., a suspected neo-Nazi drove his car into a crowd of counter-protesters, killing one and injuring 35.⁶ Vandalism and violence also have erupted in some protests against police brutality, including the murder of five police officers by a sniper during an otherwise peaceful protest in Dallas in July 2016.⁷ In response to violent or disruptive demonstrations, especially those that block highway traffic or other infrastructure, five states have imposed restrictions on protests, and more than a dozen

others have considered doing so. (See “Current Situation,” p. 15.)

Dana Fisher, a sociologist at the University of Maryland, College Park, who is writing a book about protests in the Trump era, says she is not surprised that the number of protests are up. Protests occur more frequently during Republican administrations, she says, and “we have a man in the White House who seems to be very intent on creating what we [academics] call moral outrage. That has been a boon for protest, for sure.”

Most academics who study protests agree that activism tends to be a tactic preferred by the left, citing the civil rights, free-speech and antiwar movements of the 1960s, the anti-nuclear and anti-globalization movements of the 1980s and ’90s, and more recently the Occupy Wall Street and Black Lives Matter movements. However, David Meyer, a sociologist at the University of California, Irvine, who studies protests, says conservative, antiabortion activists “have been the most stalwart over the last 40 years, showing up in big demonstrations in Washington, D.C., and [at] site-based protests, including outside clinics, at least since the 1970s.”

The rights to assemble and petition the government are enshrined in the Constitution. A 2017 Pew Research Center poll found that 79 percent of Americans believe it is “very” important that people have the right to nonviolent protest, and 74 percent believe it is “very” important that the “rights of people with unpopular views are protected.” (See graphic, above.)

However, Meyer says many Americans tend to disapprove of protests that are provocative or turn violent, especially if they disagree with the cause. “We’re very uncomfortable when people we disagree with protest,” he says. Such protests are seen as “disruptive and costly and unpleasant.”

On campuses, some students have tried to block provocative speakers, leading to criticism they are squelch-

ing free speech. Racist speakers in particular, such as white nationalist Richard Spencer, have drawn large oppositional and disruptive crowds, some of which have turned violent.⁸ And some speakers on the left have drawn protests on a few campuses.⁹

“Unfortunately, what all of us are seeing across the country, more and more, is a threat to that marketplace of ideas, with people trying to shut down others with different perspectives,” says John Hardin, director of university relations at the Charles G. Koch Charitable Foundation, a conservative group that promotes open debate on campus.

In recent years, protests organized by the Black Lives Matter movement against police brutality and killings of unarmed African-Americans have involved disruptive tactics such as shutting down traffic on freeways. In proposing penalties for such actions, Minnesota Republican state Rep. Nick Zerwas says, “You have absolutely zero First Amendment protections or right to assemble in the center lane of Interstate 94.” (See “At Issue,” p. 17.)

Many NFL players have protested police shootings of unarmed black men by kneeling during the pregame national anthem, which has generated controversy. Trump said the players should be fired and urged fans to boycott NFL games. Some polls showed that many Americans believe the players were disrespectful of national symbols such as the flag and the anthem.¹⁰ “A threat to symbols feels like a threat to collective identity,” says John Inazu, a law professor at Washington University in St. Louis who has written a book about freedom of assembly.¹¹

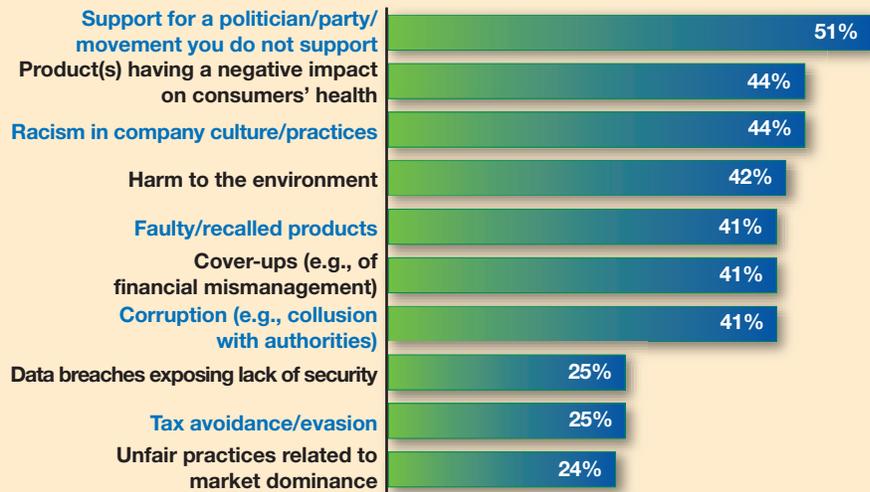
But other polls found that Americans supported the players’ right to protest, depending on how the questions were phrased, and many found that the public felt Trump’s response was inappropriate.¹²

Social media has made it easier to organize protests, regardless of the cause. “Social media is a remarkable

Corporate Boycotts Often Sparked by Politics

The main reason consumers say they boycott a corporate brand is if the corporation supports a politician, party or movement with which they disagree. Other top reasons include the perception that a company is racist or harms the environment.

Top 10 Reasons Americans Boycott Brands



Source: “1 in 12 Americans Say They’ve Boycotted A Brand Due to A Data Breach,” Marketing Charts, YouGov, Sept. 21, 2017, <https://tinyurl.com/yadw6g8z>

tool not only for mobilizing people but also for spreading information about logistics, medicine, transportation and other issues,” says Joshua Tucker, co-director of the Social Media and Political Participation lab at New York University. In addition, he notes, after the protests end, social networks can drum up support for other activities, such as raising money for candidates.

As politicians and observers view the current wave of political protests, here are some questions they are debating:

Does protesting sway policymakers?

While the Trump presidency has triggered multiple protests and marches demanding his impeachment, there is little evidence they have led to policy changes at the White House — and they have not forced Trump to leave office.

“If you have a protest of Hillary Clinton voters against Donald Trump, that’s not going to be very effective,”

says Michael Heaney, a political scientist at the University of Michigan. “Many of the protests that we’ve seen this year have not been super effective.”

Some street protests are organized primarily to draw media and public attention to an issue rather than to change policy, says Greg Magarian, a law professor at Washington University. “Street protest is the classic, inexpensive way of getting your message out,” he says.

Street protests alone may not be enough to convince policymakers to change course on an issue, however, says Stan Veuger, a resident scholar at the American Enterprise Institute, a conservative think tank. Protests must be followed up with efforts to lobby politicians or engage in direct negotiation with institutional leaders, he says. “I don’t think going somewhere and shouting convinces people who are not already convinced of your viewpoint,” he says, “but it may help with mobilizing.”

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Meyer, the University of California sociologist, agrees. “Protest is effective when it takes place in concert with a range of other political activities — when it inspires people to do other things. It’s not just the event, it’s the context in which it takes place.”

But having activists from around the country flood switchboards is not as effective as having constituents call. It is standard practice for congressional staffers to ask for callers’ ZIP codes, so they can determine which callers are

Conversely, when the act was enacted in 2010, it was done despite protests from the tea party and other skeptics, and poll numbers showing more people disapproved of it than supported it.¹⁵ (Ironically, the law’s poll numbers improved in 2017 as congressional action toward repeal became more likely.)¹⁶

“Protests rarely have outcomes in terms of passing a bill or affecting a presidential policy,” says Fisher, the Maryland sociologist. But protests

a really important moment.”

In 2011, when Occupy Wall Street protesters against income inequality began occupying public spaces in New York City and around the country, the movement appeared to be leaderless and lacking in specific demands. It faded quickly from the scene. But it had a lasting impact by highlighting economic disparity as an issue.

“Occupy, which a lot of people see as ineffectual, changed the way we think about income inequality,” says Magarian.

Few causes have seen such consistent support from activists as the anti-abortion movement. Since the Supreme Court legalized abortion in 1973, opponents have held annual marches in Washington, employed disruptive tactics such as blocking access to clinics and have coupled street protests with intense lobbying. Although the public remains divided on the issue, dozens of states have enacted hundreds of restrictions on the procedure in recent years.¹⁷

Given the nature of street protests, dominated by slogans demanding immediate action, it is difficult to persuade some participants to work for a cause over many years, says Meyer. “It’s hard to get people to show up and say, ‘We’re going to march as part of a 60-year process toward racial and economic progress,’ ” he says. But those who succeed in changing policy “recognize it’s a long-haul process, and protest is one piece of that story.”

