

# **TAKE ACTION RESOURCE**

## **Criminalizing Dissent: Historical & Contemporary Repression of U.S. Resistance Movements**

*NYU Review of Law and Social Change* 2023 Colloquium

MARCH 7 & 8, 2023

4:30 - 8:00 PM ON ZOOM

## Panel 1: What is Criminalization of Dissent?

**Panelists:** Sean Hill, Ohio State University; Tejasvi Nagaraja, Cornell University; Emerson Sykes, ACLU, NYU Law; Carey Shenkman, Human Rights attorney and Author  
**Moderator:** Nadia Ben-Youssef, Center for Constitutional Rights

### FURTHER READING AND RESOURCES

The [Sedition and Espionage Acts](#) targeted anti-war dissent during World War 1, and [continue to play a role](#) in targeting protests.

Alex Zambito chronicles the [history of CointelPro](#). The Zinn Education Project also provides [resources on the role of CointelPro](#) in targeting Black freedom movements.

Jeff Haas and Flint Taylor, lawyers from the People's Law Office, discuss the assassination of Fred Hampton and the targeting of the Black Panthers in Chicago [here](#). Flint Taylor discusses how this history continues to affect Chicago [in this article](#).

Simone Browne writes in [The Feds are Watching: A History of Resisting Anti-Black Surveillance](#) on the history of surveillance of Black activism and strategies for resistance.

In [Precarity in the Era of #BlackLivesMatter](#), panelist Sean Hill writes about the ways in which the intersectional approach of the Movement for Black Lives can both inform a more robust theory or precarity and produce more sustainable solutions and change.

This [Police Excessive Force](#) resource provides information on the attacks against individual rights and updates on the work of the ACLU.

This [interview with Brendan McQuade](#), author of *Pacifying the Homeland - Intelligence and Mass Supervision*, illuminates the strategies used by governments to depoliticize protest movements.

The Center for Constitutional Rights and Defending Rights & Dissent outline in [this report](#) the “Green Scare” of the 2000s that labeled animal rights and environmental activists as terrorists.

Naomi Wolf [describes efforts](#) by the U.S. government to suppress the Occupy Wall Street movement. [The Feds’ War Against Occupy](#) by Nicole Coulson also provides details on the extent of the collaboration between the federal government and corporations to conduct surveillance on this movement.

Shirin Sinnar explains the danger of expanding laws against domestic terrorism and the designation of protest movements as domestic terrorists [here](#).

Learn about the [targeting of Palestinian activists](#) and the “[limits of free speech](#)” experienced by activists.

Explore the National Lawyers Guild (NLG) resources on the repression of dissent in the United States, including on [government tactics](#), [legislation that advances this repression](#), and [strategies](#) to work against the criminalization of protest.

[The Flaw](#) magazine works to shed light on how corporate law and power create social problems and systemic injustices.

### GET INVOLVED

Attend training with the National Lawyers Guild and learn how to be a legal observer for protests and actions. More information about NYU Law’s NLG can be found [here](#). You can also join the National Lawyers Guild [here](#).

Join a [BDS Campaign](#) or boycott companies that play a clear and direct role in the Israeli occupation, such as these corporations listed by the Palestinian BDS National Committee (BNC).

[Write to political prisoners to express solidarity](#). And remember that all prisoners are political prisoners.

Be a part of to the [campaign](#) to bring political prisoner Mumia Abu-Jamal home.

### SUPPORT THE WORK

Donate to [Palestine Legal](#) to support their efforts to prevent the suppression of pro-Palestinian activism.

Donate to [NLG](#) to support their work against government and institutional oppression.

Donate to the [Water Protector Legal Collective](#) to support lawyers working to provide on-the-ground legal support for Indigenous led resistance movements. You can also donate to the [Redwood Justice Fund](#) to provide financial support to [political prisoners from the NoDAPL movement](#).

Donate to the [Black Movement-Law Project](#) to support lawyers and activists working in local communities to provide legal support to protest movements.

Support activists currently being targeted by anti-terrorism laws as part of the #StopCopCity movement, including donating to pay their legal fees with the [Atlanta Solidarity Fund](#).

