



CENTER FOR SECURITY POLICY

INTERVENTION BY THE CENTER FOR SECURITY POLICY

OSCE Human Rights Dimension Implementation Meeting

**Working Session 8
Freedom of Assembly & Association**

Warsaw, 27 September 2013

Thank you Madam Moderator,

Center for Security Policy

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Please note that the right is to assemble peaceably. I would submit that this was the gold standard when implemented in 1791 and remains so today. The right to peaceably assemble was put at parity with the other rights enumerated in the First Amendment.

The right to associate includes the right not to associate or not to be compelled to do so. This simply recognizes that association is itself a form of expression. Where the state can compel association, it undermines the right.

Rights granted by the state are no rights at all. Basic rights are capable of being expressed in basic terms. When the expression of basic rights are recast in tortured language that can only be comprehended by individuals credentialed by elite organizations operating in elite forums, the very nature of what it means to be a basic right loses meaning. When the citizen loses the ability to maintain subject matter awareness of the very meaning of those basic rights, they are diminished and made subject to those who have the power to influence rarified narratives. This comes at the cost of those basic rights' very meaning. Citizens are becoming increasingly dispossessed of their rights by the very process of making them incomprehensible.

One way of demonstrating the efficacy of “new understandings” of “cutting edge” work being done by “experts” on basic rights such as freedom of expression is that they make reference to a myriad number of forums producing numerous “cutting edge” theories requiring a full-time commitment to monitoring them just to remain aware.

There was a time when basic rights could be expressed in as basic terms as this:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

It's as basic as that. In more ways than one, it was the gold standard then and remains so today. Simplicity is inherent in the expression of a basic right. An indicator that basic rights are at risk is that they have been made subject to such “cutting edge” analysis. New is not always better. Cutting edge legal analysis can be used as much to deconstruct one's rights as to build them up.

CSP RECOMMENDS THAT ODIHR ensures that the treatment of the expression of basic rights not lose sight of their basic meaning by expressing them in commonly

understood language using commonly defined terms. This includes the right to peaceably assemble.

Thank you for your time and attention.