“Movements don’t write legislation,” said Nina Eliasoph, a sociologist at the University of Southern California. “They force open a line of questions that makes it possible for people to imagine new policies. That’s always the first step.”¹⁸

Should controversial speakers be denied platforms?

Last February, a right-wing provocateur was scheduled to speak at the University of California, Berkeley, under the auspices of the campus chapter of the College Republicans. But Milo



Getty Images/Brian Blanco

A man wearing a shirt with swastikas is punched on Oct. 19, 2017, before a speech at the University of Florida by white nationalist Richard Spencer, who was shouted down by protesters. While campus liberals have drawn considerable media attention by their attempts to silence provocateurs like Spencer, conservative students also have sought to shut down liberal speakers.

constituents.¹³ However, even constituent protests are not always effective.

For instance, citizens who were worried about Republican efforts to overhaul the Affordable Care Act (“Obamacare”) flooded Capitol Hill switchboards last year. “Since last Thursday, the Cochran offices have received approximately 224 constituent calls against and two in favor of [the] draft of the health care bill,” Chris Gallegos, communications director for Mississippi Republican Sen. Thad Cochran, told *Politico* in June.¹⁴ Yet Cochran ended up voting for the legislation.

still can help focus attention or bring concerned people together to continue working on an issue, she says.

Persistence is key, says Don Mitchell, an American scholar of protests who teaches at Uppsala University in Sweden. Sometimes the importance of a particular protest as a turning point on an issue is only understood in retrospect, he says. For instance, he says, “the media was really dismissive” of people protesting the House Un-American Activities Committee in San Francisco in 1960. “But then if you look at the histories, people talk about it as

Yiannopoulos never got the chance. The university canceled his speech after some opponents of his appearance assaulted members of the group and caused an estimated \$100,000 in property damage.¹⁹

The perpetrators were not affiliated with the university, but many students also protested the appearance by Yiannopoulos, who has associated with white nationalists and harshly criticized Muslims, Jews and immigrants.²⁰ Mukund Rathi, a law student at Berkeley, says “the right to free speech is important” but argues it was reasonable for protesters to shut Yiannopoulos down because he represented a threat to student safety.

At other universities, Yiannopoulos has singled out transgender or undocumented students for “doxxing” — posting their images online and encouraging people to harass them or call Immigration and Customs Enforcement. “He has a script he follows, where he would target, bully and harass particular students,” Rathi says. “That does cross the line, once someone targets people.”

Given the increasing activism of white supremacists, the concept of “no platforming” — denying contentious speakers the ability to address public forums or refusing to appear on panels with them — has gained momentum. A far left movement known as “antifa,” short for anti-fascists, believes in denying public platforms for people it considers fascists and actively seeks to shut them down.

The Supreme Court ruled in 1969 that the Constitution does not protect speech that intends or is likely to incite violence.²¹ But Washington University’s Magarian says many U.S. activists have blurred the line when it comes to determining when speakers are using violent speech. “If a speaker is saying we should not provide a path to citizenship for undocumented foreign nationals, that’s not an incitement to violence,” he says.

Kristan Hawkins, president of the anti-abortion group Students for Life of America, says she is used to protesters attending her talks. Lately, though, their tone and type of complaints have changed, she says. At Dartmouth College a few weeks ago, she says, students held up signs saying, “You’re literally a racist,” or, “You’re canceled.”

In the past, “Usually, the mantra would be about taking away women’s rights,” Hawkins says. “These other things are new.”

In October, hecklers at Whittier College in California shouted down California Attorney General Xavier Becerra and state Rep. Ian Calderon, both Democrats, yelling slogans such as “respect our president” and “build the wall.”²²

“There’s a long list of liberal academics who have been targeted by the right, Fox News or online trolls,” says Rathi, the Berkeley student.

Silencing speakers is counterproductive, says Douglas McAdam, a Stanford



Getty Images/Drew Angerer

Anti-abortion advocates and counter-demonstrators face off at the Supreme Court on Jan. 27, 2017, during the March for Life, which annually protests the court’s landmark 1973 Roe v. Wade decision establishing a woman’s constitutional right to an abortion. While President Trump’s election has galvanized liberals, conservatives also have been active protesters, opposing, in addition to abortion, issues such as the growing national debt and the Affordable Care Act.

Liberal activists who seek to block conservative speakers look like hypocrites, says Georgetown University historian Michael Kazin, the editor of *Dissent*, a liberal opinion journal. “It makes the left look scared of opposition to their ideas, which is not a good thing.”

While campus protests against right-wing speakers such as Yiannopoulos, Spencer and conservative commentator Ben Shapiro have drawn considerable media attention, conservative students also have sought to shut down speak-

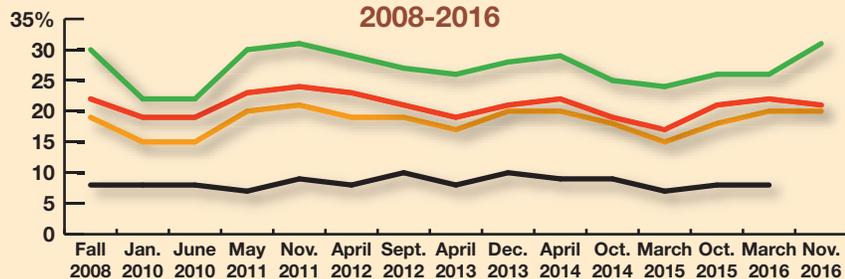
University sociologist and co-author of the 2014 book *Deeply Divided: Racial Politics and Social Movements in Postwar America*. “It simply draws more attention to the very people you disagree with,” he says. “Look at Germany, which has had a law against free speech and neo-Nazi gatherings. Of late, it seems to be fueling a rebirth of neo-Nazi sentiment in Germany precisely because they can claim they’re being repressed.”

Rather than trying to block speakers, free speech advocates say, critics

Consumers Reward, Punish Climate Policies

Almost a third of Americans said they supported companies actively trying to reduce global warming by buying their products more than once in 2015. In most years, about a fifth of Americans avoided products from companies that are not climate conscious.

Share of Americans Engaging in Global Warming Activism, 2008-2016



Source: Connie Roser-Renouf et al., "Consumer Activism on Global Warming," Yale Program on Climate Change Communication, Oct. 14, 2016, <https://tinyurl.com/mbc1tb5>

— Rewarded companies
 — Punished companies
 — Both rewarded and punished companies
 — Contacted a government official

should counter their hateful ideas. Free speech means free speech for those you disagree with, or it doesn't mean anything at all, says Kazin, paraphrasing Rosa Luxemburg, a Polish socialist who died nearly a century ago.²³

"Let the idiots speak," says Heaney, the Michigan political scientist. "Their views, if they're so wrong, should be easily dismissed."

Are consumer boycotts effective?

The retail giant Target has angered consumers on both sides of LGBT rights issues in recent years. In 2010, the company became the target of a boycott after it donated \$150,000 to a super PAC that supported a Minnesota gubernatorial candidate who opposed same-sex marriage.²⁴ More recently, social conservatives boycotted and picketed Target in 2016 when a company blog post publicized its longstanding policy to allow transgender individuals to use bathrooms that conform with their gender identity.²⁵

While some big corporations make campaign contributions, they generally have shied away from otherwise

engaging directly in partisan politics because of the risk of alienating a large share of their potential customer base. In November, fans of Sean Hannity's Fox News talk show posted videos of themselves destroying their Keurig coffee machines after the company withdrew its sponsorship of his show because Hannity appeared to dismiss allegations of sexual misconduct involving Roy Moore, a Republican Senate candidate in Alabama. Hannity called the videos "hilarious," but the next day asked fans to halt the practice after he had received an apology from Keurig's chief executive. Despite the apology, Keurig did not resume its sponsorship of the show.²⁶

Such incidents might make corporations wary about advertising on controversial programs because doing so might anger partisans on either side of an issue, says Maurice Schweitzer, a management professor at the University of Pennsylvania. "Imagine you're thinking of advertising with Sean Hannity," he says. "You don't want to be exposed."

Consumer boycotts can cause image and brand problems, Schweitzer says.

