Protest!

by Graeme Sloan

B.A. in Physics, May 2016, American University

A Thesis submitted to

The Faculty of
The Columbian College of Arts and Sciences
of the George Washington University
in partial fulfillment of the requirements
for the degree of Master of Arts

May 19, 2019

Thesis directed by

Susan Sterner
Program Head for New Media Photojournalism
Associate Professor of New Media Photojournalism

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Thesis Abstract

Protest!

This project is a documentary photo and multimedia exploration of protest culture in Washington, D.C. In this city protesters gather just yards from government buildings, and sometimes even inside of them. Their chants pour through windows and echo down hallways, forcing powerful officials to reckon up-close with the demonstrators' targeted demands. But that very proximity also changes the nature of protests – these demonstrations are often blatantly partisan.

The overlapping worlds of congressional machinations and issue-based activism create a type of political protest that should be considered part of our broader, uniquely American "political theater". In this performance the Protesters play the lead, expressing themselves creatively and emotionally. Meanwhile the Politicians, Police and Press all contribute to an ensemble performance defined by dogma, passion and frenzy. Their interactions, rooted in prevailing narratives, crescendo into political spectacle.

The photos and video examine protest in Washington with a critical eye, using photojournalism and multimedia documentary techniques to include the press and police in coverage to build a greater sense of context. The research section examines the Trump Administration's actions in putting forth draft regulations that seem to limit First Amendment expression on federal land in the capital.

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Chapter One: Reporting

As Resistance Movements Heat Up, Trump Administration Cracks Down on Protest in Washington

Dec. 13, 2018

It's so much more than a full-time job keeping the vigil going. They're there all day, all year – through rain, snow and the oppressive Washington, D.C., summers – hoping to affect the deliberations of their closest neighbor, who lives within shouting distance across Pennsylvania Avenue.

"I'm down to only about 90 hours per week, but I used to do about 120 hours...eight to 10 overnights a month."

Philipos Melaku-Bello is the most well-known of a rotating volunteer crew perpetually stationed at the William Thomas Memorial Anti-Nuclear Peace Vigil, which has advocated for nuclear non-proliferation and world peace across the street from the White House for decades. It's a ragtag encampment – a small tarp tent, anchored to wooden pallets, with signs for various causes dotting the outside that display messages like "Beer Not Bombs", "Free Mumia" and "PEACE NOW." It's squat, less than 6 feet tall, to comply with National Park Service protest regulations, and its appearance has a ramshackle, unfinished, feel – it changes and rearranges as new issues emerge. The volunteers use the pallets during inauguration, or when important heads of state visit, to

move the entire set-up out of the park temporarily. But they're always allowed to bring it back and continue their vigil.

Their stay at "1601 Pennsylvania Avenue" has watched over six presidents, but President Donald Trump's administration is already taking a different approach to peaceful protest in the capital than its predecessors. The National Park Service has released draft regulations that could severely hamper the ability to protest on federal lands in Washington. The proposals would close significant sections of the sidewalk in front of the White House and open the door to charging fees for protests on the Mall. They would also include limits on spontaneous protest and other restrictions.

The administration has offered scant justification for the proposed changes, while voices from across the political spectrum have called this an imminent threat to a foundational right. These are the same public spaces that have seen many of the most influential protests in American history, from suffragist pickets in the early 20th Century, to the civil rights movement throughout the 50's and 60's, and the Vietnam war protests in the 70's.

The draft regulations, as written, wouldn't affect the long-running peace vigil. But immediately after Trump's inauguration, the vigil volunteers noticed subtle changes in the way federal officials maintained Pennsylvania Avenue and Lafayette Park, the grassy extension of the National Mall to the north of the White House. Suddenly, all of the water

fountains went dry. They've heard it's meant to discourage the homeless from staying in the park, but they think it's Trump trying to make the park less accessible.

Both the park and the avenue are frequently closed by the Secret Service these days, preventing the volunteers from even accessing their outpost, and tourists from visiting the north side of the White House. "Daily two, three, sometimes five times a day, or the complete day," says Melaku-Bello. "One time for 72 straight hours!" When they're closed, the volunteers on duty are forced to stand at the north edge of the park, or on the 17th Street sidewalk, both of which are hundreds of yards away.

Melaku-Bello turns to a fellow volunteer, Matt, and asks if he's experienced this. Matt confirms that it's happened to him regularly as well. Matt also sprinkles in some colorful language about the Trump presidency to back it up.

"That would not have happened under Barack Obama, George W. Bush, Clinton, George Herbert Walker Bush, Ronald Reagan, or Jimmy Carter. Just wouldn't have happened," Melaku-Bello continues. "I mean people are supposed to be allowed to use the avenue, very freely."

In August 2018, almost exactly a year after the infamous "Unite the Right Rally" in Charlottesville, Virginia, and just days after a tiny follow-up rally in Lafayette Park that drew thousands of counter-protesters and national condemnation, the National Park Service released its draft regulations. The drafting began under the Obama administration, as the NPS has sought to rewrite its outdated guidelines for some years. But in the form released by the Trump administration the regulations appear to take axe to some of the core tenets of the First Amendment.

"The proposal is filled with profoundly anti-democratic (and flagrantly unconstitutional) suggestions for how these areas should be managed," wrote the Niskanen Center, a left-leaning libertarian think tank, in an open letter to the NPS. They write that this is "all the more remarkable" because the NPS maintains that "the National Mall and Memorial Parks were intended as 'an ideal stage for national expressions of remembrance, observance, celebration, and First Amendment rights.'"

During the Vietnam War, President Lyndon B. Johnson tried imposing limits on protest around the White House, having grown annoyed with the persistence of anti-war demonstrators visible and audible from inside his home. The American Civil Liberties Union promptly sued to block the action, which they said was an illegal limit on free speech. After years of litigation, the courts struck down the rules, writing that the Mall, Pennsylvania Avenue and Lafayette Park "constitute a unique [site] for the exercise of First Amendment rights," which cannot be restricted by government.

The ACLU is now suing again, and in blog post explaining its legal challenge, they identify three primary constitutional violations: the near total closure of the White House sidewalk, strict limits on spontaneous demonstrations and the potential for charging permitting fees of protest groups.

The sidewalk, between the North Lawn of the White House and Pennsylvania Avenue, is 25 feet wide, and has been home to some of the most notable protests in American history. Suffragists picketed along the fence and Pennsylvania Avenue, and further demonstrated around Washington for years in the early 20th century. And as the Vietnam War dragged on, protests were a near daily occurrence in the space. Now, the regulations propose closing 80 percent of the sidewalk – 20 of its 25 feet.

In the blog post, Arthur Spitzer, legal co-director, ACLU of D.C., calls this sidewalk "perhaps the most iconic public forum in America," a place where Americans can express "views directly to the chief executive."

Currently, much of the sidewalk is already blocked off because multiple intruders have made it onto the White House ground by simply scaling the fence. It's a temporary measure while the Secret Service and the NPS jointly move forward with an expedited renovation of the fence. They plan on making it taller and harder to climb. At the plan's unveiling, a Secret Service spokesman said their shared goal with the NPS was to

"maintain the public's access and their enjoyment of the residence because of the democratic connotations … It is in fact a quintessential First Amendment site."

Both the Secret Service and the NPS did not respond to requests for comment on this story, and the NPS has independently offered no justification for the specific regulations proposing to close all but a slice of the sidewalk.

The draft rules would also make it more difficult for protesters to demonstrate spontaneously. As it stands, protesters have to apply for permits 48 hours in advance for larger demonstrations, but that process can be waived for "spontaneous demonstrations" if the NPS can "reasonably" make resources and personnel available. This puts the responsibility on local officials to make arrangements for demonstrators to exercise their First Amendment rights. The proposed rules would change the wording to make that waiver possible only if "the NPS has the resources and personnel available to manage the activity," making it so officials can deny permits if it decides it doesn't have the resources available.

The draft regulations say the 48 hours notice is crucial to properly evaluating "safety concerns and resource impacts," but the ACLU and other critics say this is a subjective standard meant to limit rapid response protests. In the 1975 decision on the earlier ACLU lawsuit, Judge J. Skelly Wright flatly rebuked time-consuming regulations

like this, writing, “timeliness is essential to effective dissent. Delay may stifle protest as effectively as outright censorship.”

Under the proposal it would also be illegal to use stages or microphone amplification systems without a permit application submitted 48 hours in advanced, effectively limiting the size of spontaneous demonstrations to small groups. “This is clearly contrary to the protections offered by the First Amendment,” wrote Erin Dunne, a Washington Examiner columnist, in an October piece. “Free speech does not need additional permission.”

In November, when Attorney General Jeff Sessions was replaced by Trump loyalist Matthew Whitaker, thousands gathered in Lafayette park to demonstrate against the appointment. Move On and other progressive groups alleged this was an aggressive abuse of presidential power, and organized a rapid response protest against the leadership change. Protesters said the traditional order of succession at the Justice Department was usurped, which constituted a threat to Special Counsel Robert Mueller’s Russia based on Whittaker’s previous statements on the issue. Their waiver was granted and the protest proceeded as plan, using a stage and microphones to talk to the thousands who had gathered in front of the White House. Under the draft rules this protest would most likely not have been possible – organizers would have been required to put a request in days in advance and then wait further for an approval that may never have been granted.

A third major change would take steps toward charging fees for permit applications, by examining how the NPS could "recover all costs incurred … in receiving, writing, and issuing the permit, monitoring the permitted use, restoring park areas, or otherwise supporting a special park use." Regulatory language currently stipulates that the NPS should only charge permitting fees to "special events" such as concerts, weddings or sporting events. While events that qualify as the "exercise of a right" will not be charged.

In a radio interview, NPS spokesman Mike Litterst said "The federal government and taxpayers shouldn't be required to underwrite the cost of somebody's special event." He also downplayed this element of the proposed rule, saying the specific language is simply "asking the question." The draft calls for comments on how best to administer fees on demonstration permit applications.

The National Park Service has suffered from budget cuts over the past decade – adjusted for inflation its budget is lower than it was in 2009, according to the Congressional Research Service. There is also a $11.6 billion maintenance backlog across NPS lands, which is about three times its total 2018 budget. With a nod to these budget problems, the NPS has cited trash collection and turf restoration after recent protests, among other associated costs, as a strain on limited funds.

"The Occupy D.C. [protest] a few years ago, that was well over $400,000 … and the Women's March recently carried a pretty heavy cost," said spokeswoman Jenny Anzelmo-Sarles in an interview for local TV. "Our process has not kept up with the times." The NPS also cites a rising cost in processing permitting applications for the National Mall – a central function of the Washington, D.C., office – as a reason for charging fees of demonstrators.

The move towards charging fees runs counter to established regulatory practice and prevailing jurisprudence, which both say there is an unambiguous difference between "special events" and "demonstrations." Currently "demonstrations" are considered protected exercises of constitutional rights, making fees a burdensome restriction, while "special event" permit applications are fair game for fee collection. Critics say these proposed regulations begin eliminating that distinction as a way for the NPS to help balance its budget.

"For the first time, the U.S. government wants demonstrators to pay to use our parks, sidewalks and streets to engage in free speech in the nation's capital," wrote Mara Verheyden-Hilliard and Carl Messineo, the respective executive and legal directors of the Partnership for Civil Justice Fund, a public interest legal organization and advocacy group, in a Washington Post opinion piece. "This should be called what it is: a protest tax. … Free speech is not a cost. It is a value. It is a fundamental pillar of democracy."