## Panel 2: Stifling Campus Activism

**Panelists:** Jon Hanson, Harvard Law School; Nerdeen Kiswani, Within Our Lifetime; Tolu Lawal, Unlock the Bar, The Center for Race and Inequality in the Law at NYU Law; Dylan Saba, Palestine Legal  
**Moderator:** Vasuki Nesiah, NYU Gallatin School

### FURTHER READING AND RESOURCES

This report from [Unlock the Bar](#) explores the racist and exclusionary nature of the "Character and Fitness" inquiry of state Bar legal licensing. Find more resources on this topic in Unlock the Bar's "[Community Folder](#)".

"[Breach of Privilege: Spying on Lawyers in the United States](#)" from Traci Yoder and the National Lawyers Guild highlights the history of spying on legal professionals that are deemed to be a threat to state and corporate interests.

The ACLU's resource, [Students' Rights: Speech, Walkouts, and Other Protests](#) offers a compendium of information regarding rights on campuses.

[Students by day, rebels by night](#), by Chris Millora and Renee Karunungan offers an overview of the current landscape of student activism in different regions of the world, the threats student activists encounter, and the strategies they use in the face of such threats.

NYCLU's report, [Criminalizing the Classroom](#), the Over-Policing of New York City Schools documents the excesses of New York City school policing and the ways in which educators who question the NYPD's treatment of students have been subject to retaliatory arrest. [Kettling and the criminalization of protest](#), by Kat Craig, describes the use of increasingly violent and oppressive tactics by police.

In [Campus Activism in the 21st Century: A Historical Framing](#), Christopher Broadhurst describes historical movements in higher education to present and explore enduring connections in campus organizing and activism.

For information on covering school walkouts and protests, the Student Press Law Center has created a [helpful guide and frequently asked questions page](#). Michelle Simon's article [Walking Out](#) reviews the special legal issues that school walkouts raise.

The American Association of University Professors writes on [the repression of free speech on campuses](#) across the U.S.

[Mobilizing Blackness: Analyzing 21st-Century Black Student Collective Agency in the University](#) by David C. Turner III presents the ways in which Black students organizing on-campus or off-campus between 2014 and 2017 were both politicized and entered movement organizing because of catalytic events.

[And the Band Played On: Student Activism and the Black Lives Movement at a Rural Regional Public University](#) by Crystal Chambers and Loni Crumb tells the story and experiences of three Black students who engaged in a Black Lives Matter-inspired protest at a rural, public, historically White regional university in the South.

Gabriella Fried's note, [On the Outer Reaches of the Marketplace of Ideas: the Weaponization of Title VI Against Palestinian College Activists](#) describes the ways in which Title VI has been expanded in tension with campus free speech protections.

[Puerto Rico is Criminalizing Student Protest](#) documents the repression of student activists at the University of Puerto Rico.

In [What the Cops Off Campus Movement Looks Like Across the Country](#), The Nation documents student movements against police officers on school campuses.

[How criminalizing protests stifles climate justice](#) explains the ways in which anti-protest legislation backed by oil and gas interests have tried to quash student-led protests.

In her work, [Criminalized Students, Reparations, and the Limits of Prospective Reform](#), Amber Baylor describes the ways in which students are criminalized as schools refer children to criminal law enforcement for everyday disciplinary infractions.

[From After-School Detention to the Detention Center: How Unconstitutional School-Disruption Laws Place Children at Risk of Prosecution for "Speech Crimes"](#), by Frank LoMonte and Ann Marie Tamburro describes how "Disruption" charges expose students to criminal penalties in schools.

### GET INVOLVED

Attend training with the National Lawyers Guild. More information about NYU Law's NLG can be found [here](#). You can join the Guild [here](#).

Track legislation targeting advocacy for Palestinian Rights using [this map](#) by Palestine Legal.

Support liberation campaigns through [Within Our Lifetime](#)

Track initiatives at the state and federal level that restrict the right to peaceful assembly through [this map](#) by the International Center for Not-For-Profit law.

[Donate](#) to Within Our Lifetime.

[Donate to Palestine Legal](#), an organization working to support students targeted for campus activism.

[Support](#) the NYCLU.

[Support](#) the National Lawyers Guild.