"All firms weigh the pros and cons of giving in to what the boycotters want," says Christopher Groening, a marketing professor at Ohio's Kent State University, adding that they worry about "more than just the initial financial costs" from lost sales. If a boycott affects a firm's reputation, "consumers may be less likely to do business with the firm."

Boycotts seem to be becoming more common. Between 1990 and 2007, only 213 boycotts were mentioned in the nation's six largest newspapers, according to data compiled by Timothy Werner, a business professor at the University of Texas. By comparison, the anti-Trump #GrabYourWallet campaign launched more than 50 boycotts of Trump-related products during the first 200 days of his presidency.

Boycotts have become more popular in part because technology makes them cheaper to organize, Werner says. "The cost of organizing is dramatically lower," he says.

Werner says consumer boycotts can be effective, depending on how much media coverage they receive. About 25 percent of boycotts lead to concessions from targeted companies, he says, if the campaigns received any sustained media attention. Often, however, boycotts are covered only when they are announced, if then.

Most boycotts aim to change corporate behavior rather than inflict lasting damage, Werner says. Shannon Coulter, co-founder of the #GrabYourWallet campaign, says she does not measure success by the number of companies being boycotted, but by how many companies actually make concessions, such as dropping sales of Trump-branded products (38 companies as of Dec. 1).

"We know from history that successful boycotts give companies constructive steps that they can take," Coulter says. "Otherwise, it's just naming and shaming."

#GrabYourWallet originally targeted companies that did business directly with Trump or his family. Later, it expanded its reach to include advertisers

on Fox News, which Coulter accuses of spreading inaccurate and defamatory information. “A lot of people feel frustrated and hopeless right now,” she says. “My favorite thing that people say about [the campaign] is, ‘This has given me some sense of control.’ ”

But in a polarized era one side’s boycott might trigger a reaction from the other side. In 2016, retailer Lands’ End apologized for featuring women’s rights activist Gloria Steinem in its catalog, which drew condemnation from social conservatives angered by her support for abortion. The company decided to drop her image from its digital advertising, which then drew condemnation from liberals.²⁷

And when liberals, including New York Mayor Bill de Blasio, called for boycotts of the fast food restaurant Chick-fil-A because of its executives’ and ownership’s public opposition to same-sex marriage, conservatives made a point of buying more of its chicken sandwiches and even staged “Chick-fil-A Appreciation Days” to promote patronage of the restaurant.

It can be difficult to sustain a boycott over the long haul. Last February, Nordstrom dropped the fashion line of Ivanka Trump, the president’s eldest daughter, citing poor sales. In response, conservatives boycotted Nordstrom, but the uproar fizzled, despite complaints about the department store from the president himself.²⁸

“It’s spotty — the degree to which boycotts and consumer action . . . are successful,” says the University of Maryland’s Fisher.

In some industries, companies with near-monopolies do not feel compelled to concede to consumer pressure, Werner says. In others, consumers may not want to stop buying their favorite brands for long.

“At some point, people just give up,” the University of Pennsylvania’s Schweitzer says. “Their individual preferences get in the way. They lose focus, they lose attention.”

And if the boycotters were not particularly loyal customers in the first place, companies likely don’t care whether they boycott. As with politicians and their constituents, companies care most about losing support from loyal followers. Consumer preferences often are aligned with their politics to begin with. In 2016, Trump carried 76 percent of counties with a Cracker Barrel restaurant, but just 22 percent of those with a Whole Foods store.²⁹

“By and large, these culture war boycotts are extremely ineffective,” says Washington University’s Inazu. “Consumer bases are aligned with politics.” For instance, he adds, people boycotting Hobby Lobby — an arts and crafts supplier whose owners are well-known for opposing birth control — are not the typical Hobby Lobby customer. ■

BACKGROUND

Challenges to Dissent

The United States was founded in an act of protest — a rebellion against British colonial power. The Revolutionary War was preceded by protests, such as the Boston Tea Party of 1773, a celebrated example of vandalism in defiance of taxes.

The First Amendment to the Constitution enshrined the rights to free speech and freedom of assembly and the right to petition the government. But within a few years, President John Adams convinced Congress to pass the Alien and Sedition Acts, laws enacted in 1798 designed to crack down on immigrants and political enemies.

The Sedition Act barred public opposition to the government, including “any false, scandalous, and malicious writing” against the government of the United States, Congress, or the president, with intent to defame, or “bring

either into contempt or disrepute.” Rep. Matthew Lyon of Vermont, who was convicted under the act, complained that Adams had “a continual grasp for power” and would turn people out of office if he disagreed with them.³⁰ The next president, Thomas Jefferson, persuaded Congress to repeal most of the laws and pardoned those still in prison for breaking them.³¹

Some protest movements were hugely influential during the 19th and 20th centuries, including the abolitionist movement against slavery, the temperance movement to ban alcohol and the labor movement’s effort to outlaw child labor and other practices. Yet serious protests have often met with resistance from government authorities.

“There was no time in American history when all views could be aired without some restrictions,” says Kazin, the Georgetown historian. “There have always been some views that some people thought were so repugnant and dangerous that they couldn’t be allowed to be heard.”

For instance, after the United States entered World War I in 1917, Congress sought to shut down dissent by enacting the Espionage Act of 1917 and the Sedition Act of 1918, which banned protests against the war or speech or publication “disloyal” to the government, soldiers or the American flag.³² “It is extremely dangerous to exercise the constitutional right of free speech in a country fighting to make democracy safe in the world,” lamented Eugene V. Debs, a socialist labor organizer and presidential candidate, in a 1918 speech for which he was arrested.³³

The Supreme Court upheld Debs’ conviction in 1919, part of a trio of decisions affirming the constitutionality of the wartime acts.³⁴ One case, *Schenck v. United States*, prompted Justice Oliver Wendell Holmes’ famous comment, “The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic.”³⁵ The court upheld

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the conviction of Charles Schenck, the Socialist Party secretary, for publishing a pamphlet opposing the military draft.³⁶ (The court overturned the decision in 1969, in *Brandenburg v. Ohio*, stating that speech is protected unless it is “directed to inciting or producing imminent lawless action and is likely to incite or produce such action.”)³⁷

After the war, thousands of un-

scientist. “You don’t want to have protests at 3 a.m., when people are trying to sleep.

“But when states and localities try to regulate protests,” he continues, “they often do so with purposes that are not in the public interest. They’ll try to use that power to . . . put [protests] in very inconvenient places where they really can’t be heard.”



Vietnam veterans and other protesters demonstrate in Washington, D.C., in April 1973 during the Vietnam Veterans Against the War march. Scholars say the size and intensity of today’s protests are reminiscent of the civil rights and antiwar movements of the 1960s. In 1968, Chicago police brutally confronted antiwar protesters outside the Democratic National Convention with tear gas and billy clubs.

employed veterans occupied parts of Washington, D.C., in 1932, at the height of the Great Depression, demanding early payment of military bonuses. Many citizens saw the veterans, the so-called Bonus Army, as heroes. But the authorities saw them as subversives bent on taking over the government. Gen. Douglas MacArthur used tanks and saber-wielding cavalry to disperse the protesters.³⁸

In 1941, in *Cox v. New Hampshire*, the Supreme Court ruled that governments can impose reasonable “time, place and manner” restrictions on when and where protests and demonstrations can be held.³⁹

“That makes sense for all sorts of reasons, for keeping the public order,” says Heaney, the Michigan political

Nonviolent Protests

After the Supreme Court’s historic ruling in *Brown v. Board of Education* in 1954 that segregation in public schools is unconstitutional, there was massive resistance in the South to integrating schools or giving blacks voting or other rights.⁴⁰ “Southern state legislatures moved quickly to block any efforts toward school desegregation,” wrote historians Maurice Isserman of Hamilton College in Clinton, N.Y., and Georgetown’s Kazin.⁴¹ During that era, some legislatures added Confederate battle standards to their state flags.

In response, the civil rights movement in the 1960s pursued different strategies — including sit-ins, boycotts and marches — to combat racist laws.

The most prominent leader of the movement, the Rev. Martin Luther King Jr., insisted on nonviolent protests, similar to those Indian leader Mahatma Gandhi had used successfully in protesting British colonial rule during the first half of the 20th century.