Concluding their piece, they cite an even earlier 1939 Supreme Court ruling, which says streets and parks are "held in trust for the use of the public … for purposes of assembly, communicating thoughts between citizens, and discussing public questions."

"Such use of the streets and public places has, from ancient times, been a part of the privileges, immunities, rights, and liberties of citizens."

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As the National Park Service has only offered spotty justification for its proposed regulations, critics allege that it's the man in the White House who is behind them, and point to what they say is the president's antagonistic attitude toward basic First Amendment rights. During then Judge Brett Kavanaugh's Supreme Court confirmation battle in the Fall of 2018, Trump condemned protesters who interrupted the hearings. In an interview with the conservative website the Daily Caller he said, "I don't know why they don't take care of a situation like that. I think it's embarrassing for the country to allow protesters." He dismissed many of the protesters concerns and alleged that they were in fact paid liberal operatives not demonstrators.

First Amendment advocates see a concerning pattern of open antagonism in the president's behavior, towards free speech rights, specifically in his treatment of free press and free expression. They point to the earliest days of his campaign, when the Trump

campaign would make people attending rallies sign a pledge of loyalty before allowing them entering. Inside the rallies candidate Trump would taunt journalists and decry protesters. He told one Iowa crowd on caucus day in 2016, “If you see somebody getting ready to throw a tomato, knock the crap out of them, would you? Seriously, OK? ... I promise you I will pay for the legal fees. I promise, I promise.”

Presidents are typically able to contain their emotions, and can understand that criticisms and protests are part of the job says David S. Meyer, a sociology and political science professor at University of California Irvine whose research focuses on political protest movements. “The National Park Service has proposed regulations that seem like they're designed to assuage the anxieties of the people in the White House so they don't have to see people who disagree with them.”

He went on, “I think it bothers [Trump] that there are large numbers of people protesting outside of the White House … the visibility itself, that's a problem for the Trump White House.” To date there is no public evidence that explicitly ties President Trump or White House officials to the drafting of the regulations. But there is some evidence that the drafting process, which started in the Obama years, went in an entirely new direction after the Trump Administration came to power.

A month before the 2016 election, Randy Myers, an NPS lawyer of 28 years, walked out of his office for the last time and headed for retirement. At the NPS he helped

write and check the constitutionality of their regulations, and had helped draft these specific codes before he retired that October. In his 73-page public comment submitted on regulations.gov, he notes that he spent many years "refining and enforcing" the regulations, and "protecting" First Amendment values. "It was with surprise and disappointment that I reviewed this proposed rule," he wrote.

In an interview with The Atlantic, Myers said when he left the NPS those controversial proposals – including "the parts that restrict sidewalk space in front of the White House" and "the consideration about imposing fees on demonstrators" among others – were not included in the drafts he had seen. His comment reads, "indeed, the result will be to constrain First Amendment rights significantly and in violation of established legal principles and for no legitimate reason."

The Framers very intentionally included free speech protections in the First Amendment, and had "a pragmatic rationale" for it, Professor Meyer says. There are dangers to suppressing free speech because "if people are talking in public they're not organizing underground – it's about stability." By limiting these rights, it not only eats away at the core pillars of American democracy it actually works to destabilize the country by forcing dissent out of public spaces.

Meyer acknowledged that there is always compromise between the pure rights outlined by the Constitution and the practicality required of real life, "there are

restrictions on the time and place and manner of speech … you can't yell fire in a crowded room." But he noted that the courts had been "generous" in their interpretations of the First Amendments' free speech protections, especially pertaining to the right to protest. "You have to have a very compelling reason to limit protest rights, and you have to allow people to make their message clear," he said.

The administration's proposal already faces legal challenges, which claim the NPS lacks compelling reason to change the regulations in this way, in addition to broader concerns over constitutional viability. Verheyden-Hilliard and Messineo wrote, "we can say with certainty that the cost to our society of stifling dissent is far greater than any operating expense the NPS can claim."

The public comment period for the proposed regulations ended in October, 2018, and in the 90-day comment window the NPS received over 140,000 submissions. Those are now being reviewed, and the NPS is expected to announce its final rules sometime in 2019.

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Since the peace vigil was initiated, Philipos Melaku-Bello and the volunteers have faced eviction from 1601 Pennsylvania Ave. by the Secret Service and National Park Service on multiple occasions. The courts, though, have upheld their First

Amendment rights, saying it protects their right to protest there. “The First Amendment was written well before our current administration, or anyone that was in any administration throughout the last six presidents since we’ve been here,” said Melaku-Bello. “We have won lots of cases, and I would love Donald Trump to make an attempt.”

“Two major f--ks and flip offs to the White House if they think that they're beyond the First Amendment – it has to be honored. [President Trump] put his hand on The Book, on Inauguration Day, and pledged to protect the people of the United States, and their Constitution.”

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Chapter 2: Visual Review

Embedded in the essence of American democratic life is the constitutional right to public protest. It is expressed in many ways for many causes, and in Washington, D.C., it happens at a frequency unmatched probably anywhere else in the world. On any given day one can wander around the National Mall or Capitol Hill and stumble upon multiple protests, all by different groups, advocating for different issues. The premise of this project is that in Washington, protests take on special characteristics unique to the city's spaces that seem, to mimic the broader, uniquely American Political theater. It's a natural reflection and extension of politics in the capital. Protesters' actions and their interactions with politicians, combined with ever-present law enforcement and a hyperactive press corps create a unique political frenzy that is reminiscent of scenes on campaign trails or at presidential photo-ops, but instead defined by collective dissent and creative expression. These are political – and often highly partisan – protest actions. This may also be a natural progression of American democratic society as well. Today, in Trump's fast-moving Washington, a standard march will not suffice, and so we see progressively more exotic expressions of creative protest.

This visual review examines past works of photography that dissect political and protest movements. Specifically, though, the works examined in this review form an environment that my project exists within and draws inspiration from. They have helped build a visual vocabulary for communicating protest through imagery. These works document protests from the Suffragist movement a century ago to more recent Black Lives Matter-inspired protests, as well as contemporary examinations of the American political process.

The *Women of Protest: Photographs from the Records of the National Women's Party* collection at the Library of Congress consists of almost 500 photographs of early suffragists, including portraits and pictures of protest or dissent, among other imagery.

The collection includes 160 photographs of protest-centered photography in Washington, D.C., from the early 1900s (Women of Protest…). The work is clearly of its time, primarily studio portraits or still subjects in settings that early camera technology could capture. Generally, the photography is highly representational and fairly bland in composition, meant to literally show rather than interpret, as modern photography has a tendency to do. Photographic technology was just reaching the point where a camera could be taken out of the studio and other controlled environments into more live-action settings like these early protests. Although the photography is simple by today's standards, this selection of images depicts theatrical acts of protest like suffragists burning speeches of President Woodrow Wilson, dressing up as the Statue of Liberty (fig. 1) and participating in acts of civil disobedience. There are many environmental portraits as well, showing suffragists with individualized protest signs, or posed at pickets.

Fig. 1

L & M Ottenheimer, Baltimore, Md. Liberty and her Attendants - Suffragette's Tableau in Front of Treasury Bldg. March 3, 1913- Washington, D.C. Mar. 3. Photograph. Retrieved from the Library of Congress, Sept. 10, 2018, <www.loc.gov/item/mnwp000279/>.

According to the collection's description, "The [National Women's Party] sought to attract publicity, generate public interest, and pressure government officials" through the use of tactics including "organizing elaborate parades and pageants," "picketing the White House and congressional office buildings," "and facing arrest, imprisonment, and force-feedings." Further, "because so many of the NWP's activities were designed to attract attention to its campaigns for suffrage and equal rights, there is a rich photo-

graphic archive" (Women of Protest…). Already, in some of the earliest modern protest movements, we can see the mutually beneficial relationship between photographers and protesters, raising the question as to whether these pictures are truly authentic moments, or whether the photographer played a part in orchestrating them for maximized dramatic effect. Questions like this still exist today. The presence of a camera pushes its subjects to act, or perform, in ways they might otherwise avoid. Today, photojournalists (and documentarians to varying extents) act as observers trying to capture and interpret moments instead of scripting them, and ideally the presence of their camera affects the subject passively if at all. Because of the limitations of photographic technology during suffragist times though, the photographer acted more as a director who created moments. Within that context, it's tough to say how natural, or unscripted, these pictures of suffragist protests are. That mutually beneficial relationship between photographer and subject is a persistent and longstanding problem in photography, and one that photographers need to be constantly aware of to this today. Photographers see protests as emotive and dramatic subjects, while protesters will continue to use photography and other media as a tool to sell their message to a broader audience.

Two photographers who took advantage of this dynamic during the civil rights movement were Bruce Davison and James Karales, who separately spent years documenting protests and prominent figures. Davidson is a member of legendary photo agency Magnum, and his photo book A Time of Change: Civil Rights Photographs 1961-1965 is considered one of the best photo series chronicling the movement. His images are a major departure from the staler, rigid scenes of the Suffragist protest movements in the early twentieth century. Thanks in part to marked improvements in technology, Davidson's images are dynamic and full of vitality, but his style helped captured the life of the movement as well. The images are a well balanced group, with wide, medium and tight pictures, arranged portraits and natural moments. The whole series is captured on black and white film, even though color film was an option at the time. His grayscale imagery

Fig. 2

Davidson, Bruce. "Time of Change: Civil Rights. 1961-1965." Pro.Magnumphotos.com, Magnum Pro, <pro.magnumphotos.com/C.aspx?VP3=-SearchResult&ALID=2K7O3RBXE104>

flattened often hectic displays into more serene scenes of black and white, which in its own way evoked the meaning of the protest movement. His work is expansive, using a wider definition of what the civil rights movement was. It not only captures protests – people marching, civil rights leaders in action and police brutality – but also black American life – field workers, weddings and families at home – as necessary context for the nationwide movement. In fact, more than half of the images available on the Magnum website do not portray protest scenes (Davidson, "Time of Change…").

Davidson's pictures capture the broader ideas and context of the civil rights movement, but a notable theme that runs through this body of work is the presence of law enforcement and their violent stance toward protesters. There are multiple images of protesters being actively assaulted, or forcibly detained, with little apparent restraint on behalf of police while a camera is trained on them. If they aren't shown in the process of a rough arrest, they're there in the background, guns drawn and in charge. The presence of the photographers on scene to capture images like these – exploring the interactions between the protesters and police – creates its own type of interaction between the photographer and the greater scene. By providing a medium on which to record their actions, Davidson can be considered the audience to the performance between protester and police.

If Bruce Davidson was an interpreter of the civil rights movement, providing context and insight through his photography, James Karales was more of an observer,

documenting events with a style more akin to hard news. This includes natural scenes of people and crowds at protests, and images of civil rights leaders in action. Karales' work feels more journalistic in nature than Davidson's, which is more contemplative and evocative. His pictures, reorganized and published posthumously in *Controversy and Hope: The Civil Rights Photographs of James Karales*, document a similar time period as Davidson's, and many of the same events as well. Karales was there to capture big moments like the Selma to Montgomery March in 1965, and smaller moments like passive resistance training for nonviolent protesters (Cox, et al.). Unlike Davidson's work, though, Karales' photo series is almost exclusively images of protests, and the few exceptions are images that directly relate to the act of protest. His work is more of an intimate documentation of protests during civil rights movement using special moments he was witness to. Davidson meanwhile placed the movement within the larger context of black American life and American culture generally.