### SUPPORT THE WORK

## Panel 3: Criminalizing Justice Movements in the US

**Panelists:** Alina Das, NYU Law; Micah Herskind, Southern Center for Human Rights; Julian Hill, Georgia State University College of Law; Astha Sharma Pokha, Berkeley Law International Human Rights Law Clinic  
**Moderator:** Jilisa Milton, Greater Birmingham Alliance To Stop Pollution

### FURTHER READING AND RESOURCES

Anne White Hat, a Sicangu Lakota Water Protector detailed widespread collusion that has led to industry-authored laws and violent arrests of protesters [before the House Subcommittee on Civil Rights and Civil Liberties](#).

“[Deportation and Dissent: Protecting the Voices of the Immigrant Rights Movement](#)” by panelist Alina Das argues that federal retaliation against immigrants rights activists poses a severe threat to freedom of speech and democratic values protected by the First Amendment.

In [this interview](#) with Democracy Now, Alina Das and immigrant rights leader Jean Montrevil discuss Montrevils deportation and the ways in which the work continues after being targeted for speaking.

In “[Criminalization of Protest in the Fight for Racial Justice](#)”, Jilisa Milton outlines the ways in which laws that create criminal and civil liability threaten First Amendment rights.

[This article](#) covers the work of Black Legal Observers at New York City protests in 2020 including panelist Julian Hill.

“[The birds stopped singing](#)”: Inside the battle for Atlanta’s South River Forest” in Atlanta Magazine beautifully traces the history of the land, the plans to turn this land into a police training facility, and the movement to resist the destruction of the forest.

Defend the Atlanta Forest has created a virtual, collective [resource library](#) related to the movement for the future of South Atlanta. The collection includes “[On the Arrest of Six Young People for ‘Domestic Terrorism’](#)”. Find [more resources](#) to learn about the movement here.

The [Black Alliance for Peace](#) has a monthly “[Bulletin on U.S. Domestic Militarization](#)” which aims to provide broad coverage of militarization in the US.

PBS’ “[Responses Coming from the Civil Rights Movement](#)” presents a history of the violent responses to the civil rights movements of the 20th century, and highlights how attorneys. Attorneys employed the law as a way to chill dissent.

This [bill tracker](#) from The International Center for Not-for-Profit Law summarizes the wave of recent bills introduced by state and federal lawmakers, often in response to prominent protest movements, that would limit the right to protest.

In [this interview](#), Nick Robinson, of the International Center for Not-for-Profit Law, and NPR’s Mary Louise Kelly discuss the dozens of anti-protest bills introduced by Republican lawmakers this year.

In [this article](#), a UN human rights expert finds that the adoption of new state laws aimed at suppressing racial justice protests and the Black Lives Matter movement seems to violate international law and the US constitution.

In this [clip](#), Kamau Franklin questions the police narrative following their violence against people engaging in civil disobedience and direct action politics.

In “[Commercial Rent Stabilization: One Local Response to Skyrocketing Rents](#)”, panelist Julian Hill uses the commercial rent stabilization bill introduced in New York City in 2019, with some modifications, as a case study to argue that commercial rent control can advance worthwhile, interim goals in New York City and, potentially, elsewhere.

Panelist Micah Herskind developed this [Prison Abolition Resource Guide](#) which contains resources on the abolition of policing, prisons, and punishment.

### GET INVOLVED

Learn more about Atlanta’s efforts to build a \$90 million police training facility on hundreds of acres of forest land, the historical background of this land, and how to take action with this [toolkit](#).

Defend the Atlanta Forest hosts a [calendar of events](#) related to solidarity with South Atlanta and defending the Weelaunee Forest. Use the [Take Action Resource](#) from Stop Cop City Solidarity and view the [interactive map](#) of cop city funders/contractors.

### SUPPORT THE WORK

[Support](#) activists currently being targeted by anti-terrorism laws as part of the #StopCopCity movement, including donating to pay their legal fees with the [Atlanta Solidarity Fund](#).

Support the Forest Justice Defense Fund [here](#).

[Donate to the family of Tortuguita](#), the forest defender who was killed by Georgia State Patrol while defending the South River of Weelaunee forest.

[Donate](#) to the Southern Center for Human Rights.

