

Kentucky Senate passes bill making it a crime to insult the police

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On March 11, the Republican-majority Kentucky state Senate voted 22 to 11 to approve a bill that would make insulting a police officer a crime. Senate Bill (SB) 211 makes it so that a person could be charged with disorderly conduct—a misdemeanor with a penalty of up to 90 days in jail and up to a \$250 fine—if one “accosts, insults, taunts, or challenges a law enforcement officer with offensive or derisive words, or by gestures or other physical contact, that would have a direct tendency to provoke a violent response from the perspective of a reasonable and prudent person.”

Having passed the State Senate, the bill will now move to the Republican-controlled House for possible amendments and a vote. It is unclear whether Democratic Governor Andy Beshear will veto the bill if it passes, sending it back to the legislature for a possible override vote, or sign it into law.

SB211 would give police the power to arrest protesters on a whim. The bill would also impose stiffer sentences for “rioting” along with prohibiting any form of early release for those arrested under its ordinates. Instead, accused persons would be required to be held in jail for at least 48 hours, a penalty which does not apply even for the most serious crimes such as murder or arson.

The bill’s sponsor, Republican State Senator Denny Carroll, defended the legislation earlier this month, telling the *Louisville Courier-Journal*: “In these riots, you see people getting up in officers’ faces, yelling in their ears, doing everything they can to provoke a violent response ... I’m not saying the officers do that, but there has to be a provision within that statute to allow officers to react to that. Because that does nothing but incite those around that vicinity and it furthers and escalates the riotous behavior.”

The legislation would also criminalize a number of

forms of protest, including banning what it calls “unlawful camping.” One provision in the bill is explicitly designed to counter the demand to “defund the police” by requiring local government entities to “maintain and improve their respective financial support to the Commonwealth’s law enforcement agencies.”

While criminalizing constitutionally protected free speech, SB211 extends protections to officers who use “defensive force” during “riots” and criminalizes the possession of any implements that could be used as weapons during demonstrations.

The bill has provoked widespread condemnation as an overt assault on democratic rights, with the American Civil Liberties Union (ACLU) of Kentucky referring to the legislation as “an extreme bill to stifle dissent.” Corey Shapiro, an attorney with the ACLU of Kentucky, told the *Washington Post*: “It’s criminalizing speech in a way that’s directed at protesters and people who are speaking out against police action... It is a bedrock principle of the First Amendment that people should be able to criticize police action, even if it’s using offensive speech.”

The proponents of the bill claim that SB211 is upheld by the so-called “fighting words” exception to the First Amendment. The exception designates speech or gestures that immediately provoke violence as not protected by free speech laws. Such laws are in effect in several states. However, in their prior manifestations, the laws apply to all people, without exceptions based upon occupation. SB211 would designate the police as a uniquely protected class in society that is above insults.

Caroline Mala Corbin, a constitutional law professor at the University of Miami, told the *Post* that the bill represents a blatant overreach by state authorities:

“Clearly the government is trying to ban speech it does not like. ... And that is a paradigmatic violation of the free speech clause” of the First Amendment.”

The legislation represents a vicious frontal assault on democratic rights. The language in the bill is so intentionally vague so as to give the police the widest possible leverage to abuse the population.

It is no coincidence that the bill was advanced just days before the one-year anniversary of the March 13, 2020 murder of Breonna Taylor. Taylor, a 26-year paramedic, was gunned down in her own home in the middle of the night by Louisville Metropolitan Police Department (LMPD) officers during a “no-knock” raid. No officers were charged in connection with her death, while Taylor’s boyfriend Kenneth Walker was charged with attempted murder for having fired at the plainclothes officers, who he believed were intruders. The charges against Walker were later dropped, underlining the criminality of the officers’ actions.

The LMPD was further disgraced later in the year when it was revealed that the widespread sexual abuse of minors in the department’s youth program had been deliberately and systematically covered up by the authorities, with incriminating evidence having been destroyed.

Taylor’s case has become symbolic of the injustices that police forces in the United States regularly commit. Her murder—along with that of George Floyd, who was choked to death by Minneapolis police on Memorial Day last year—was the trigger for the eruption of mass multi-racial protests against police brutality that swept across the nation and the world last summer.

The demonstrations—for the most part unorganized and leaderless—were met with brutal repression by the ruling class and its police apparatus. This culminated in President Donald Trump’s efforts to deploy the military against the protesters and the mobilization of federal agents, including Border Patrol, against protesters in Portland.

Trump’s crackdown marked the beginning of a conspiracy which culminated in the January 6 coup attempt, in which Trump sympathizers sought to take Congress hostage and forestall the electoral vote count that would confirm Joe Biden’s victory.

On the other hand the section of the ruling elite represented by the Democratic Party, attempted to placate and disorient the mass anger of the population

with empty promises of police reform along with the promotion of racial identity politics.

In response to growing outrage and opposition within the population to social inequality and the criminal response to the pandemic, fascistic layers are being built up by the capitalist establishment and the police apparatus is being bolstered with expanded powers of repression.

SB211 is being proposed in the midst of a lurch towards fascistic forms of rule internationally. In Spain, mass protests over the jailing of rapper Pablo Hasél—imprisoned for insulting the Spanish monarchy and state—are continuing in the face of vicious police repression. Last month saw the passing in France of an openly fascistic “anti-separatist” law, which singles out Muslims and other minority groups for discrimination while giving the police far-reaching powers to suppress political opposition.

These trends are given perhaps their sharpest expression in the situation in Myanmar, where strikes and mass protests against the military coup are being met with lethal violence by the junta. As capitalism breaks down under the weight of its own contradictions, the bourgeoisie ever more openly turns towards the use of brute force and naked repression in an attempt to suppress the growing opposition of the working class. The fight to defend democratic rights can only be undertaken by the workers themselves, united internationally under a revolutionary socialist banner.



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