Fig. 3

Berger, Maurice. "Civil Rights, One Person and One Photo at a Time." Lens Blog, 22 Apr. 2013, <lens.blogs.nytimes.com/2013/04/22/civil-rights-one-person-one-photo-at-a-time/>.

Karales developed a strong relationship with the Reverend Martin Luther King Jr., and used their bond to make pictures of King with his family and in more exclusive settings other photographers were not privy to. The image of King speaking to a crowd outside of a motel in Birmingham, Alabama, shows the access Karales was able to gain (fig. 3). We see the civil rights icon on the motel balcony, speaking to an all-black crowd mid-gesticulation. The only two white people present are in opposite corners, on the

periphery of the image. The moment is perfectly captured and composed well, using the intersecting lines in the scene to draw viewers' eyes to all important and newsworthy elements. By building a relationship with and focusing on the aspects of King's life, from his icon status to quiet moments with his daughter, Karales' is able to make pictures that show deeper meaning behind the protest movement by examining its most prominent leader.

This collection also shows that King knew the power of the image to spread ideas, and that he used images advantageously to advertise the civil rights movement country-wide. Talking with another civil rights photographer, James "Spider" Martin, King said, "we could have marched, we could have protested forever, but if it weren't for guys like you, it would have been for nothing. The whole world saw your pictures" (Romm). Karales' imagery is a summation of this idea. He directly examined a main character of the civil rights movement through his photo coverage of King as an orator and leader, while humanizing him as family man through the same body of work. King, on the other hand, opened his entire life to Karales' lens, and watched as the images helped turn the tide in favor of civil rights in America. We are now left with a massive collection of images from the civil rights movement, documenting years of dissent, introducing us to Martin Luther King Jr, the man, and building a rich visual language to convey protest culture.

In addition to these three historic examinations of protest in the United States, there are four contemporary photographic examinations that this thesis project should be considered next to. The first is *Political Theatre*, a photo book by Mark Peterson. His work seeks to capture the absurdity and drama of the 2016 election. Peterson traveled the country and captured images at all types of political rallies, gatherings and conventions – both Republican and Democrat, presidential campaigns and otherwise – on contract for MSNBC. Aesthetically, his work is defined by high contrast black and white photography. Peterson frequently used an off-camera flash to highlight subjects and add dramatic lighting. Much of his imagery borders on the abstract while focusing on the absurd and

Fig. 4

Peterson, Mark. "Markpetersonpixs.com." Political Theatre, Mark Peterson Photography, <markpetersonpixs.com/political-theatre>.

Fig. 5

Peterson, Mark. "Markpetersonpixs.com." Political Theatre, Mark Peterson Photography, <markpetersonpixs.com/political-theatre>.

the fanatical. The pictures focus on two main characters, the political icons and their followers. In other words, he focuses on the actors on stage and on the audience. He also incorporates the press and police into the work in interesting ways that similarly examine their role as characters in the "theatre." He frequently shoots through objects, and fills the foreground with out-of-focus artifacts that relate to the smaller subject of the photo in the background, playing with the juxtaposition between the two.

Peterson also relies heavily on thematic structures to tie the body of work together. The project examines themes surrounding political theater in the United States by playing with the iconicism of political leaders, the fanaticism of their followers, the props they both use and the ritualized performance-like atmosphere of American political events. Overall, his work is highly cynical, and seems to play ironically with the lofty ideas our society holds surrounding democracy and public service, by showing the circus that actually dominates them. *Political Theatre* feels like a similar visual critique to this thesis, but in an adjacent space to my project. His work is more focused on the politics, politicians and their followers. This project incorporates the public's reaction channeled through protest,

law enforcement's projection of force and the media's feeding frenzy-like response to the entire spectacle.

Stump, a similar project to Peterson's with a similar aesthetic, is a photo book by another Magnum photographer, Christopher Anderson. The project, completed during the 2012 presidential election, is described on the Magnum website as "a radical close-up treatment of the spectacle of American politics" (Anderson and Walsh). Anderson's project is almost entirely candid portraits, in both color and black and white. The portraits are tightly cropped and occasionally interrupted by images of classic political tropes, such as flags or fireworks. His work attempts to pull away all the context of the moment and show the performance for what it is by isolating it and examining the actors and the props separately. At times, his portraiture bears a certain resemblance to Peterson's work, and many also share the high contrast tonal treatment. It's his portraiture that really separates itself from other projects. The subject fills the frame so completely that it's unnerving to the viewer, who can clearly see all the imperfections and subtleties of the subjects face that are exacerbated by the high contrast aesthetic. The images explore a dynamic not typically experienced by the average political follower, forcing viewers to contemplate the political actors, in the absence of anything else, based solely on their expression. It's a direct examination of emotional and political expression, in essence, probing the meaning

Fig. 6

Anderson, Christopher, and Joseph Walsh. "Stump." Magnum Newsroom, Magnum Pro, 25 May 2016, <www.magnumphotos.com/newsroom/stump/>.

Fig. 7

Anderson, Christopher, and Joseph Walsh. "Stump." Magnum Newsroom, Magnum Pro, 25 May 2016, <www.magnumphotos.com/newsroom/stump/>.

of political performance through characters and artifacts.

The third modern project is Nina Berman's portfolio "Tea Party" – a collection of images from a single Tea Party protest on the National Mall in 2010. Berman's shares the use of remote flash to call out members of the protest in a dramatic fashion. But unlike Stump and Political Theatre, this project uses almost no tight crops, and the whole project is shot through a wide or medium angle lens. There are no close-ups. She says her work focuses on individual acts of creativity, and her use of wider angles shows those creative acts within the bounds of the greater protest. In this way she contextualizes the individual as part of a greater body of creative expression. The project documents only one protest, and many of the images seem a little repetitive because of their shared tones, setting and focal length.

Fig. 8

Gonzalez, David. "Beyond the Fringe of Protest." Lens Blog, 27 Oct. 2011, <lens.blogs.nytimes.com/2011/10/27/beyond-the-fringe-of-protest/>.

In subsequent years, Berman also covered the Occupy Wall Street protest movement in New York City. These two bodies of work were compared in a 2011 New York Times Lens Blog piece by David Gonzalez, a Times reporter and the co-editor of paper's Lens Blog. His treatment is actually more revealing of protests in American political life, and dives deeper

Fig. 9

Gonzalez, David. "Beyond the Fringe of Protest." Lens Blog, 27 Oct. 2011, <lens.blogs.nytimes.com/2011/10/27/beyond-the-fringe-of-protest/>.

into those individual acts of creativity by placing them next to their opposing ideas. The individual performative acts that Berman seeks out at protests draw meaning from one another when we can consider them as part of a larger protest movement nationwide. The side-by-side comparison recognizes the fact that these protests don't happen in a vacuum, and actually rely on each other and the press to define themselves, derive their meaning and frame their issues. Gonzalez's piece presents a back and forth reminding us that protests are actually a constant force in American political life, it's only the issues that change. The idea the Lens Blog piece and Berman's pictures are getting at is that protests, regardless of their ideology, share the same basic need for creative expression.

The final modern body of work is Jonathan Bachman's photo series, "Unrest in Baton Rouge," published online by photography news website Lens Culture in the summer of 2016. It's a small portfolio of images documenting the protests in Baton Rouge after the police killing of Alton Sterling, and Sterling's subsequent funeral. The portfolio is an examination of the police and power, and isn't as focused on the protests or protesters. Law enforcement plays a palpable role in every photo, whether they are pictured or not. Summing up the entire series, in its analysis of the actions of law enforcement at peaceful protests, is the Pulitzer Prize-nominated photo of a serene young woman being aggressively arrested by armor clad police, backed up by a phalanx of similarly dressed officers (fig. 10).

As in Davidson's earlier work documenting the civil rights movement, it's this recognition of the role law enforcement plays that is central to this piece. Protests are almost always peaceful expressions of ideas in response to a current set of issues, but they do sometimes devolve into vandalism or physical conflict among opposing parties or bystanders. This project presents them as peaceful, but Bachman does make an effort to acknowledge the raw emotion and cathartic expression present in the Baton Rouge protests, and how the protesters may have toed the line between peaceful and violent expression. When we see images of violence or arrests at protests, though, it needs to

Fig. 10

Bachman, Jonathan. “Unrest in Baton Rouge.” Lens-culture.com, 2016, <www.lensculture.com/articles/jonathan-bachman-unrest-in-baton-rouge>.

be acknowledged that it’s often spurred on by an overwhelming presence of heavily armed, or even militarized, police, but this fact is too often ignored in the conversation after the fact. This portfolio captures the interaction between police and protesters in a special way that exposes how the two can feed off each other’s energy. Police need to project authority and power. They see it as their responsibility to keep the protesters safe and in line. But the process of doing so is often an instigation, and can easily come off as an implicit threat that leads to an escalation as both sides use the other to validate their points. Police in America, by default, express themselves through aggression and violence rather than de-escalation, while protesters’ expression can take many forms, peaceful or otherwise.

This thesis exists at the intersection of these seven projects, the current political climate and media coverage of protest movements generally over the past decades. In Washington, D.C., the theatrical nature of protests is a natural progression in response to the ever intensifying nationwide political theater that touches every aspect of American life today. Some of the themes this project seeks to explore have been examined by the four recent bodies of work outlined previously, and the foundation for those projects was laid by previous generations of photographers. The explicit frame of protest culture in Washington, however, opens up new avenues for these ideas to be further scrutinized, especially when combined with the theatrical angle my thesis pursues. Additionally, the press has not been adequately examined as a character in this performance – the role it

plays, whether mass media acknowledges it or not, has a massive impact on protesters' actions in real time, and on the general public's perception afterwards. Likewise with the presence of law enforcement. Deepening the examination of these two characters not only makes the creation of new images possible, but it also places them within the greater context of the scene that we rarely get a full picture of.

Washington is the grandest stage for protests nationwide, with the protesters, press, politicians and police all playing leading roles in the show. Each character expresses itself in a different way, and all feed off of the energy and presence of the others to build the drama that unfolds on the "Broadway" of American Political Theater. It's this expansive idea of protest as theatrical performance and dramatic expression that will separate my thesis from the previously discussed works, and from other works that document or report on protest movements around the world.

Works Cited

Anderson, Chris. Stump. RM Verlag, 2013.

Stump specifically focuses on characters and props at political events, primarily rallies and national conventions. The way Anderson is able to strip the context of the image totally away and leave only the subject totally filling the frame is very interesting. His work is an examination of the performance of political theater by looking only at props and characters without their more natural surroundings. It's a departure from my style of photography. I like packing the frame with as much subject matter as possible, capturing not only the subject but the greater environment they exist within. I like shooting wide angle. This work is extremely tight, almost unsettling so. I do think the project suffers because some photographs are in color and others are in black and white.

Anderson, Christopher, and Joseph Walsh. "Stump." Magnum Newsroom, Magnum Pro, 25 May 2016, <www.magnumphotos.com/newsroom/stump/>.

Bachman, Jonathan. "Unrest in Baton Rouge." Lensculture.com, 2016, <www.lensculture.com/articles/jonathan-bachman-unrest-in-baton-rouge#slideshow>.