But Americans did not all embrace the civil rights movement. A 1961 Gallup Poll, for instance, found that 61 percent of Americans disapproved of the Freedom Riders, a biracial group that sought to desegregate public transportation in the South, while only 22 percent approved.⁴²

“Things that we recognize as effective later on are almost always extraordinarily unpopular when they’re happening,” says Meyer, the University of California sociologist.

After a 1963 protest campaign in Birmingham, Ala., that led to African-Americans being fire-hosed by police and bombed by the Ku Klux Klan, President John F. Kennedy called for federal civil rights legislation to end discrimination in public accommodations. “The events in Birmingham and elsewhere have so increased the cries for equality that no city or state or legislative body can prudently choose to ignore them,” Kennedy said.⁴³ Months later Kennedy was assassinated. In 1964 President Lyndon Johnson pushed for passage of the Civil Rights Act as a memorial to the slain Kennedy.

King then began pushing for voting rights legislation. On March 7, 1965, protesters attempted to march from Selma, Ala., to the state capitol in Montgomery. They were met along the way by state troopers, sheriff’s deputies and vigilantes who tear-gassed and beat them. “Men, women and children were beaten to the ground with billy clubs, cattle prods and bull whips,” Isserman and Kazin wrote. “Some marchers were ridden down by horses.”⁴⁴

Televised images of the violence against peaceful protesters in Selma

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Chronology

1940s-1960s

Mass protests influence civil rights and war policies.

1941

Supreme Court rules that governments cannot restrict the content of speech but can regulate the “time, place and manner” of protests.

1955

African-Americans launch a year-long boycott of the public bus system in Montgomery, Ala., to protest segregation.

1963

A campaign against segregation in Birmingham, Ala., triggers more than 750 civil rights protests in 186 cities.

1964

Students at the University of California, Berkeley, begin the Free Speech Movement, protesting a ban on campus political activities.

1968

Antiwar protesters and police clash outside the Democratic National Convention in Chicago, in what is later termed a “police riot.” . . . During an Olympic medal ceremony, African-American champions Tommie Smith and John Carlos raise gloved fists in a black-power salute.

1969

Supreme Court rules that speech is protected unless it incites immediate violence and lawlessness.

1970s-1990s

Most, but not all, protests are peaceful.

1970

Ohio National Guard troops kill four Kent State University students during a protest against the Vietnam War; 10 days later, police kill two protesters at Jackson State University in Mississippi.

1979

Following a nuclear accident at the Three Mile Island generating station in Pennsylvania, 125,000 people march to the U.S. Capitol to protest nuclear power.

1983

Peaceful protests convince 400 local governments to endorse a freeze on nuclear weapons.

1989

Supreme Court rules that flag burning is protected speech.

1991

Wichita, Kan., police arrest 2,600 anti-abortion protesters outside clinics during Operation Rescue’s “Summer of Mercy” campaign.

1999

Anti-globalization protests disrupt World Bank meetings in Seattle. Some anarchists turn to violence; 500 people are arrested.

2000s-Present

Protests intensify against presidential administrations and police.

2009

More than 300,000 people participate in tea party protests against President Barack Obama’s policies on taxes and health care.

2011

More than 5,500 people are ar-

rested at encampments and events associated with the Occupy Wall Street anti-inequality movement.

2014

Police shooting of Michael Brown, an unarmed black teenager, in Ferguson, Mo., triggers nationwide protests as part of the Black Lives Matter movement.

2016

San Francisco 49ers quarterback Colin Kaepernick sits and later kneels during the national anthem, sparking a protest movement among NFL players against police violence against African-Americans.

2017

More than 200 people are arrested on rioting charges during protests at President Trump’s inauguration (Jan. 20). . . . More than 4 million people participate in women’s marches critical of Trump in cities around the country (Jan. 21). . . . Thousands protest at airports nationwide against Trump’s ban on travel from select Muslim-majority nations (Jan. 29). . . . Violent protests at the University of California, Berkeley, lead to the cancelation of a talk by right-wing provocateur Milo Yiannopoulos (Feb. 1). . . . Ohio University bans indoor protests following a sit-in at which 70 protesters demanding that the school become a “sanctuary campus” were arrested (Sept. 8). . . . A rally in defense of Confederate monuments in Charlottesville, Va., turns violent, with a suspected neo-Nazi allegedly killing a woman after driving a car into a crowd of counter-protesters. (Aug. 12). . . . University of Wisconsin adopts a policy to suspend or expel students who disrupt campus presentations (Oct. 6). . . . A judge dismisses rioting charges against protesters arrested at Trump’s inauguration (Dec. 13).

Social Media a Boon for Protest Organizers

Some wonder, though, whether it fosters long-term commitment.

The largest single-day protest in American history grew out of a Facebook post. The day after Donald Trump was elected president, Teresa Shook, a retired lawyer in Hawaii, posted a message asking if women would be interested in holding a protest rally in Washington around the time of his inauguration. Before she went to bed, 40 people had expressed interest; by the next morning about 10,000 people had responded.¹ Two months later, after the message had spread over the internet, an estimated 4 million people participated in marches in Washington and dozens of other cities in the United States and around the world.²

It was the first of several mass protests against Trump in Washington last year, including marches focused on climate issues and racial justice.

“Social media has been a key organizing tool for every one of these marches against Trump,” says Dana Fisher, a sociologist at the University of Maryland who is writing a book about Trump-era protests. “There’s no question that organizing and coordinating has changed because of social media.”

Social media has been an organizing tool for protesters for several years, including among members of the tea party and other conservatives unhappy with Barack Obama’s presidency. “Widespread access to social media gave people the means to

communicate those fears and organize their opposition without relying on the convening power of a national political party,” wrote Florida Republican Sen. Marco Rubio. “With Facebook, Twitter, e-mail and texts, anyone could become a political organizer.”³

Social media also has emerged as a major means of helping organize protests around the globe, from Egypt to Brazil. And it has helped telescope the months of planning that used to precede a big march.

Deray Mckesson, a leader in the Black Lives Matter movement against police shootings of unarmed African-Americans, said, “The tools that we have to organize and to resist are fundamentally different than anything that’s existed before in black struggle.” Civil rights organizers in the 1960s, such as the Rev. Martin Luther King Jr. or Ella Baker, he said, “could not just wake up and sit at the breakfast table and talk to a million people.”⁴

Prior to the internet, organizers would go door-to-door for months to try to enlist interest in a major march or use a “telephone tree,” in which each individual contacted would be expected to call several more people in turn. Later, “faxes were an amazing tool for getting people out on the streets,” Fisher says, so “you wanted a big fax list.”

Today’s protest organizers use text-messaging services and social media sites such as Reddit, Snapchat and Twitter. These

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shocked the country. Eight days later, Johnson called on Congress to enact the Voting Rights Act, which he signed into law that August.⁴⁵

The civil rights movement’s success using nonviolent protests influenced other campaigns. Some participants in other 1960s movements, such as Mario Savio of the Free Speech Movement at UC Berkeley, had been civil rights workers and borrowed from the movement’s techniques and strategies.⁴⁶ The Free Speech Movement, in turn, helped establish the template for other student protests of the era, such as campus sit-ins to demand concessions from university administrators and marches against the Vietnam War.

“The research shows nonviolence works better,” says Fabio Rojas, a sociologist at Indiana University, Bloomington. “When you become violent, you lose respect.”

Confrontational Protests

In August 1968, four months after the assassination of Dr. King and the urban riots that his murder triggered across the country, the situation outside the Democratic National Convention in Chicago was anything but nonviolent. Protesters against the Vietnam War were met by police who deployed tear gas and used clubs to beat not only protesters but also reporters and bystanders.⁴⁷

Although official investigators later criticized the police for their actions, a majority of the public supported the police, and Republican Richard M. Nixon, running on a “law and order” platform, won the presidency that year.⁴⁸

Two years later, after Ohio National Guardsmen opened fire at an antiwar protest at Ohio’s Kent State University, killing four unarmed students and wounding nine others, outraged stu-

dents staged protests at hundreds of campuses around the country.⁴⁹ Ten days later, two students were killed and 12 more wounded when police opened fire at a protest at Jackson State University in Mississippi.⁵⁰

Law enforcement agencies eventually learned to negotiate with protest leaders, and subsequent protest movements during the 1970s and ’80s were largely peaceful. The protesters and police often would agree in advance about the location and timing of demonstrations.