## Panel 4: Resisting and Surviving

**Panelists:** Rabab Abdulhadi, San Francisco State University; Gideon Orion Oliver, Civil Rights Attorney; Joela-Abiona Rivera, The Stonewall Protests; Anne White Hat, Water Protector and Herbalist  
**Moderator:** Omavi Shukur, Columbia Law School

### FURTHER READING AND RESOURCES

This [article](#) features the stories of several Black Lives Matter activists who were arrested during the 2020 protests following the death of George Floyd, capturing the physical, emotional, and legal repercussions that have flowed from their encounters with law enforcement.

Read about how Strategic Lawsuits Against Public Participation (SLAPP suits) are being used to quash [activism and dissent](#), and learn about [proposed federal legislation](#) to protect activists and protesters from these frivolous lawsuits.

This [issue](#) of the National Lawyer's Guild Law Review covers "mass defense" and defense of activists, organizers and others who gather to exercise First Amendment Rights. "A Criminal Mess: New York City's Response to Critical Mass Bicycle Rides, 2004-2010" by panelist Gideon Orion Oliver provides the context of the NYPD's response to mass bicycle rides following the 2004 Republican National Convention.

Prison abolitionist [Shandre Delaney](#) explores the necessity of self-care for activists to continue their resistance through a series of interviews with other advocates.

[Struggle For Power](#), by the Movement for Black Lives and the Creating Law Enforcement Accountability & Responsibility Clinic at CUNY School of Law, is a report on how the federal government has worked to suppress Black organizers and social movements

[Anti-Protest Legislation: Implications for Social Movements](#), a webinar hosted by Amnesty International and the National Lawyers Guild, discusses the rise of state bills that seek to limit or impede the right to protest and offers strategies for preventing the adoption of these proposed laws.

Examining the suppression and criminalization of dissent from a global lens, the 2017 conference [Defending Dissent: Civil Society and Human Rights in the Global Crackdown](#), hosted by the Bernstein Institute at NYU Law, featured panels of human rights activists and lawyers from around the world highlighting legal empowerment strategies for activist communities and how lawyers and activists can build sustainable networks in light of rising repression of protest.

The Brennan Center for Justice has been studying how governments and law enforcement officers use [digital and social media surveillance tools](#) to track and monitor activists, leading some organizers to self-censor or chill their online activism.

[Listen](#) to Lara Sheehi, a professor of clinical psychology at George Washington University, and her attorney from the American-Arab Discrimination Committee talk about how they are resisting the Israeli lobby's smear campaign and collusion by her university after she invited a Palestinian professor to speak about mental and public health initiatives.

[We will not be silenced!](#) is an open letter that responds to the censorship carried out by private tech companies, enabled by public university leadership, against Palestine liberation activists and expresses their demands and refusal to bow to immense institutional pressure.

Find educational resources on Joela-Abiona Rivera's [Instagram](#) and [TikTok](#) and support her work using the Cashapp tag \$missabolition .

### GET INVOLVED

Volunteer with or donate to the [National Lawyers Guild Mass Defense Program](#), a network of activists, community members, organizers, legal workers, law students, and lawyers providing legal support for protests and movements taking an abolitionist, anti-racist, anti-capitalist, and anti-imperialist approach to human rights work.

Stay up to date on the introduction and passage of anti-protest legislation in the US by following the International Center for Not-for-Profit Law's [Anti Protest Law Tracker](#).

### SUPPORT THE WORK

[Donate](#) to Teaching Palestine to support Arab and Muslim Ethnicities and Diasporas studies that are facing institutional hostility and defunding.

[Support](#) activists currently being targeted by anti-terrorism laws as part of the #StopCopCity movement, including donating to pay their legal fees with the [Atlanta Solidarity Fund](#).

[Support](#) the work of the [Angelito Collective](#), a multidisciplinary artist Initiative dedicated to radical trans visibility.

[Donate](#) to [For the Gworlds](#), a Black, trans-led collective that fundraises to help Black transgender people to pay for their rent, gender-affirming care, and travel assistance.

[Donate](#) to the National Lawyers Guild.

[Donate](#) to the Center for Constitutional Rights to support litigation fighting back against the suppression of dissent.