A shorter series of only 10 photos that documents the protests following the killing of Alton Sterling in Baton Rouge, Louisiana, in 2016 – including the Pulitzer Prize nominated photo of the lone young female peaceful protester being aggressively arrested by two armor clad riot police backed up by lines of similarly dressed police. The photos are raw, some took my breath away. They remind me of the Rodney King beating video – the police were there not to provide public safety during a peaceful protest, but to show off what they were capable of. This is a performance in itself (something I'd like to capture when the Washington, D.C. police act similarly) and an ironic performance considering it was the Baton Rouge police that kicked off the protests when they shot a man at close range who was already being restrained by two officers (another instance of showing off what they were capable of). The remaining photos are from the Sterling funeral and a memorial vigil/protest after the fact. It's an incredible body of work, and the police play a very heavy role throughout the series with a presence in almost every photo.

Berger, Maurice. "Civil Rights, One Person and One Photo at a Time." Lens Blog, 22 Apr. 2013, <lens.blogs.nytimes.com/2013/04/22/civil-rights-one-person-one-photo-at-a-time/>.

Berman, Nina. "Tea Party." Ninaberman.com, Nina Berman, Apr. 2010, <www.ninaberman.com/tea-party>.

Like the Mark Peterson aesthetic, Berman also uses flash to call out subjects in this series. All her photos are from a tax day Tea Party rally in front of the Washington Monument. The sun sets and the light is perfect for natural light photography but she still uses the flash. It is theatrical lighting for sure, and many of the subjects she captures are in full costume or are carrying creative signs. She captures some of the mood I'm looking to capture as well, but I think there is more to be had than what she shows. I don't get enough emotion or energy, which are both necessary for the feeling of performance. I also feel like the series is missing a true wide shot. I really like the last photo in the series: the portrait in the pickup

truck, using the flash to illuminate the man inside the cab during harsh light is a savvy trick and makes a great photo (the man's truck is like a rolling stage and set).

Cox, Julian, et al. Controversy and Hope: The Civil Rights Photographs of James Karales. Univ. of South Carolina, 2013.

A stunning posthumous retrospective on the work of a legendary civil rights era photographer. His images of Martin Luther King Jr. I find especially revealing – he built a relationship with King over many years photographing the movement, and was able to photograph both intimate moments and public events while maintaining King's ease in front of his camera. The power King possesses comes through in all of his images, and lends credibility and poignance to the group, which examines Dr. King and active protests. His pictures feel more photojournalistic than another Davidson's work from the civil rights era. Karales did take some creative liberties in how he represent the movement, but for the most part he was there to show not interpret.

Davidson, Bruce. "Time of Change: Civil Rights. 1961-1965." Pro.Magnumphotos.com, Magnum Pro, <pro.magnumphotos.com/C.aspx?VP3=SearchResult&ALID=2K7O3RBXE104>.

Davidson, Bruce. A Time of Change: Civil Rights Photographs, 1961-1965. Saint Ann's, 2003.

Davidson's photo book shares many similarities to the work of Karales, they were at many protests at the same time (they even have matching portraits of the same protester). Davidson's work, though, comes down more on the side of documentary, capturing moods and emotions. He interprets the movement within the context of black life in America at the time, interspersing images of daily life from New York City to the Deep South. It's a broader definition of the civil rights era than Karales. I find his treatment of law enforcement interesting – they are the subject in many images of rough arrests, and when they aren't the main thought in the photo they tend to be in the background showing force.

Berger, Maurice. "Civil Rights, One Person and One Photo at a Time." Lens Blog, 22 Apr. 2013, <lens.blogs.nytimes.com/2013/04/22/civil-rights-one-person-one-photo-at-a-time/>.

Gonzalez, David. "Beyond the Fringe of Protest." Lens Blog, 27 Oct. 2011, <lens.blogs.nytimes.com/2011/10/27/beyond-the-fringe-of-protest/>.

Peterson, Mark. "Markpetersonpixs.com." Political Theatre, Mark Peterson Photography, <markpetersonpixs.com/political-theatre>.

Peterson, Mark. Political Theatre. Steidl, 2016.

I feel totally captured by these pictures in a way most other projects have not drawn my attention. Peterson's photos are a close analogy to the type of project I'd like to do, although his focus more closely on the actual politics of it all. I think of politics, and everything that comes with it, as a sort of farce – a circus – and this collection of photos captures just that. I see the most similarities in his photos of campaign rallies, which I feel parallel Washington, D.C., street protests. I don't love his use of flash practically, it's a style Nina Berman frequently uses

in similarly focused projects as well, but I do like the overall aesthetic it gives his project. Each photo by itself is aggressive, not only in the use of flash, but also in its intensely contrasted black and white appearance. Photos like the closeups of mouths speaking, and the wider shot of men at urinals with assault rifles on their backs are all about the idiosyncratic moments big and large. At points his visuals border on the abstract. As a whole, that overall aesthetic gives the project the air of performance and theater he set out to show. This is the same sort of idea I'm looking to run with in my project, though with a less doctored style of photography

Romm, Jake. "Meet The Jewish Photographers Who Helped Shape The Image Of The Civil Rights Movement" Forward.com, 16 Jan. 2017, <forward.com/culture/360145/meet-the-jewish-photographers-who-helped-shape-the-image-of-the-civil-right/>.

Women of Protest: Photographs from the Records of the National Woman's Party, Manuscript Division, Library of Congress, Washington, D.C., Retrieved from the Library of Congress, Sept. 10, 2018, <https://www.loc.gov/collections/women-of-protest/about-this-collection/>.

A collection of antiquated images from the Women's suffrage movement in the late 1800s and early 1900s, using the location filter for Washington, D.C., there are 160 pictures total. I find the description of the collection fascinating with its writings on how the NWP used creative and attention-grabbing protests, while they also made sure the media was involved to capture the protests on film and in print. Early on we're able to see the back-and-forth of the relationship between press and protester in building dramatic protests. In a lot of ways this protests set the foundation for the protests of today. There isn't much to note about the images specifically, most of them are pretty basic in their representations, but that is due to the old school technology available to photographers back then.

Appendix A:

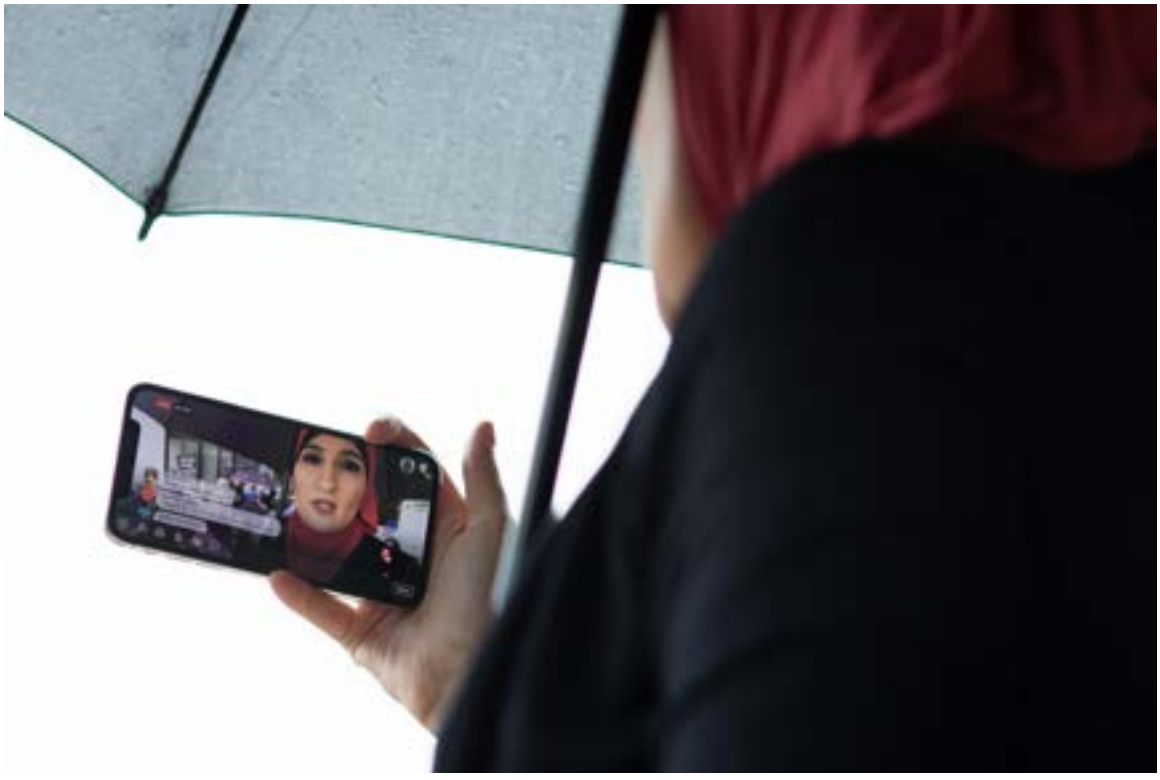
Images from Documentary Film and Photo Project