Beginning in the 1970s, after the Supreme Court’s Jan. 22, 1973, ruling in *Roe v. Wade* that Americans have a constitutional right to an abortion, anti-abortion protesters have gathered outside the court in Washington every Jan. 22 for the annual “March for Life.” Often they are met by abortion-rights supporters, but the demonstrations usually are peaceful.

are cheaper and easier to use than older methods of communication and often have a wider reach.

Social media can be particularly helpful for gathering like-minded people who are not part of a physically proximate community, or who support fringe causes. “When it’s a niche movement or subject to social stigma, social media allows you to locate people of similar views who are not in your personal networks,” says Stan Veuger, a resident scholar at the American Enterprise Institute, a conservative think tank in Washington.

He cites the example of neo-Nazis, who have been able to use the internet to bring white nationalists together and help them spread their movement.

But social media has its drawbacks, especially for mainstream movements protesting government policies. For one thing, government authorities can track resistance movements through their use of social media. And the sheer ease of social media as an organizing tool might not encourage sustained engagement. It is easy to “like” a political post on Facebook or retweet it on Twitter, without necessarily following up.

“Social media allows people “to express their discontent at their computers, rather than leaving your house and going out into the cold,” Veuger says.

In addition, protesters organized through social media are

less likely to have agreed upon appropriate behavior during a rally than are participants bused in together by an organizing group, says David Meyer, a sociologist at the University of California, Irvine.

Although social media clearly has had an effect on how protesters organize their events, it has not altered the fundamentals of what people do at protests. The basics of marching, sign-carrying and participating in acts of civil disobedience would still be recognizable to pre-internet organizers.

“We have social media, so people can exchange ideas and organize more quickly,” says historian Michael Kazin of Georgetown University, who studies social movements. “But the basic repertoire doesn’t change.”

— Alan Greenblatt

¹ Paul Farhi, “How mainstream media missed the march that social media turned into a phenomenon,” *The Washington Post*, Jan. 22, 2017, <http://tinyurl.com/yd3qgq3g>.

² Erica Chenoweth and Jeremy Pressman, “This is what we learned by counting the women’s marches,” *The Washington Post*, Feb. 7, 2017, <http://tinyurl.com/y8gd8bb4>.

³ Marco Rubio, *An American Son* (2012), p. 176.

⁴ Bijan Stephen, “Social Media Helps Black Lives Matter Fight the Power,” *Wired*, November 2015, <http://tinyurl.com/htq2o4y>.

“What’s happened is this long process where police and local authorities have worked to make it safer and easier to protest, and make it less disruptive,” Meyer says.

College authorities and protest organizers began setting up so-called free speech zones, where protesters could hold rallies and listen to speeches. “You could protest all you want, but you could never protest in the places where you might be most effective,” says Uppsala’s Mitchell.

Over time, some activists chafed at the restrictions or concluded they could have more impact pursuing confrontational tactics. During the 1980s, for instance, the environmental group Earth First! drove nails into trees in an effort to damage saws and discourage logging.⁵¹

Later that decade, members of ACT UP, a group seeking faster approval and lower prices for anti-AIDS drugs,

chained themselves to a balcony at the New York Stock Exchange and blockaded offices at the Food and Drug Administration.⁵² The anti-abortion group Operation Rescue, founded in 1987, borrowed blockading tactics from leftist groups.⁵³ Separately, at least 11 people have been killed by anti-abortion extremists since 1993.⁵⁴

“Earth First! and the other new direct action movements of the 1980s and ’90s differed from . . . earlier efforts partly in temperament: They were pushier and more cynical,” writes journalist and activist L.A. Kauffman.⁵⁵

During the late 1990s and early 2000s, anti-globalization protesters who sought to disrupt World Bank and International Monetary Fund meetings blocked traffic and in some cases vandalized property. During the “battle for Seattle” in 1999, some 50,000 demonstrators were met outside a World Trade Organization (WTO) conference by police and the

National Guard.⁵⁶ The crowd — one of the earliest mass protests organized via the internet — was larger than expected and helped kick off the anti-globalization movement.

After that confrontation — and the Sept. 11, 2001, terror attacks in the United States two years later — the WTO tightened security at its international meetings and moved them to out-of-the-way cities with more restrictive protest policies, such as Doha, Qatar. Protesters were quarantined in fenced-off free speech zones, sometimes far from the site of main events.

“A decade followed of really intense protest fencing, making protests not heard,” says Mitchell. “That led to escalation of tactics on the part of dissidents, who feel the only way they can get heard is being more extreme in their tactics.”

In 2008, Obama was elected in the midst of a crippling international finan-

Confederate Monuments Stir Racial Controversy

By removing statues, “you lose the opportunities to tell the whole story.”

Arguments about Confederate symbols have raged for years, but they seem to have taken on renewed intensity in 2017 as cities such as Baltimore, Louisville, St. Louis and New Orleans removed prominent Confederate monuments from parks and other public spaces.

“We don’t have monuments to terrorists and traitors in this country,” says St. Louis Treasurer Tishaura Jones.

But defenders of the monuments — including President Trump — say they are a recognition of the sacrifices made by individual soldiers and need to be preserved as part of the nation’s heritage and history.

“When you have a monument or statue or anything of historic value removed or put away, I do believe that you lose the opportunities to tell the whole story,” says Gerald Allen, a Republican Alabama state senator who sponsored that state’s law blocking removal of historic monuments that have been in place for 40 years or more. Several other Southern states have similar laws.

Arguably last year’s most violent street protest took place in Charlottesville, Va., on Aug. 12, when neo-Nazis and other white supremacists marched in defense of the city’s Confederate monument to Gen. Robert E. Lee, which the City Council had voted to remove. The marchers were met by counter-protesters, one of whom was killed and 35 others injured, when a suspected neo-Nazi allegedly drove his car into a crowd.¹

The story dominated national news, part of an ongoing debate about whether Confederate monuments memorialize heroism or represent the South’s Civil War-era support for slavery and secession. Scholars note that most Confederate monuments were erected either around the dawn of the 20th century, when discriminatory Jim Crow laws were being enacted, or at the start of the modern civil rights movement of the 1950s and ’60s.

“Those monuments are not just a symptom of racial inequality but [were] a tool of intimidation in the early 20th century

and in the civil rights movement,” says Derek Alderman, a historical geographer at the University of Tennessee who has studied Confederate monuments.

Nevertheless, Alderman and other scholars argue that Confederate monuments should not be removed but recontextualized, with signage offering context about their purposes and intent. Taking them down “would be a mistake because then you lose the opportunity for educating people [and] that racism becomes invisible,” says Rosemary Feurer, a historian at Northern Illinois University in DeKalb.

In 2016, Baltimore installed plaques explicitly stating that statues of Confederate figures such as Lee and Stonewall Jackson had been intended as part of a campaign of racial intimidation. “These larger-than-life representations of Lee and Jackson helped perpetuate the Lost Cause ideology, which advocated for white supremacy, portrayed slavery as benign and justified secession,” one plaque said.²

But last August, Baltimore’s new mayor, Catherine Pugh, decided the statues had to be removed. “I don’t know why they were put there — I wasn’t here at the time — but I do know they’re offensive to many people in this nation,” she said. “What should go in their place is a plaque of sorts that tells what was there and why it was removed.”³

Defenders of the monuments say such actions erase history. They warn that people offended by Confederate figures may go even further, such as by removing monuments of the nation’s founders who were slave owners. “I wonder, is it George Washington next week? And is it Thomas Jefferson the week after?” Trump said in August. “You know, you really do have to ask yourself, where does it stop?”⁴

Historians say there is a difference between leaders who owned slaves and those who led a treasonous war to perpetuate slavery. “Jefferson was a slaveowner, but he authored words that

cial crisis and the 2007-09 recession. His efforts to expand health coverage and rejuvenate the economy through deficit spending prompted the tea party protest movement on the right, which began with rallies that drew tens of thousands of participants around the country on April 15, 2009 (the deadline day for filing federal income tax returns).⁵⁷

In time, the tea party became a loose amalgam of hundreds of local organizations — including 800 with about 200 active members each — allied with well-funded conservative groups such as FreedomWorks and

Americans for Prosperity, helping to push Republican candidates further to the right.⁵⁸

The other major populist movement of the Obama presidency was the left-leaning Occupy Wall Street movement, led by people angry about the growing income disparity between the wealthiest 1 percent of the population and the poorest members of society. Members occupying a park near Wall Street in 2011 chanted “we are the 99 percent.” The movement quickly spread to more than 100 cities, with protesters staging sit-ins at banks and blocking traffic,

leading to roughly 5,500 arrests.⁵⁹ But without clear demands or leaders, the movement eventually faded away.

