



## **SB 1516 Erodes the First Amendment by creating a Chilling Effect on Legitimate Political Speech and Effective Activism**

This authorless bill erodes the traditional definition of making criminal threats to public officials to create an overly broad definition that can be used by officials to harass, overcharge, and intimidate into plea agreements legitimate political activists and protestors.

Effective political activism means getting under the skin of a public official. Simply making a sign and protesting on a weekend far away from that official in the hopes that maybe it might get picked up by minor local news is not effective activism. Political officials who make decisions and pass laws impacting millions of lives need to know that their actions have potential consequences. Politicians would not have to worry if they consistently enacted policies that benefitted the public and not their crony special interests.

One of our party members who minored in molecular and cellular biology at Berkeley and had actually studied coronaviruses experienced multiple police visits for mailing a scientific study about the ineffectiveness of masks to the home of the State Epidemiologist. The “threat” that caused “alarm” was that the mail was sent to the Epidemiologist’s home address (which is a public property ownership record) instead of his office, which was closed at the time due to the Epidemiologist’s own work-from-home order.

The new crime of “aggravated harassment” is defined as making a “threat” that might “reasonably be expected to cause alarm.” Reasonably expected by whom? What does it mean to be “alarmed?” So – all a politician has to do is say “I felt threatened and alarmed” to get police to dispatch themselves to an activist’s home and put him/her in a cage, then overcharge with “aggravated harassment” to cope a plea down to “harassment” and then use that to get a permanent restraining order and use the conviction to render the activist unemployable.

We feel this is very dangerous, especially in a day and age when the public is constantly propagandized to see threats and boogies that simply aren’t there. Symbols such as “Maga” and even the display of the American Flag are knee-jerk interpreted by some politicians as hate speech. The presence of a firearm at a firearms rights rally is interpreted as “conveying” to a public official a threat on that person.

We already have a criminal threats law on the books – creating an “aggravated” offense will lead to a chilling effect where activists and protestors are afraid to speak after the government makes a few examples of others under this law – even if it doesn’t lead to conviction.

As for the anonymous author of this bill, what are you afraid of?