

## **Judge rules raucous speech is still protected**

SEVENTY-YEAR-OLD Ben Romano, a Chalfont resident who's been known now and then (quite frequently, actually) to disagree with the actions of borough council and isn't shy about it, tested the limits of his free speech rights at a March public meeting.

During an informational open house, Romano used a loud voice to berate a couple of council members, accusing them of misspending taxpayers' money and misrepresenting the funding source for some borough projects. When attempts to calm Romano failed, Mayor Marilyn Becker called the police. Eventually, Romano had to be escorted outside and was handcuffed, and he was charged with disorderly conduct.

Following a 90-minute hearing this week, District Judge Robert Gaffney found Romano not guilty. "I believe the First Amendment trumps a lot of municipal ordinances and some state law," Gaffney said in explaining his ruling. A key point apparently was the fact that at no time did Romano pose an actual physical threat to anyone. He was just speaking his piece, albeit in a manner that obviously made a number of people uncomfortable.

In fact, the judge did admonish Romano "to change his conduct + and be civilized" in the future. "You can disagree without being disagreeable," Gaffney said.

We don't condone Romano's modus operandi. When protests violate accepted rules of decorum, a strategy clearly employed to gain attention, the tactic often backfires and actually draws attention away from the message. Romano no doubt was and is sincere, but in the course of his performance, the importance of what he was trying to say was lost, at least on some of those gathered who were heard laughing on a video made at the meeting.

Nevertheless, while Gaffney had some reservations about Romano's rather animated behavior, the judge ruled the septuagenarian's protest perfectly protected by the Constitution. A good thing, too. Besides the ballot box, the only way citizens can keep their elected officials in line is to speak out when they stray.

Romano's attorney, J. Todd Savarese, said: "There are many Ben Romanos throughout this United States, each of whom possesses the constitutional right to express his or her political views without fear of governmental retaliation or duress."

Let's hope Savarese is right about the numbers, and that judges everywhere are as astute as Judge Gaffney.