In recent years, many of the nation’s most prominent protests have revolved around the issue of police violence. The social media hashtag #BlackLivesMatter first emerged following the 2013 acquittal of George Zimmerman, a member of a neighborhood watch group in Florida who was acquitted after shooting an unarmed black teen, Trayvon Martin.⁶⁰

But the movement took on greater currency a year later when a police officer in Ferguson, Mo., killed an

have been used by black Americans and others seeking inclusion into full American citizenship since the founding,” says Harvard University historian Annette Gordon-Reed. “That and his many other accomplishments set him apart.”

Over the past couple of years, several state Democratic parties have removed the names of Jefferson and Andrew Jackson from their annual fundraising dinners, out of sensitivity to the fact that Jefferson owned slaves and Jackson oversaw the forcible removal of American Indians from their homes to unsettled lands west of the Mississippi River.⁵ On Dec. 18, the Colorado Democratic Party announced it was renaming its Jefferson-Jackson Dinner in honor of Barack and Michelle Obama.⁶

In December, more than 100 artists and academics wrote to New York City Mayor Bill de Blasio calling for the removal of several statues in the city that they said glorified racism, including representations of Christopher Columbus, who has been criticized for his treatment of indigenous peoples, and Philippe Pétain, a French leader who collaborated with the Nazis during World War II. De Blasio said he favors removing symbols of hate from city property.⁷

But some cities in the South have not succeeded in removing Confederate monuments. In December, Memphis acted to get around a state prohibition on removal of Confederate monuments by deciding to sell parks to a nonprofit, which was not prohibited from removing the monuments, while in Virginia the Richmond City Council voted down a proposal to request permission from the Virginia General Assembly to remove five Confederate statues from Monument Avenue.⁸

— Alan Greenblatt

¹ Christina Caron, “Heather Heyer, Charlottesville Victim, Is Recalled as ‘a Strong Woman,’” *The New York Times*, Aug. 13, 2017, <http://tinyurl.com/ydyde7o7>. Also see Paul Duggan, “Charge upgraded to first-degree murder



Getty Images/Justin Sullivan

A city worker wearing body armor and a face covering prepares for the removal of the Jefferson Davis monument in New Orleans on May 4, 2017. Several other cities removed Confederate monuments from parks and other public spaces in 2017.

for driver accused of ramming Charlottesville crowd,” *The Washington Post*, Dec. 14, 2017, <https://http://tinyurl.com/yarevhco>.

² “Lee Jackson Monument, 1948,” Special Commission to Review Baltimore’s Public Confederate Monuments, <http://tinyurl.com/yddw6nks>.

³ Colin Campbell and Luke Broadwater, “Citing ‘safety and security,’ Pugh has Baltimore Confederate monuments taken down,” *The Baltimore Sun*, Aug. 16, 2017, <http://tinyurl.com/yd3zmnhf>.

⁴ Jennifer Schuessler, “Historians Question Trump’s Comments on Confederate Monuments,” *The New York Times*, Aug. 15, 2017, <http://tinyurl.com/yc8pbl5l>.

⁵ Alan Greenblatt, “Jefferson Who? Democrats Are Disowning Their Founders,” *Governing*, July 31, 2015, <http://tinyurl.com/pcfjkrb>.

⁶ Jacqueline Thomsen, “Colorado Dems rename annual event the ‘Obama Dinner,’” *The Hill*, Dec. 18, 2017, <https://tinyurl.com/ycjzudnk>.

⁷ Peter Libbey, “Academics and Artists Weigh In on Controversial City Monuments,” *The New York Times*, Dec. 2, 2017, <http://tinyurl.com/y7q4hslx>.

⁸ Adrian Sainz, “Memphis asks judge to rule on removal of Confederate statue,” *The Associated Press*, Dec. 13, 2017, <http://tinyurl.com/y9bh5qjg>. Also see Mark Robinson, “Richmond City Council rejects councilman’s proposal on removal of Monument Avenue statues,” *Richmond Times-Dispatch*, Dec. 11, 2017, <http://tinyurl.com/yaa98t4y>.

unarmed black teen, Michael Brown. A series of high-profile police killings of black suspects in recent years has led to protests in cities across the country.⁶¹

In recent years, protesters have sought to block construction of oil pipelines, notably the Dakota Access and Keystone XL projects. Both have seen confrontations between police and protesters who built encampments designed to block the construction. But with both projects gaining final approval during the Trump administration, the protests have dwindled. ■

CURRENT SITUATION

Clamping Down

In late December, a jury in Washington, D.C., acquitted the first six of 166 anti-Trump protesters who faced trial in connection with Inauguration Day demonstrations that turned destructive, leading to the arrest of more than 200

people. The protesters were charged with felony rioting, conspiracy to riot and property-damage crimes in connection with more than \$100,000 in damages caused when demonstrators set trash cans on fire and smashed store windows. The American Civil Liberties Union has filed a civil suit against D.C. police, alleging that police used excessive force during Inauguration Day protests, injuring six people, including a 10-year-old boy.⁶²

Defense attorneys had maintained during the trial of the six that their clients were not among the handful of protesters who behaved violently. The

CITIZEN PROTESTS

attorneys called the acquittal a victory both for the defendants and free-speech advocates who claimed police overreached when they arrested 212 on Jan. 20, 2017. Since then, 20 defendants have pleaded guilty, and charges were dropped against another 20.

A week before the acquittals, D.C. Superior Court Judge Lynn Leibovitz threw out the most serious charges — felony rioting — against the six. Prosecutors had told jurors that there was no evidence the six on trial were themselves involved in the vandalism but that by choosing to remain with the group they were guilty by association. “They helped this path of destruction, and it’s for those choices . . . that they need to be held accountable,” Assistant U.S. Attorney Jennifer Kerkhoff said.⁶³ But Leibovitz rejected that argument.

Armento, 38, of Philadelphia, said the verdict showed “the jury was unwilling to do what the government wanted them to do, which was criminalize dissent.”⁶⁶

In an op-ed piece published during the four-week trial, human rights lawyers Yael Bromberg and Eirik Cheverud said the arrests were not standard operating procedure and that mass incarceration of protesters is prohibited by a city ordinance. They called the trial “selective prosecution,” noting that the government was charging those who participated in protests that turned violent and damaged property during the president’s inauguration but did not similarly pursue sweeping charges against white supremacists whose Charlottesville protests eight months later turned violent and ended up with one counter-protester allegedly murdered.

and an activist with the antiwar group Code Pink. She was arrested on Jan. 10, 2016, for laughing out loud during a confirmation hearing for Attorney General Jeff Sessions. Fairouz had been charged with disrupting Congress and unlawful demonstrating on Capitol property. A jury convicted her in May, but a judge later threw out the conviction.⁶⁸

Meanwhile, lawmakers in nearly 20 states introduced bills in 2017 designed to impose new regulations and penalties on protests, according to State Innovation Exchange, a nonprofit that supports liberal lawmakers.⁶⁹ And pressure from state lawmakers prompted the University of Wisconsin system in October to adopt a policy of punishing students who disrupt public forums and potentially expelling them for repeat offenses.⁷⁰

Arkansas, Georgia, Oklahoma, North Dakota and South Dakota enacted new laws governing protests, taking a variety of approaches to address specific problems created by protests in different locales. In response to anti-pipeline protests, for instance, North Dakota expanded anti-trespassing laws, increased penalties for rioting and criminalized the wearing of masks or hoods while breaking the law.⁷¹

Other states, such as Oklahoma and South Dakota, where protesters sought to block oil pipeline construction, made it a crime to trespass near “critical infrastructure.” Georgia expanded its domestic terrorism statute to cover people who damage infrastructure.⁷² The Arkansas legislature enacted penalties of up to a year in jail for people who interfere with commerce or traffic through mass picketing, but Republican Gov. Asa Hutchinson vetoed the bill, citing constitutional concerns.⁷³

“I was disappointed in the governor’s veto,” says Arkansas Republican state Sen. Trent Garner, the bill’s sponsor. “I support 100 percent the right to assemble, but there’s a distinction between free speech and [disruptive] action.”