NEW
GREEN

Anti-Kavanaugh Protests | Sept. 2018

Our Children's Trust Environmental Protest | Oct. 2018

Unite the Right 2 Rally | Aug. 2018



Anti-Kavanaugh Protests | Sept. 2018

Women's March | Jan. 2019

Women's March | Jan. 2019

Anti-Kavanaugh Protests | Sept. 2018

Anti-Kavanaugh Protests | Sept. 2018

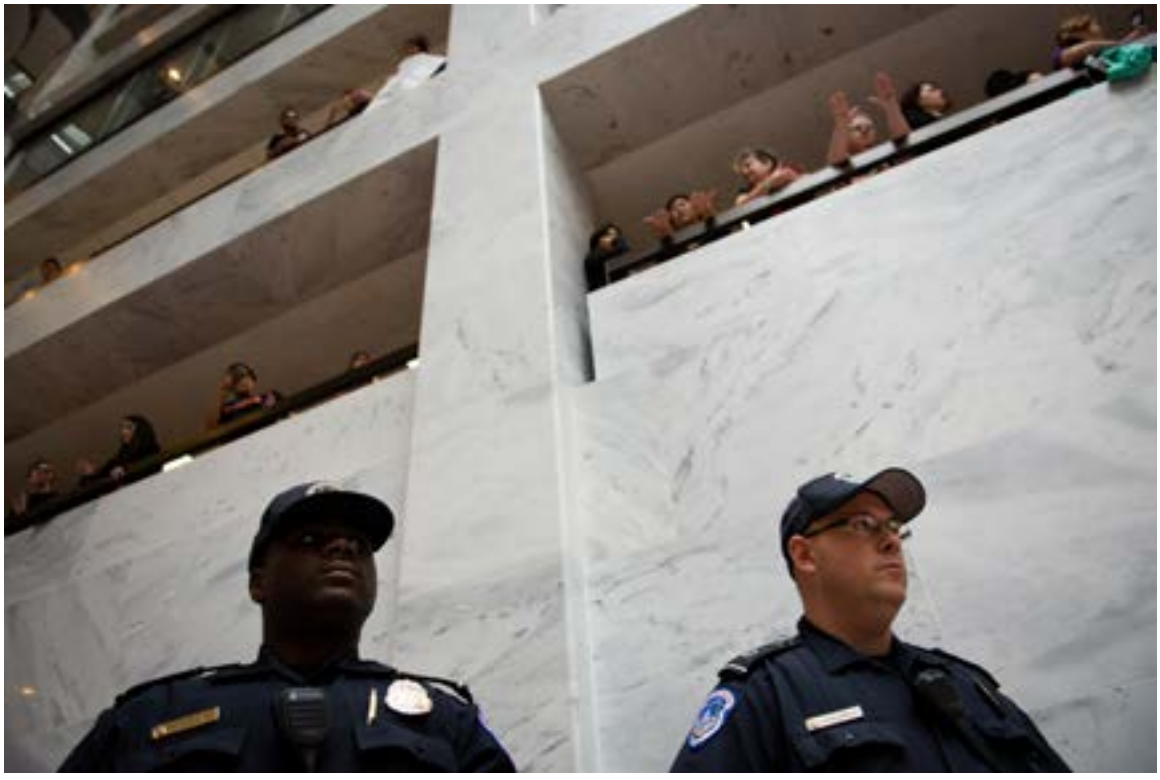
Anti-Kavanaugh Protests | Sept. 2018

Anti-Kavanaugh Protests | Sept. 2018

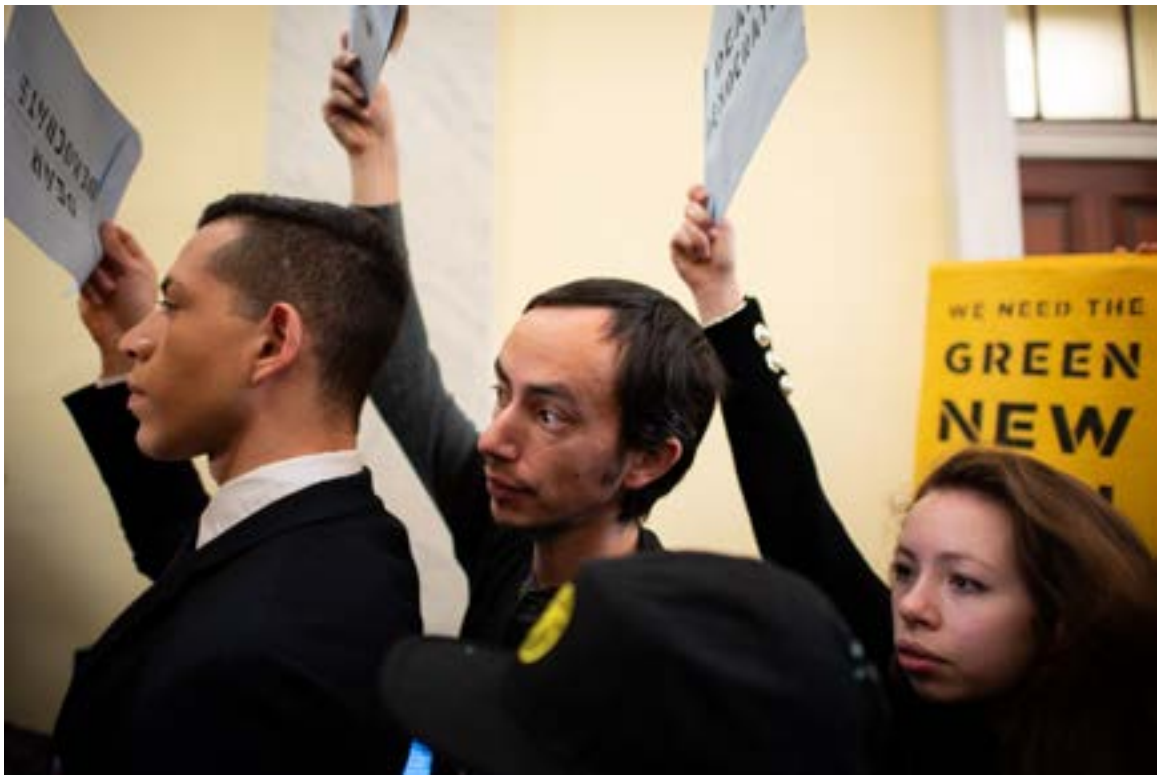
Anti-Kavanaugh Protests | Oct. 2018

March for Life | Jan. 2019

Indigenous People's March | Jan. 2019



Anti-Kavanaugh Protests | Sept. 2018



Sunrise Movement | Dec. 2018

Unite the Right 2 Rally | Aug. 2018

Film Screenshot 1

Film Screenshot 2

Film Screenshot 3

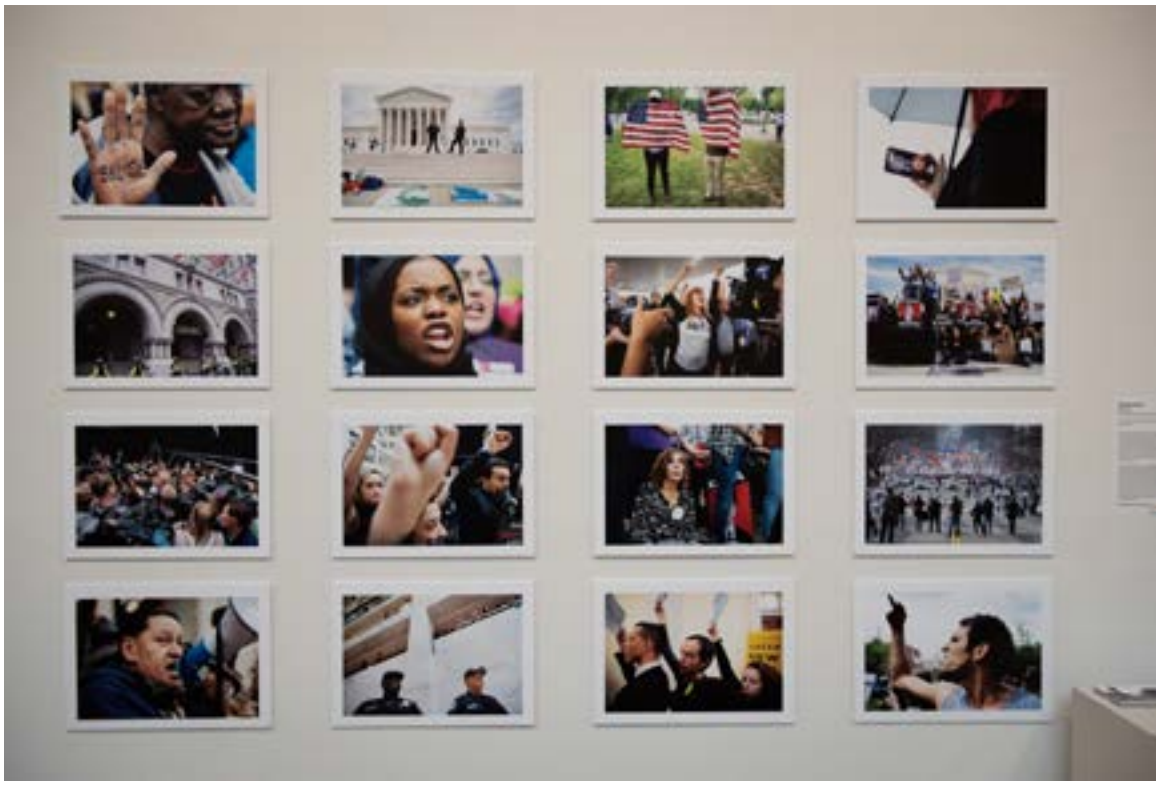
Film Screenshot 4

Film Screenshot 5

Film Screenshot 6

Appendix B:

Thesis Exhibition Installation



UNDERGROUND
PROTEST!

Appendix C:

Project Website

PROTEST!

BY GRAEME SLOAN

Protest! is a photographic and multimedia exploration of protest culture in Washington, D.C. In this city protesters gather just yards from government buildings, and sometimes even inside of them. Their chants pour through windows and echo down hallways, forcing powerful officials to reckon up-close with the demonstrators' targeted demands. But that very proximity also changes the nature of protests – these demonstrations are often blatantly partisan.

The overlapping worlds of congressional machinations and issue-based activism create a type of political protest that should be considered part of our broader, uniquely American "political theater". In this performance the Protesters play the lead, expressing themselves creatively and emotionally. Meanwhile the Politicians, Police and Press all contribute to an ensemble performance defined by dogma, passion and frenzy. Their interactions, rooted in prevailing narratives, crescendo into political spectacle.

CONTINUE

MENU

Protest! | Thesis

+ Portfolios

Graeme Sloan

+ Events

Photographer | Photo Editor | Multimedia Producer

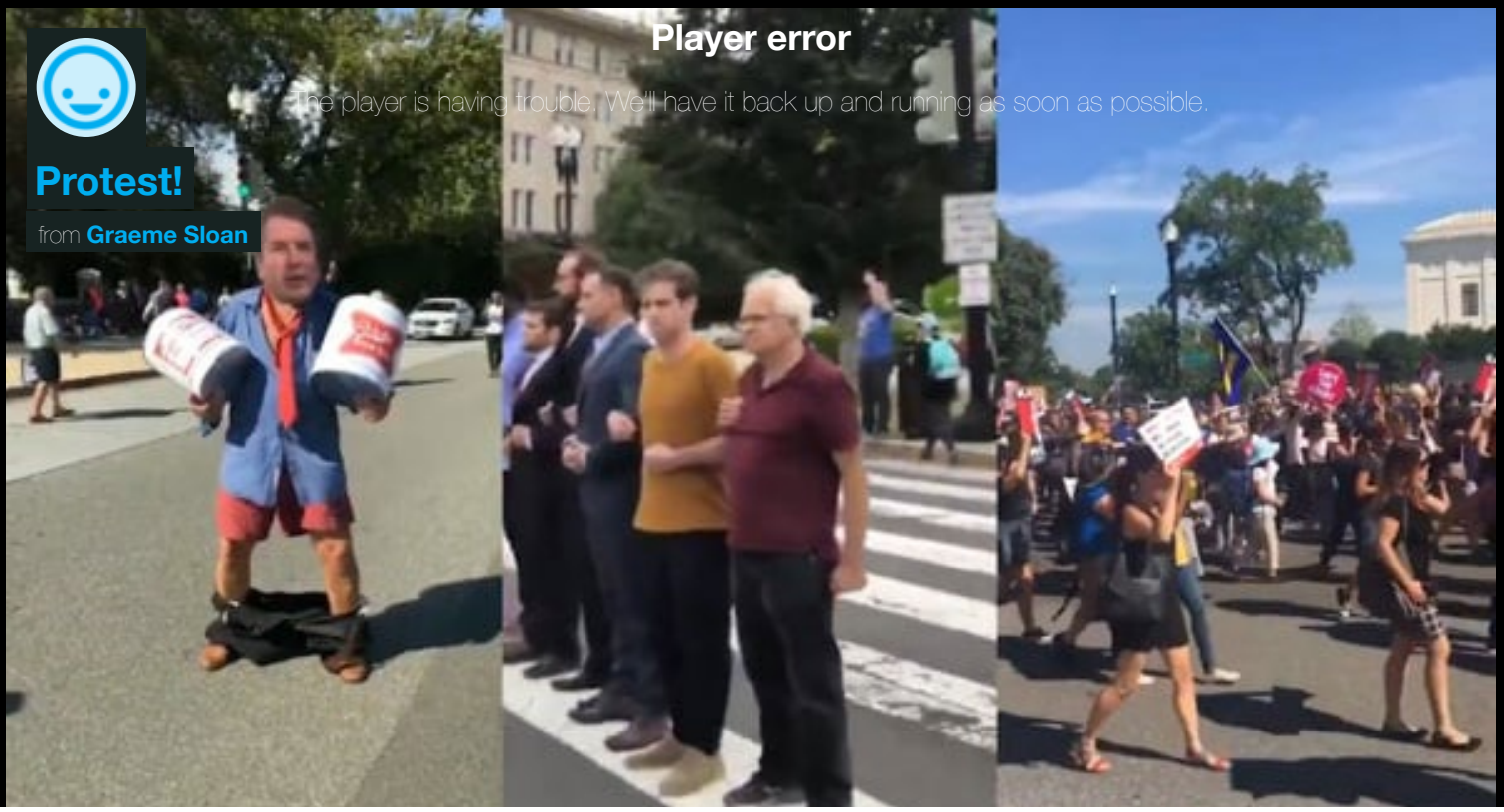
+ Photo Stories

Multimedia

About

ABOUT PROTEST!

