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OCTOBER 20, 2011, 1:34 PM ET

Law Blog Fireside: Mark Goldstone on 'Occupy' and SCOTUS Steps

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By Joe Palazzolo

The "Occupy" movement is a bonanza for free-speech lawyers, but it has also brought fresh attention to less-covered protests around the country and their legal fallout. We caught up with one of the lawyers who has long been on the front lines of such issues, Mark Goldstone, for a chat Thursday.



His client list includes anti-war activist Cindy Sheehan and Lt. Dan Choi, a gay activist who protested the military's "Don't Ask, Don't Tell" policy. Goldstone currently represents the group [Stop the Machine](#) that is camped out on Freedom Plaza in D.C. The group recently negotiated a four-month extension on its permit with the U.S. Park Police.

Law Blog: Busy year for protests, huh?

Goldstone: Oh my god. I can't keep up. Even before the Occupy movement one of the hidden unknowns was the fact that the number of protesters arrested in recent years is literally in the thousands. The numbers are absolutely astounding. The media hasn't really focused on that. Now that there's Occupy Wall Street, the media is waking up to the fact that there has been nonviolent civil disobedience on a host of issues.

LB: Which means you've had your hands full.

Goldstone: I can't even count the number of cases I have. I have many multiple co-defendant cases. Tuesday we start a trial involving 19 veterans who were locked up on the White House sidewalk for permit violations.

LB: Tell us your philosophy on the First Amendment.

Goldstone: I think the government is very limited in their ability to interdict speech in public areas. A more common view is, 'Oh, well, there's a statue prohibiting this.' I start from the position that Congress shall make no law... [recites the First Amendment].

LB: So, what's driving all this?

Goldstone: People are feeling disassociated from the political system. They feel the system is being dominated by the financial elite. Rather

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than manipulate politics through campaign contributions or campaign fundraisers... they're using their bodies. That's their currency. That's how they impact policy.

LB: Which raises our next question. How are you supporting yourself?

Goldstone: I sometimes get paid by the groups I represent. I sometimes get paid by the court, and I sometimes do work pro bono. I also have other facets of my practice, but this is huge right now.

LB: Do you only represent clients who share your worldview?

Goldstone: No. I represented a right-wing birther [who questioned President Obama's U.S. citizenship]. I'm a First Amendment free speech activist who typically represents people on the left, but I'm not necessarily exclusive.

LB: We read you're going to petition SCOTUS to review the law barring protest on the high court's grounds. The D.C. Circuit put down your challenge pretty hard. What's your angle here?

Goldstone: All I'm trying to do is have the justices look at the plaza, the lower steps and the upper steps as akin to the sidewalk [where it is legal to protest]. Justice Marshall in his dissent in [U.S. v Grace] said, 'Why is it that the Supreme Court, which is the guarantor of First Amendment rights...can't afford a little free speech on our steps?'

LB: Thanks, Mark.

Goldstone: Thank you.

"Occupy" protest movement

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9:56 am October 21, 2011

pro se wrote:

I was criminally prosecuted in Steamboat Springs Colorado for standing on the street in the middle of the day and accusing the city council president of violating the zoning. He was too.... his extra buildings aren't even on the property tax rolls for Routt County! They dismissed the charges eventually after I spent thousands of dollars on attorney bills.

6:01 pm October 20, 2011

James wrote:

Now for a moment of what freedom of speech actually means non-filtered:

http://www.federalistblog.us/2008/10/freedom_of_speech_and_of_the_press/

5:01 pm October 20, 2011

Anon wrote:

spent the past five years covering lawyers and law firms, the U.S. Department of Justice, anticorruption enforcement, and the federal courts. He discovered early on that the best stories either start in the courtroom or lead there. Follow Joe on Twitter @Joe_palazzolo. If you have a comment or a tip, write him at joe.palazzolo@wsj.com or get in touch with lawblog@wsj.com



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I was watching Occupy Athens earlier.

3:08 pm October 20, 2011

BZ wrote:

I support his efforts at protecting the right of free speech — I cannot condone the violence, trespassing, vandalism, malicious mischief, property damage performed by the Occupy Wall Street people.

I also wonder who is protecting the rights of the property owners and residents in the area of Zuccoti Park.

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