

American Free Press

VOLUME XIX • NUMBER 25 & 26 • JUNE 17 & 24, 2019 • AMERICANFREEPRESS.NET • POSTMASTER: DO NOT DELAY • MAILED JUNE 14, 2019 • \$3.00

RIOT ACT RAZED?

- Federal judge strikes down Anti-Riot Act as unconstitutional, due in part to efforts of fledgling FREE EXPRESSION FOUNDATION

By the AFP Staff

In a stinging defeat for the hard left and its media enablers and collaborators and a momentous victory for constitutional liberty, on June 3 federal District Court Judge Cormac Carney granted the defense motion to dismiss the indictment in the Justice Department's highly political prosecution in California of members of the Rise Above Movement (RAM) under the federal Anti-Riot Act.

In a solidly reasoned opinion, Carney struck down the Anti-Riot Act as unconstitutional and ordered the defendants' immediate release. The RAM members, brought into the courtroom in shackles, were unshackled and walked away free men.

While primary credit must go to the hardworking defense counsel, the FREE EXPRESSION FOUNDATION (FEF) played an important role, providing legal analysis to the defense and submitting an *amicus curiae* brief that Carney, over the government's opposition, accepted for filing. In short, right out of the gate FEF has had a major victory for free speech for all Americans.

As explained in a recent AFP ar-



Federal Judge Cormac Carney has ruled that the Anti-Riot Act, under which multiple members of the Rise Above Movement (RAM) were being held in jail, is unconstitutional. The RAM members attended conservative rallies to protect average Americans from being mauled by violent neo-Bolshevik antifa thugs. Above, antifa members with clubs menace pro-Trump supporters in Huntington Beach, Calif. in 2017.

...ticle (April 8, 2019), the U.S. government's attempted revival of the long-dormant Anti-Riot Act poses a grave threat to Americans' First Amendment rights. The act improperly criminalizes mere intent alone, is in manifest discord with recent Supreme Court decisions, is flagrantly overbroad, and gives far too much discretion to the government to enforce it selectively on

purely political grounds. And selective enforcement is precisely what happened in the RAM prosecutions. The government, bending to political pressure, averted its eyes from clear evidence that antifa groups attacked and disrupted pro-Trump rallies in California and the Charlottesville assembly. Of the hundreds of rowdy people at the rallies, only the eight RAM members were charged by the government.

Carney began his opinion by observing:

It is easy to champion free speech when it advocates a viewpoint with which we agree. It is much harder when the speech promotes ideas that we find abhorrent. But an essential function of free speech is to invite dispute. Speech "may in-

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