This Master's thesis started as an exploration of protest culture in Washington. Over the past nine months I've covered dozens of demonstrations, starting in August with the "Unite the Right 2" white supremacist rally, continuing through the Anti-Kavanaugh and Green New Deal protests in the fall, and ending with the Women's March, the March for Life, Indigenous People's March and the Government Shutdown protests in the winter months. Sprinkled throughout were rallies in support of the Mueller Investigation, and various impromptu protests against many of President Trump's policy proposals … ***MORE***



PROTEST!

EXHIBITION

MORE INFORMATION

AS RESISTANCE MOVEMENTS HEAT UP, TRUMP ADMINISTRATION CRACKS DOWN ON PROTEST IN WASHINGTON

Dec. 13, 2018

It's more than a full-time job keeping the peace vigil going. They're there 24 hours per day, all year long – through rain, snow and the oppressive Washington, D.C., summers – hoping to connect with their closest neighbor, who lives within shouting distance across a blocked-off of stretch of Pennsylvania Avenue.

"I'm down to only about 90 hours per week, but I used to do about 120 hours...eight to 10 overnights a month."

Philipos Melaku-Bello is the most well-known face in a rotating crew of volunteers perpetually stationed at the William Thomas Memorial Anti-Nuclear Peace Vigil, which has advocated for nuclear non-proliferation and world peace just across the street from the White House for decades now. It's a ragtag encampment – a small tarp tent, anchored to wooden pallets for easy transport when they're required to move the set-up during inauguration or when prominent heads of state make White House visits. Signs for various causes dot the

outside, with messages like “beer not bombs” and “free Mumia.” It’s squat, less than 6 feet tall, to comply with National Park Service protest regulations, and has a ramshackle, unfinished, feel to its appearance – it changes and rearranges as new issues emerge…

READ MORE

PROTEST!

EXHIBITION

MORE INFORMATION

TOP

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Graeme Sloan

Photographer | Photo Editor | Multimedia Producer

This Master's thesis started as an exploration of protest culture in Washington. Over the past nine months I've covered dozens of demonstrations, starting in August with the "Unite the Right 2" white supremacist rally, continuing through the Anti-Kavanaugh and Green New Deal protests in the fall, and ending with the Women's March, the March for Life, Indigenous People's March and the Government Shutdown protests in the winter months. Sprinkled throughout were rallies in support of the Mueller Investigation, and various impromptu protests against many of President Trump's policy proposals.

Protests are part of the daily ritual of Washington political happenings – they're on the Mall, in front of the White House, around Capitol Hill, on the Supreme Court steps and even in the halls of Congress. What you begin to notice, even if you're not really looking for it, is that these protests have a tendency to be politically motivated, rather than solely by policy or grassroots issues-based organizing.

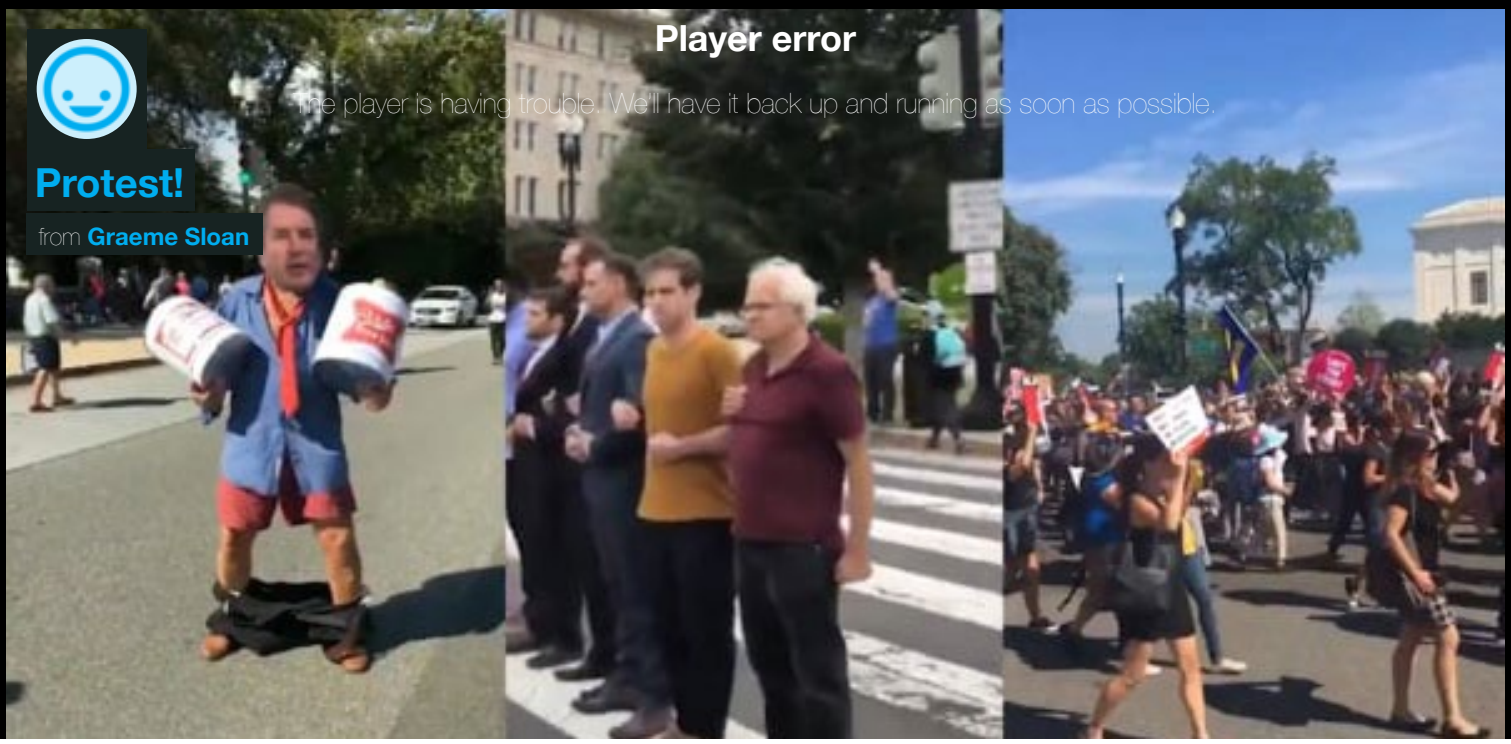
It's perhaps a little cynical. But the project's central idea is that protest in Washington is not as noble as we – the protesters and activists, the media and the general public – make it out to be. The thought is that people come to Washington to exercise a constitutional right, the politicians and officials take time to listen and maybe act, the media is there to tell the story and evaluate the issues, and the police to provide an orderly safe space.

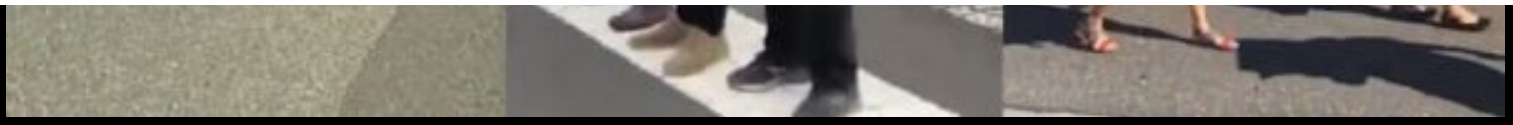
THE PROTESTER

THE POLITICIAN

THE PRESS

THE POLICE


Protest!
from Graeme Sloan
Player error
The player is having trouble. We'll have it back up and running as soon as possible.



VIDEO CREDITS

Protest is seen as an organic, cathartic and patriotic exercise. The consensus is that this orderly expression dissent can move the needle and change opinions in the most American of ways. First Amendment rights are viewed as an almost holy thing, and in that way protesting is an almost holy “act”, with citizens making the pilgrimage to the nation’s capital to participate. The pictures and videos we see, and the reports we read, either cannonize or demonize the protesters and their causes.

I started seeing something different. I saw a form of political theater, defined by the politics of the city and the frenzied interactions of the Protesters, the Politicians, the Press and the Police.

I saw politically motivated protest actions that are highly organized and often fully scripted to make for

attention grabbing and viral content. I saw politicians using the protesters and their stories as props to tie themselves to issues and elevate their personal brands. And protesters similarly using politicians as a props during targeted actions to help their protests go viral.

I saw the largest and most active press corps in the country swarm even the smallest groups of protesters, scavenging the crowd for the perfect "story" or "photo" to blast around the world so they can hit their online metrics. Such a press presence pushes protesters to act differently, in a lot of ways it pushes them to perform for the cameras – they channel their emotions and act, much like an actor on a movie set.

And I saw the police as an instigating force, who are more than ready to crack down on First Amendment rights in the name of "decorum" – routinely issuing hundreds of arrests to allegedly unruly protesters. We like to talk about escalation and de-escalation in law enforcement when it comes to police killings, but there is also a similar discussion to be had around how simply their presence can be seen an intimidation. A presence that can quickly escalate already emotional protests – in a global sense, law enforcement causes peaceful protests to boil over into dangerous riots on a regular basis. In the past year alone we've seen this happen in Palestine, France, Venezuela and Sudan, to name just a few countries.

The pictures and coverage we see though, of protest in Washington, rarely acknowledge that heavy presence of the press and police, both of which are instigating forces in their own way. Their presence can shape the day's events at any given protest. My project tries to peel back the curtain by simply acknowledging their influence on the protesters. I like to think that protests in smaller communities and more localized settings are directly tied to specific issues. I always go back to the first rallies I was dragged to by my parents as a kid, protesting against a gas pipeline that was to be constructed through a nearby nature preserve just a few hundred yards from our house. Or last year in my home state of Massachusetts, where nurses protested labor shortages around a state where nurses are severely overworked and patients receive suboptimal care.

In DC though, it seems to me, that the national and international political spotlights infect the intentions of even the most specific issues and policy based protests that occur, and making them part of the political theater that DC already knows so well.

This project doesn't exactly have a "narrative arc", but if it did the pictures would contain it – they most vividly capture protest culture in DC by portraying its characters, their actions and the interactions between them. Those characters are the Protester, the Police, the Press and the Politician – their interactions both create and define the theater. The pictures are arranged in a grid to encourage interaction between the subjects of each photo.

