

# Police to Citizen: You can't hand out newspaper on Capitol Hill

"You can get locked up for that," a law enforcement officer told Jay Waxse

By Citizen Staff

The *Capitol Hill Citizen* newspaper is about getting back to it.

Print only.

Distributed through the U.S. Mail.

Handing off the physical paper to our fellow citizens – and to the people who are supposed to represent us – our members of Congress.

Jay Waxse was on Capitol Hill on January 24, 2023 handing out the January 2023 edition to members of Congress, staffers, reporters, citizens and whoever was interested in taking a copy.

It was our way of saying – check out this new newspaper.

Waxse was standing in front of the Dirksen Senate Office building handing out copies of the newspaper. No problem.

He then went over to the

Hart Senate Office building and started handing out the paper.

Waxse was not blocking or slowing ingress or egress. No person had complained. There was no newspaper litter. There was no harassment, coercion, or intimidation.

After a few moments, Waxse was approached by a law enforcement officer.

"You can't do this on Capitol Hill," the officer told Waxse "You can get locked up for that."

The officer cited no law or regulation that Waxse was allegedly violating, but Waxse listened to the officer and left the premises.

"It is difficult to imagine a purer exercise of the First Amendment rights of free speech, press, and association," *Capitol Hill Citizen* attorney Bruce Fein wrote to



Jay Waxse reading the *Citizen* after a tough day trying to hand out the paper on the Hill

Stephanie Jones, the Superintendent of the Senate office buildings. "Further, the newspaper stories were all about Congress and congressional authorities under the Constitution."

"The police officer cited no law or regulation that Mr. Waxse allegedly was violat-

ing," Fein wrote. "She cryptically stated – "You can't do this on the Hill. You can get locked up for that."

"The applicable law as expounded by the United States Supreme Court is clear," Fein wrote. "Reasonable time, place, and manner restrictions may be placed on First

Amendment activity occurring on sidewalks or government property that is open to the public, like the Hart Senate Office Building. But a categorical ban is constitutionally infirm. Moreover, unbridled discretion may not be conferred on officials entrusted with enforcing limits on constitutionally protected expression."

Fein said that he assumed that the police officer who ordered the cessation of the sidewalk distribution of *Capitol Hill Citizen* "had been misadvised or misunderstood the relevant constitutional law."

"I am not impugning her motives," Fein wrote. "Going forward, I would respectfully urge you to instruct the Capitol Police for the Russell, Dirksen, and Hart Senate Office Buildings that the First Amendment protects the distribution of newspapers on the adjacent sidewalks and Senate property freely open to the public unless ingress or egress or movement is blocked or slowed, the manner of distribution is coercive, intimidating, or harassing, or the distribution is causing litter."

"We would be eager to work with you to develop written guidelines and training."

Fein did not receive an answer from Stephanie Jones.

Neither did we.

Fein says it represents "more official indifference to citizen petitioning to redress grievances." **CHC**

## In this issue

1. Congressional Transcript Implosion
1. Boeing Sweetheart Deal
1. Hakeem the Dream
2. Police to Citizen: You Can't Hand Out the Newspaper
3. Letters to the Editor
8. Interview with Seymour Hersh
10. Redfield Calls for Moratorium on Gain of Function Research
10. Oversight of Risky Research Not Effective
12. An Open Letter to Nancy Pelosi
14. The Letter Larson Never Sent
15. Feds Waived Rules for Norfolk Southern
16. Interview with Jennifer Briney
18. Remember South Dakota's Senator James Abourezk
19. Congress Just Says NO to the American People
20. Left-Right Unite Against the War Machine
23. Former Members of Congress Tour Campuses
24. Senator Jack Reed: Cornerstone of the Military Industrial Congressional Complex
25. Federal Reserve Can't Investigate Itself
26. Interview with Jamie Dupree
28. Nuclear Bribery USA
30. AOC Leaves Door Open to Dirty Nuclear Power
31. Nuclear is Not a Silver Bullet for Climate Disaster
32. More Subsidies for Commercial Nuclear Power? No Thank You.
33. Barney Frank: Anatomy of a Corporate Democrat
34. Why no Prosecution of George W. Bush for Murder?
35. Tomas Young's Letter to Bush and Cheney
36. By George
37. A Veteran Speaks Out
37. Killed in Reaction
38. Interview with Logan Lane
40. Coca-Cola Corrupts the Political Economy