

# Faulty Thinking Regarding Protesting

*by*

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The SCOTUS leak on Roe v Wade was the impetus for many protests across the nation during the past couple of weeks.

Members of both political parties have condemned the protests being held at the justices' homes calling them illegal and citing federal law. The White House response was that as long as the protests were peaceful they could be held at the justices' homes regardless of what the law states.

The Biden administration has flaunted itself before the law. The administration has deliberately ignored the law whenever it suits the desires of the left, socialists, and Democrats. Because of this attitude, even during the Trump presidency, protests nationwide have been violent and essentially non-peaceful.

Senate Majority Leader Chuck Schumer early last week said that he sees nothing wrong with people protesting outside of the justices' homes. But let's take a closer look at protests and the law.

Basically a protest is a form of demonstration designed to either inform or influence the public about something. Protests fall into two distinct categories:

- Non-violent (peaceful) and
- Violent

Essentially there are also seven types of protests that fall into the above categories (blue=non-violent, red=violent):

- Sit-in protests
- Marches & rallies
- Posters & banners
- Hunger strike
- Flag burning
- Riots, looting, and vandalism
- Bombing protests

For the past several years, the first three protest forms (blue) often turn into violence, rioting, looting and vandalism (red). It is speculated, though generally accepted, that "outside" agitators are used to turn peaceful protests into violent ones.

According to the First Amendment, the people have "the right to peaceably assemble and petition the Government for a redress of grievances."

With regard to the SCOTUS Roe v Wade draft leak, people started protesting. Some of protests have been peaceful according to the First Amendment, while others have not. The problem with these protests is that they **DO NOT** redress a grievance.

Now you may say “wait a minute, but they do.” No they do not! The reason is two-fold. First is that that the “draft” was not an end product of the SCOTUS decision. Second this was a draft only and had not been published as a SCOTUS finding. Therefore there is no grievance to redress. However such logical thinking and reasoning is often times lacking in protesters minds.

Furthermore, a statute enacted in 1950, [Title 18, Section 1507, of the U.S. Code](#), states that it is illegal, “with the intent of influencing any judge,” to:

- picket or parade “in or near a building or residence occupied or used by such judge, juror, witness, or court officer”
- “or with such intent,” to resort “to any other demonstration in or near any such building or residence”

The statute applies to the protestors because they are picketing and parading

- with the intent to influence the justices in their decision making, and
- that they are doing so at the relevant locations specified in the law

Additionally the protests are probably illegal simply because the organizers did not follow state or local law/ordnances relevant to protesting. Therefore we might wonder that if the protestors are breaking the law, should we listen to them?

While we have the right to protest, any protesting should be done legally. Also, if done legally, the Government has the obligation to listen to and respectfully respond to the grievances of the protestors

Whether a protest, peaceful, violent, or one that turns violent, the questions remains as to their effectiveness. History tells us that protests have been effectively used to achieve social change, and at the same time some protests have failed to achieve change.

The effectiveness of a protest is dependent upon several factors.

If a government is open, transparent, and caring for its people, peaceful protesting has a greater chance of achieving its goal. However is a government does not have these attributes, the effectiveness of a a protests, peaceful or not, will be slim.

If a protest starts out peaceful and turns violent, there is little chance that it will be heard.

There are many other factors but the two above have the greatest impact on the success of a protest.