The video is a complementary, experiential and atmospheric multimedia piece that contextualizes the images through movement and sound. The video acts as a container for the rest of the project, showing the theater

that surrounds the stills in a hectic and immersive way. It's constructed from crowdsourced social media and cell phone footage, with the idea that protests are designed not only for the immediate physical audience, but also the much larger digital one.

There is also a research and writing component about the Trump Administration's actions through National Park Service regulations that will limit the ability to protest on Federal land in Washington.

This is a Thesis project made by Graeme Sloan in the New Media Photojournalism Master's program at George Washington University's Corcoran School of Arts and Design in Washington, D.C. The project will be on display as part of the NEXT Exhibition at the Corcoran School from April 25, 2019 - May 18, 2019.

Thank you for taking the time to dive into my work.

PROTEST!

BY GRAEME SLOAN

PROTEST!

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Back to Top

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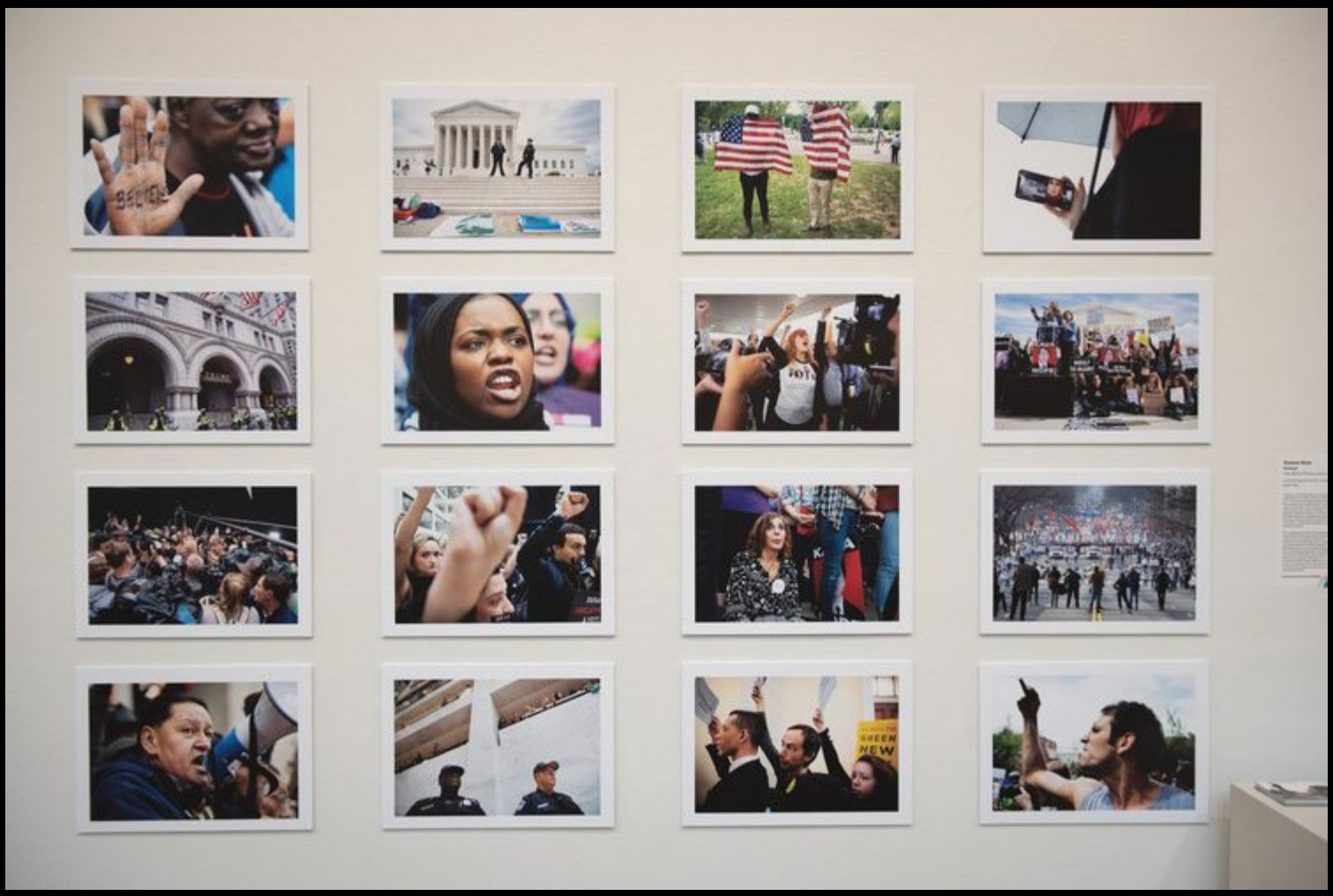
[redacted]

Graeme Sloan

Photographer | Photo Editor | Multimedia Producer

Multimedia



On display at NEXT Exhibition, Corcoran School of Arts and Design, Washington, D.C. | April 25, 2019 - May 18, 2019

UNDERGROUND
PROTEST!

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AS RESISTANCE MOVEMENTS HEAT UP, TRUMP ADMINISTRATION CRACKS DOWN ON PROTEST IN WASHINGTON

BY GRAEME SLOAN | DEC. 13, 2018

It's so much more than a full-time job keeping the vigil going. They're there all day, all year – through rain, snow and the oppressive Washington, D.C., summers – hoping to affect the deliberations of their closest neighbor, who lives within shouting distance across Pennsylvania Avenue.

"I'm down to only about 90 hours per week, but I used to do about 120 hours...eight to 10 overnights a month."

Philipos Melaku-Bello is the most well-known of a rotating volunteer crew perpetually stationed at the William Thomas Memorial Anti-Nuclear Peace Vigil, which has advocated for nuclear non-proliferation and world peace across the street from the White House for decades. It's a ragtag encampment – a small tarp tent, anchored to wooden pallets, with signs for various causes dotting the outside that display messages like "Beer Not Bombs", "Free Mumia" and "PEACE NOW." It's squat, less than 6 feet tall, to comply with National Park Service protest regulations, and its appearance has a ramshackle, unfinished, feel – it changes and rearranges as new issues emerge. The volunteers use the pallets during inauguration, or when important heads of state visit, to move the entire set-up out of the park temporarily. But they're always allowed to bring it back and continue their vigil.

Their stay at "1601 Pennsylvania Avenue" has watched over six presidents, but President Donald Trump's administration is already taking a different approach to peaceful protest in the capital than its predecessors. The National Park Service has released draft regulations that could severely hamper the ability to protest on federal lands in Washington. The proposals would close significant sections of the sidewalk in front of the White House and open the door to charging fees for protests on the Mall. They would also include limits on spontaneous protest and other restrictions.

The administration has offered scant justification for the proposed changes, while voices from across the political spectrum have called this an imminent threat to a foundational right. These are the same public spaces that have seen many of the most influential protests in American history, from suffragist pickets in the early 20th Century, to the civil rights movement throughout the 50's and 60's, and the Vietnam war protests in the 70's.

The draft regulations, as written, wouldn't affect the long-running peace vigil. But immediately after Trump's inauguration, the vigil volunteers noticed subtle changes in the way federal officials maintained Pennsylvania Avenue and Lafayette Park, the grassy extension of the National Mall to the north of the White House. Suddenly, all of the water fountains went dry. They've heard it's meant to discourage the homeless from staying in the park, but they think it's Trump trying to make the park less accessible.

Both the park and the avenue are frequently closed by the Secret Service these days, preventing the volunteers from even accessing their outpost, and tourists from visiting the north side of the White House. "Daily two, three, sometimes five times a day, or the complete day," says Melaku-Bello. "One time for 72 straight hours!" When they're closed, the volunteers on duty are forced to stand at the north edge of the park, or on the 17th Street sidewalk, both of which are hundreds of yards away.

Melaku-Bello turns to a fellow volunteer, Matt, and asks if he's experienced this. Matt confirms that it's

happened to him regularly as well. Matt also sprinkles in some colorful language about the Trump presidency to back it up.

“That would not have happened under Barack Obama, George W. Bush, Clinton, George Herbert Walker Bush, Ronald Reagan, or Jimmy Carter. Just wouldn't have happened,” Melaku-Bello continues. “I mean people are supposed to be allowed to use the avenue, very freely.”

In August 2018, almost exactly a year after the infamous **“Unite the Right Rally” in Charlottesville, Virginia,** and just days after a tiny follow-up rally in Lafayette Park that drew thousands of counter-protesters and national condemnation, the National Park Service released its draft regulations. The drafting began under the Obama administration, as the NPS has sought to rewrite its outdated guidelines for some years. But in the form released by the Trump administration the regulations appear to take axe to some of the core tenets of the First Amendment.

“The proposal is filled with profoundly anti-democratic (and flagrantly unconstitutional) suggestions for how

these areas should be managed," wrote the Niskanen Center, a left-leaning libertarian think tank, in an open letter to the NPS. They write that this is "all the more remarkable" because the NPS maintains that "the National Mall and Memorial Parks were intended as 'an ideal stage for national expressions of remembrance, observance, celebration, and First Amendment rights.'"

During the Vietnam War, President Lyndon B. Johnson tried imposing limits on protest around the White House, having grown annoyed with the persistence of anti-war demonstrators visible and audible from inside his home. The American Civil Liberties Union promptly sued to block the action, which they said was an illegal limit on free speech. After years of litigation, the courts struck down the rules, writing that the Mall, Pennsylvania Avenue and Lafayette Park "constitute a unique [site] for the exercise of First Amendment rights," which cannot be restricted by government.

The ACLU is now suing again, and in blog post explaining its legal challenge, they identify three primary constitutional violations: the near total closure of the White House sidewalk, strict limits on spontaneous demonstrations and the potential for charging permitting fees of protest groups.

The sidewalk, between the North Lawn of the White House and Pennsylvania Avenue, is 25 feet wide, and has been home to some of the most notable protests in American history. Suffragists picketed along the fence and Pennsylvania Avenue, and further demonstrated around Washington for years in the early 20th century. And as the Vietnam War dragged on, protests were a near daily occurrence in the space. Now, the regulations propose closing 80 percent of the sidewalk – 20 of its 25 feet.

In the blog post, Arthur Spitzer, legal co-director, ACLU of D.C., calls this sidewalk "perhaps the most iconic public forum in America," a place where Americans can express "views directly to the chief executive."

Currently, much of the sidewalk is already blocked off because multiple intruders have made it onto the White House ground by simply scaling the fence. It's a temporary measure while the Secret Service and the NPS jointly move forward with an expedited renovation of the fence. They plan on making it taller and harder to climb. At the plan's unveiling, a Secret Service spokesman said their shared goal with the NPS was to "maintain the public's access and their enjoyment of the residence because of the democratic connotations … It is in fact a quintessential First Amendment site."

Both the Secret Service and the NPS did not respond to requests for comment on this story, and the NPS has independently offered no justification for the specific regulations proposing to close all but a slice of the sidewalk.

The draft rules would also make it more difficult for protesters to demonstrate spontaneously. As it stands, protesters have to apply for permits 48 hours in advance for larger demonstrations, but that process can be waived for "spontaneous demonstrations" if the NPS can "reasonably" make resources and personnel available. This puts the responsibility on local officials to make arrangements for demonstrators to exercise their First Amendment rights. The proposed rules would change the wording to make that waiver possible only if "the NPS has the resources and personnel available to manage the activity," making it so officials can deny permits if it decides it doesn't have the resources available.