Some states considered, but did not enact, rules to force protesters to

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Getty Images/Drew Angerer

Tea party activists demonstrate against the Affordable Care Act in Washington, D.C., on Sept. 10, 2013. Known as “Obamacare,” the act was passed in 2010 despite protests from the tea party and other skeptics. At the time, more people disapproved of the law than supported it. But the law’s poll numbers improved in 2017 as congressional action toward repeal looked more likely.

“None of them engaged in conduct that amounted to urging other persons to destroy property,” she said.⁶⁴

After the acquittals, prosecutors said they appreciated the jury’s “close examination of the individual conduct and intent of each defendant during this trial” and look forward to “the same rigorous review for each defendant” in the remaining pending cases, which are expected to extend well into 2018.⁶⁵

One of the defendants, Jennifer

“There was no sweeping online dragnet to identify organizers who conspired to plan, promote and carry out violence in Charlottesville — violence against people, not property,” they wrote. “This is classic content-based discrimination of freedom of speech and assembly.”⁶⁷

In another case involving an anti-Trump administration protester in Washington, the Justice Department announced on Nov. 8 that it would not appeal a case against Deirdre Fairouz, a retired librarian

At Issue:

Should protests be more strictly regulated?



STATE REP. NICK ZERWAS
R-MINN.

WRITTEN FOR *CQ RESEARCHER*, JANUARY 2018

Recently, demonstrations and protests have been moving onto freeways and obstructing other public spaces. This all-too-frequent tactic is designed to attract attention to an increasing number of issues, in part because current penalties don't seem to be a sufficient deterrent. In 2017, I introduced legislation that would alter the criminal penalty for blocking public rights-of-way. The bill would not change which protests are legal or illegal, but it would increase the criminal penalty for those who intentionally obstruct traffic access to a highway, airport or transit system. That is not protected expression under the First Amendment of the U.S. Constitution or current Minnesota statutes.

Critics have asserted that my proposal is somehow unconstitutional, but without being specific. Since the ratification of the Bill of Rights, interpretation of the First Amendment has been challenged in the courts numerous times. As a result of court rulings the amendment has become more narrowly defined; the Supreme Court has decided on multiple occasions that the right to free speech does not extend to actions that put others' safety and rights at risk.

Disruptive protests create chaos, which can easily and rapidly devolve into riots. In July 2016, a protest that shut down Interstate 94 was marked by smoke bombs, fireworks, jagged rocks and broken bottles. Twenty-one police officers were injured, including an officer who suffered a spinal-compression injury after a chunk of concrete was dropped on his head. Breaking the law and resorting to violence is not an effective way to petition the government, and inflicting harm on law enforcement is not an effective way to persuade the public to sympathize with your cause.

Many who oppose my legislation argue that it would "chill" free speech. I vehemently disagree. Increased criminal penalties for blocking a freeway, closing an airport or blocking transit should not impact legal protests.

I have no issue with people protesting and petitioning their government. I agree with the Constitution that Americans have the right to assemble and speak freely against their government, but I also agree with the courts setting limits on the time, place and manner of expression of those rights. The legislation I propose is not meant to impede protesters' constitutional rights; it is meant to preserve the public's right to safety and reliable transportation.



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WRITTEN FOR *CQ RESEARCHER*, JANUARY 2018

Racially tinged violence in Charlottesville, Va., last year shone a light on a disturbing trend: state legislation limiting the right to protest. These efforts, almost entirely led by conservative lawmakers, predate what happened in Charlottesville and represent a reaction to a range of protest movements, including Black Lives Matter, anti-pipeline protests and the Women's March on Washington.

These bills were introduced with the intent of protecting public property or public safety, but they also silence political opponents and limit the effectiveness of peaceful protests.

In 2017, the State Innovation Exchange tracked proposed restrictions on protests in 20 state legislatures, and at least five of those bills were signed into law. Many of the bills sought to increase criminal penalties and prison time associated with protests that block highways, force protesters to pay for the costs associated with demonstrations and even to charge protesters with racketeering.

Conservative lawmakers in at least six states proposed reducing or eliminating liability for drivers who strike protesters with their vehicles. That these proposals could have made acts of protest more lethal is a particularly ghoulish concept after Charlottesville, where protesters were run down. So far, none of these bills has made it into law. We expect to see a renewed push for them in statehouses in 2018.

But laws to restrict public protests shouldn't be viewed in isolation. Consider it this way: In the current era, with one party in control of Congress, the White House, the Supreme Court and the vast majority of statehouses, public protest is one of the few avenues left for citizens who want to voice opposition to policy choices. Others include filing ballot initiatives and pursuing policies through local government, which is generally less partisan. Most important, citizens can vote.

In 2017, however, conservative state lawmakers pursued not just anti-protest bills but legislation to limit the use of ballot measures, severely restrict the ability of cities and towns to practice self-governance and make it harder for citizens to register and vote. Taken together, this looks a lot like an effort to insulate those in power by attacking the fundamental democratic mechanisms that check their power.

Coupled with attempts by national conservatives to ram through their agenda without hearings or debate, state lawmakers appear to be advancing a governing vision that is undemocratic.

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reimburse local governments for public safety costs associated with demonstrations. The Arizona Senate, for instance, approved a bill in February to allow the seizure of assets from anyone who plans or participates in protests that become violent, but the House killed it.⁷⁴ In states where protesters had shut down airports or freeways, lawmakers considered increasing penalties for blocking traffic and shielding drivers from civil liability if their vehicle hits protesters.

“If you want to protest, fine, I am for peaceful protesting, not lawless rioters,” said Republican state Rep. Matthew Hill, sponsor of an unsuccessful bill in Tennessee to shield drivers from liability. “We don’t want anyone to be hurt, but people should not knowingly put themselves in harm’s way when you’ve got moms and dads trying to get their kids to school.”⁷⁵

The idea of protecting drivers who strike protesters from liability may have become politically toxic after the death in Charlottesville. The charge against the suspect in that case was upgraded to first-degree murder at a hearing on Dec. 14.⁷⁶

Police as Targets

Celebrities often use their platforms to draw attention to particular causes. Perhaps the most high-profile celebrity protests in 2017 have involved NFL players who began kneeling during the national anthem in protest against police killings of unarmed African-Americans. The protests became one of the most widely covered stories of the year.

The leader of the protests, former San Francisco 49ers quarterback Colin Kaepernick, could not find work in the NFL but became a finalist as Time’s “Person of the Year” and has been honored by other publications such as *Sports Illustrated* and *GQ*.

At a political rally in Alabama in September, Trump elevated the controversy by suggesting that NFL players had no business bringing politics onto the field

and that he hoped they would be fired. That prompted far more players to take a knee, stay seated or lock arms during the anthem, and some student athletes began kneeling during the anthem in support of the movement.

But some polls indicated many Americans found it disrespectful toward the flag and the anthem.⁷⁷ “If players meant to direct that gesture toward the police and not toward the military and the flag, then that message got blurred,” says Jim Bueermann, president of the Police Foundation in Washington, which researches law enforcement issues.

After he began kneeling during the anthem in 2016, Kaepernick had said, “I am not going to stand up and show pride in a flag for a country that oppresses black people and people of color.”⁷⁸ He was cut from the 49ers and not picked up by another team for the 2017 season, leading to suggestions that league owners were trying to silence the controversy.⁷⁹

Taking a knee during the anthem “makes a very strong and clear point, yet it harms no one,” says sociologist Rojas at Indiana University. In addition, says UC Irvine sociologist Meyer, seeing players take a knee is “harder to ignore than long and difficult conversations about training or body cameras.”

John Schnatter, the founder of the Papa John’s pizza chain, announced on Dec. 21 that he would step down as its CEO. The chain is an NFL sponsor, and Schnatter had courted controversy by saying that the protests had hurt NFL ratings. That comment led white supremacists to embrace the pizza brand, which proved to be a public relations problem for the company.⁸⁰

Demonstrations against police brutality continue away from the football field. Protests became a nightly occurrence for nearly a month in St. Louis last fall, after a judge in September acquitted a white former police officer who had shot and killed a black suspect. As recently as the day after Thanksgiving, protesters briefly shut down a suburban shopping mall chanting “no justice, no profits.”⁸¹

The FBI and Justice Department announced in November that they will investigate the St. Louis Police Department after complaints that police used excessive force by tear-gassing and pepper-spraying protesters and knocking them to the ground during the initial protests in September.⁸²

“Given the intensity of protests around policing itself, the cops are at once the object of the protests and meant to control it,” says Mitchell, the Uppsala professor. “You have upper brass saying, ‘We understand the need for protests,’ but frontline cops are often behaving very, very aggressively because they see themselves as the target.”