The draft regulations say the 48 hours notice is crucial to properly evaluating "safety concerns and resource impacts," but the ACLU and other critics say this is a subjective standard meant to limit rapid response protests. In the 1975 decision on the earlier ACLU lawsuit, Judge J. Skelly Wright flatly rebuked time-consuming regulations like this, writing, "timeliness is essential to effective dissent. Delay may stifle protest as effectively as outright censorship."

Under the proposal it would also be illegal to use stages or microphone amplification systems without a permit application submitted 48 hours in advanced, effectively limiting the size of spontaneous demonstrations to small groups. "This is clearly contrary to the protections offered by the First Amendment," wrote Erin Dunne, a Washington Examiner columnist, in an October piece. "Free speech does not need additional permission."

In November, when Attorney General Jeff Sessions was replaced by Trump loyalist Matthew Whitaker, thousands gathered in Lafayette park to demonstrate against the appointment. Move On and other progressive groups alleged this was an aggressive abuse of presidential power, and organized a rapid response protest against the leadership change. Protesters said the traditional order of succession at the Justice Department was usurped, which constituted a threat to Special Counsel Robert Mueller's Russia based on Whittaker's previous statements on the issue. Their waiver was granted and the protest proceeded as plan, using a stage and microphones to talk to the thousands who had gathered in front of the White House. Under the draft rules this protest would most likely not have been possible – organizers would have been required to put a request in days in advance and then wait further for an approval that may never have been granted.

A third major change would take steps toward charging fees for permit applications, by examining how the NPS could "recover all costs incurred … in receiving, writing, and issuing the permit, monitoring the permitted use, restoring park areas, or otherwise supporting a special park use." Regulatory language

currently stipulates that the NPS should only charge permitting fees to "special events" such as concerts, weddings or sporting events. While events that qualify as the "exercise of a right" will not be charged.

In a radio interview, NPS spokesman Mike Litterst said "The federal government and taxpayers shouldn't be required to underwrite the cost of somebody's special event." He also downplayed this element of the proposed rule, saying the specific language is simply "asking the question." The draft calls for comments on how best to administer fees on demonstration permit applications.

The National Park Service has suffered from budget cuts over the past decade – adjusted for inflation its budget is lower than it was in 2009, according to the Congressional Research Service. There is also a $11.6 billion maintenance backlog across NPS lands, which is about three times its total 2018 budget. With a nod to these budget problems, the NPS has cited trash collection and turf restoration after recent protests, among other associated costs, as a strain on limited funds.

"The Occupy D.C. [protest] a few years ago, that was well over $400,000 … and the Women's March recently carried a pretty heavy cost," said spokeswoman Jenny Anzelmo-Sarles in an interview for local TV. "Our process has not kept up with the times." The NPS also cites a rising cost in processing permitting applications for the National Mall – a central function of the Washington, D.C., office – as a reason for charging fees of demonstrators.

The move towards charging fees runs counter to established regulatory practice and prevailing jurisprudence, which both say there is an unambiguous difference between "special events" and "demonstrations." Currently "demonstrations" are considered protected exercises of constitutional rights, making fees a burdensome restriction, while "special event" permit applications are fair game for fee collection. Critics say these proposed regulations begin eliminating that distinction as a way for the NPS to help balance its budget.

"For the first time, the U.S. government wants demonstrators to pay to use our parks, sidewalks and streets to engage in free speech in the nation's capital," wrote Mara Verheyden-Hilliard and Carl Messineo, the respective executive and legal directors of the Partnership for Civil Justice Fund, a public interest legal organization and advocacy group, in a Washington Post opinion piece. "This should be called what it is: a protest tax. … Free speech is not a cost. It is a value. It is a fundamental pillar of democracy."

Concluding their piece, they cite an even earlier 1939 Supreme Court ruling, which says streets and parks are "held in trust for the use of the public … for purposes of assembly, communicating thoughts between citizens, and discussing public questions."

"Such use of the streets and public places has, from ancient times, been a part of the privileges, immunities, rights, and liberties of citizens."

As the National Park Service has only offered spotty justification for its proposed regulations, critics allege that it's the man in the White House who is behind them, and point to what they say is the president's antagonistic attitude toward basic First Amendment rights. During then Judge Brett Kavanaugh's Supreme Court confirmation battle in the Fall of 2018, Trump condemned protesters who interrupted the hearings. In an interview with the conservative website the Daily Caller he said, "I don't know why they don't take care of a situation like that. I think it's embarrassing for the country to allow protesters." He dismissed many of the protesters concerns and alleged that they were in fact paid liberal operatives not demonstrators.

First Amendment advocates see a concerning pattern of open antagonism in the president's behavior, towards free speech rights, specifically in his treatment of free press and free expression. They point to the earliest days of his campaign, when the Trump campaign would make people attending rallies sign a pledge of loyalty before allowing them entering. Inside the rallies candidate Trump would taunt journalists and decry protesters. He told one Iowa crowd on caucus day in 2016, "If you see somebody getting ready to throw a tomato, knock the crap out of them, would you? Seriously, OK? ... I promise you I will pay for the legal fees. I promise, I promise."

Presidents are typically able to contain their emotions, and can understand that criticisms and protests are part of the job says David S. Meyer, a sociology and political science professor at University of California Irvine whose research focuses on political protest movements. "The National Park Service has proposed regulations that seem like they're designed to assuage the anxieties of the people in the White House so they don't have to see people who disagree with them."

He went on, "I think it bothers [Trump] that there are large numbers of people protesting outside of the White House … the visibility itself, that's a problem for the Trump White House." To date there is no public evidence that explicitly ties President Trump or White House officials to the drafting of the regulations. But there is some evidence that the drafting process, which started in the Obama years, went in an entirely new direction after the Trump Administration came to power.

A month before the 2016 election, Randy Myers, an NPS lawyer of 28 years, walked out of his office for the last time and headed for retirement. At the NPS he helped write and check the constitutionality of their regulations, and had helped draft these specific codes before he retired that October. In his 73-page public comment submitted on regulations.gov, he notes that he spent many years "refining and enforcing" the regulations, and "protecting" First Amendment values. "It was with surprise and disappointment that I reviewed this proposed rule," he wrote.

In an interview with The Atlantic, Myers said when he left the NPS those controversial proposals – including "the parts that restrict sidewalk space in front of the White House" and "the consideration about imposing fees on demonstrators" among others – were not included in the drafts he had seen. His comment reads, "indeed, the result will be to constrain First Amendment rights significantly and in violation of established legal principles and for no legitimate reason."

The Framers very intentionally included free speech protections in the First Amendment, and had "a pragmatic rationale" for it, Professor Meyer says. There are dangers to suppressing free speech because "if people are talking in public they're not organizing underground – it's about stability." By limiting these rights, it not only eats away at the core pillars of American democracy it actually works to destabilize the country by forcing dissent out of public spaces.

Meyer acknowledged that there is always compromise between the pure rights outlined by the Constitution and the practicality required of real life, "there are restrictions on the time and place and manner of speech … you can't yell fire in a crowded room." But he noted that the courts had been "generous" in their interpretations of the First Amendments' free speech protections, especially pertaining to the right to protest. "You have to have a very compelling reason to limit protest rights, and you have to allow people to make their message clear," he said.

The administration's proposal already faces legal challenges, which claim the NPS lacks compelling reason to change the regulations in this way, in addition to broader concerns over constitutional viability. Verheyden-Hilliard and Messineo wrote, "we can say with certainty that the cost to our society of stifling dissent is far greater than any operating expense the NPS can claim."

The public comment period for the proposed regulations ended in October, 2018, and in the 90-day comment window the NPS received over 140,000 submissions. Those are now being reviewed, and the NPS is expected to announce its final rules sometime in 2019.

Since the peace vigil was initiated, Philipos Melaku-Bello and the volunteers have faced eviction from 1601 Pennsylvania Ave. by the Secret Service and National Park Service on multiple occasions. The courts, though, have upheld their First Amendment rights, saying it protects their right to protest there. “The First Amendment was written well before our current administration, or anyone that was in any administration throughout the last six presidents since we’ve been here,” said Melaku-Bello. “We have won lots of cases, and I would love Donald Trump to make an attempt.”

“Two major f--ks and flip offs to the White House if they think that they're beyond the First Amendment – it has to be honored. [President Trump] put his hand on The Book, on Inauguration Day, and pledged to protect the people of the United States, and their Constitution.”

PROTEST!

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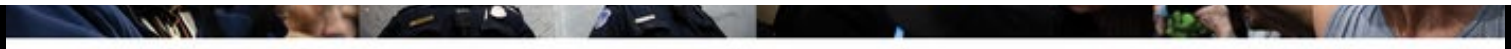
PLEASE JOIN GRAEME ON GEORGE WASHINGTON UNIVERSITY'S CAMPUS FOR AN ARTIST TALK AND DISCUSSION ON APRIL 22 @ 6:30PM. DURING THE TALK HE WILL PRESENT HIS THESIS PROJECT, AND AFTER WILL LEAD A DIALOGUE WITH ATTENDEES ABOUT ACTIVISM, PROTEST AND THE INFLUENCE OF THE PRESS, POLICE AND POLITICS.



PROTEST!

ARTIST TALK WITH GRAEME SLOAN
DISTRICT HOUSE B205
MONDAY, APRIL 22 @ 6:30 PM

Protest! is a photographic and multimedia exploration of protest culture in Washington, D.C. In this city protestors gather just yards from government buildings, and sometimes even inside of them. Their chants pour through windows and echo down hallways, forcing powerful officials to reckon up-close with the demonstrators' targeted demands. But that very proximity also changes the nature of protests – these demonstrations are often blatantly partisan.

The overlapping worlds of congressional machinations and issue-based activism create a type of political protest that should be considered part of our broader, uniquely American "political theater". In this performance the Protesters play the lead, expressing themselves creatively and emotionally. Meanwhile the Politicians, Police and Press all contribute to an ensemble performance defined by dogma, passion and frenzy. Their interactions, rooted in prevailing narratives, crescendo into political spectacle.

graemesloan.com/protest

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About

The Thesis Video Component was created with crowdsourced cell phone video footage recorded on scene by Graeme Sloan, Eric Lee and Sara Kenigsberg. Additional footage was sourced from public videos on Twitter from the following accounts:

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- @ang_____ela
- @domesticworkers
- @JFREJNYC
- @RogueUSMint
- @TomthunkitsMind
- @evanlweber
- @kai_newkirk
- @nowthisnews
- @AMErikaNGIRL07
- @megxnhxrris
- @TheTrumpLady
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- @RedNationRising
- @STAtfl
- @JenniferBrinker
- @aeternusphoto
- @SenTedCruz

- @AllianceDefends
- @onegroovynun
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- @evanlweber

- @Samynemir
- @FemMajority
- @KaylieEHanson
- @peoplefor
- @OurRevolutionNv

- @skengsberg
- @maramcewin
- @Lyncherator
- @JRabhan
- @321Indivisible
- @skleefy
- @jwheels74
- @JosheelRL
- @SmashRacismDC
- @SteveLaiCNA
- @allycollsteele
- @HelenBrosnan
- @womensmarch
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- @AbbyChavaStein
- @JKellyTv
- @ASE
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Appendix D:

Community Engagement

PROTEST!

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