Bueermann, a former police chief in California, says most officers are trained to handle demonstrations appropriately—even when police are the target of protests and are sometimes being physically assaulted and taunted. “In most instances, they do maintain a professional posture,” he says. “These are very stressful events for everyone involved. They usually come on the heels of some tragic event, and there’s community reaction, much of it directed at the police.”

Nick Adams, a research fellow at UC Berkeley, has found that protests tend to become violent when the police make an aggressive show of force, such as brandishing automatic weapons or deploying military-style hardware.⁸³

In addition, says Heaney, of the University of Michigan, “You’re seeing protests occurring in jurisdictions that are not accustomed to it,” where local law enforcement agencies have less experience than big-city police have in handling rowdy demonstrations. Local police “are trained in how to deal with riots,” he says. “When they see a large group of people, they tend to treat it as a riot.”

An independent review of the Charlottesville demonstration by a former federal prosecutor faulted police for poor training, deployment and planning, which led to the fatal rally’s “disastrous results.”⁸⁴ Charlottesville Police Chief Alfred Thomas resigned on Dec. 18, following the review’s release.⁸⁵

But polls indicate that many Americans are not sympathetic to protests aimed directly at police, particularly after incidents involving individuals targeting and shooting officers. ■

OUTLOOK

Continuing Conflict

Protest, by its nature, involves conflict. With a president who is controversial and unabashedly confrontational, few observers believe the current wave of protests will calm down soon.

“Trump loves the fight — he loves goading people,” says McAdam, the Stanford sociologist. “He’s picking a fight, and the left is picking up on it.”

Political consultants say a lot may depend on how elections this year and in 2020 turn out.

“2018 is what I’m all about,” says Taussig, the St. Louis protester.

Trump’s opponents on the left threatened in advance to take to the streets if he fires Robert Mueller, the special counsel investigating the Trump campaign’s alleged collusion with Russia. Some conservatives, by contrast, have warned that the president’s supporters will riot if Trump is impeached. “Try to impeach him. Just try it,” Roger Stone, a longtime Trump political adviser, said last August. “You will have a spasm of violence in this country, an insurrection like you’ve never seen.”⁸⁶

In an era when the country is deeply polarized, continuing conflict between the political parties and their supporters appears to be almost a given. Some observers worry that the Charlottesville clash could become an ugly precursor to increased political violence. Scattered acts of violence have occurred in and around politics — such as a liberal opening fire at a Republican congressional baseball practice in June in Alexandria, Va. — and death threats have become routine against some politicians.⁸⁷

“We have become inured to violent speech,” says Fisher, the University of Maryland professor. She’s hoping for a return to civility and respect, but she fears continued disagreement could devolve into more physical confrontations.

“I worry that the nature of protests, because they’re so emotive and often angry, don’t facilitate finding the unsexy common ground needed to change policy in the long term,” says Inazu, the Washington University law professor.

To make matters worse, Americans’ willingness to confront one another in the streets was manipulated by Russians via social media during the 2016 presidential campaign. A Facebook group called on people to attend a noon rally at an Islamic center in Houston on May 21, 2016, to “Stop Islamification of Texas.” Another Facebook group called for a “Save Islamic Knowledge” protest at the same time and place. Observers thought it was a protest and a counter-protest.

But it turned out the opposing rallies had both been organized by Facebook groups controlled by Russians who purchased \$200 worth of Facebook ads. “From a computer in St. Petersburg, Russia, these operators can create and promote events anywhere in the United States . . . to tear apart our society,” North Carolina Republican Sen. Richard Burr, who chairs the Senate Intelligence Committee, said at a hearing in November.⁸⁸

Politicians from both parties are calling for a return to civility and less bitterness. “We have seen our discourse degraded by casual cruelty,” former President George W. Bush, a Republican, said in October. “Argument turns too easily into animosity. Disagreement escalates into dehumanization.”⁸⁹

“All too often, tribalism based on race, religion, sexual identity and place of birth has replaced inclusive nationalism, in which you can be proud of your tribe and still embrace the larger American community,” former President Bill Clinton, a Democrat, wrote in a recent op-ed. “From Charleston to Charlottesville, we are reminded that the racial divide re-

mains a curse that can be revived with devastating consequences.”⁹⁰

For protests to be an expression of something other than anger or dissatisfaction, movements must have some sort of policy change or other goal in mind.

“Anger is not enough,” says Rojas, the Indiana sociologist. “You need concrete plans. That’s what matters. The difference between short-term protests and something long-term like women’s rights or the pro-life movement is getting away from just being angry, to saying ‘this is exactly what I want.’” ■

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Charles Koch Foundation, 1320 N. Courthouse Rd., Suite 500, Arlington, VA 22201; 703-875-1770; www.charleskochfoundation.org. Among other causes, gives grants to colleges in support of programs that help promote civic engagement and civil dialogue.

Foundation for Individual Rights in Education, 510 Walnut St., Suite 1250, Philadelphia, PA 19106; 215-717-3473; www.thefire.org. Promotes individual rights, including free speech and religious liberty, at American colleges and universities.

Free Speech Project, Georgetown University, 320 Old North, 3700 O St., N.W., Washington, DC 20057; 202-687-5232; freespeechproject.georgetown.edu. Foundation-sponsored program that monitors free speech controversies at places such as college campuses and state capitals.

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Students protested Education Secretary Betsy DeVos’ policies during her back-to-back appearances at Harvard and George Washington universities.

Raguso, Emilie, “14 arrests Sunday tied to Milo event,” *Berkeleyside*, Sept. 25, 2017, <https://tinyurl.com/y88aenfp>.

Police arrested 14 people after “heated arguments” broke out during a recent appearance by right-wing personality Milo Yiannopoulos at the University of California, Berkeley.

Ramirez, Charles E., “UM students to protest Richard Spencer visit,” *Detroit News*, Nov. 27, 2017, <https://tinyurl.com/y9opr684>.

Student groups at the University of Michigan used various tactics, including social media campaigns and pressure on the school administration, in an effort to prevent white nationalist Richard Spencer from speaking at their campus.

Consumer Boycotts

Adamson, Allen, “How Smart Companies Shift Ahead In The Era Of Political Divisiveness,” *Forbes*, Nov. 17, 2017, <https://tinyurl.com/y6vttsjp>.

Consumers have long used boycotts to pursue political

causes, but social media is making these campaigns more effective, the founder of a consulting firm argues.

Picchi, Aimee, “Sean Hannity fans boycott Keurig, but will it make a dent?” *CBS News*, Nov. 13, 2017, <https://tinyurl.com/y9ptr5nh>.

Conservatives are boycotting Keurig, a beverage brewing system, over its maker’s decision to pull its advertising from Sean Hannity’s Fox News show when the host appeared to defend Alabama Senate candidate Roy Moore.

Taylor, Kate, “Brands including Papa John’s and Starbucks are victims of a ‘consumer awakening’ as boycotts explode in Trump’s America,” *Business Insider*, Nov. 22, 2017, <https://tinyurl.com/y7ka4up7>.

Both conservatives and liberals are increasingly organizing consumer boycotts to protest well-known brands’ stances on social or political issues.

Social Media

Khan, Ilyas M., “Pakistan protests: The political tensions behind the scenes,” *BBC News*, Nov. 26, 2017, <https://tinyurl.com/y8xf5pb7>.

Government critics say Pakistani authorities, who blocked access to social media sites, mishandled protests that arose over the ouster of Prime Minister Nawaz Sharif in a corruption scandal.

Pengelly, Martin, “#MeToo: thousands march in LA as sexual misconduct allegations continue,” *The Guardian*, Nov. 12, 2017, <https://tinyurl.com/ydbybwgj>.

The #MeToo social media movement, a call to action for women who have faced sexual harassment or sexual assault, led to a demonstration.

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