

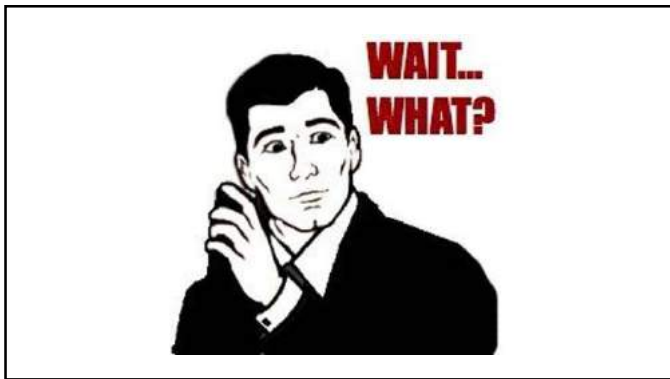


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IMPORTANT





US Constitution consists of:

7 Articles & 27 Amendments



Who proposed the first set of amendments?

The House passed a joint resolution containing how many amendments?

The Senate narrowed the joint resolution to contain how many amendments?

How many amendments were originally sent to the States?



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.

U.S. Const. amend. I.

...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor **deny to any person within its jurisdiction the equal protection of the laws**.

U.S. Const. amend. XIV, § 1.

Freedom of speech and press; defamation

That **the printing presses** shall be free to every person to examine the proceedings of the Legislature; or **of any branch or officer of the government, and no law shall ever be made to restrain the right thereof**. The free communication of thoughts and opinions, is one of the invaluable rights of man, and **every citizen may freely speak, write, and print on any subject**, being responsible for the abuse of that liberty. But in prosecutions for the publication of papers investigating the official conduct of officers, or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libel, the jury shall have a right to determine the law and the facts, under the direction of the court, as in other criminal cases.

TN Const. Art. I, § 9



...support the constitutions of the United States and of this state, and to execute the duties of the office without prejudice, partiality or favor, to the best of the clerk's skill and ability; also, that the clerk has neither given nor will give to any person any gratuity, gift, fee or reward in consideration of the clerk's support for the office, and that the clerk has neither sold nor offered to sell, nor will the clerk sell, the clerk's interest in the office.

Tenn. Code Ann. § 18-1-103



How do we get from the text of the First Amendment to First Amendment Auditors?



Source: Google; Matt Sayles, Pool/AP

George Holliday – March 1991

Filmed Rodney King with a video camera he **happened** to have with him and shared with local media.









Enter the First Amendment Auditors:

"This is a public building/place and I have a right to videotape and record!"



"Although the phenomenon emerged as a way to monitor police activity, First Amendment Auditors [] began exploring other possibilities, since the language of the federal cases found a First Amendment right to film "public officials" in "public places." **By slightly expanding the original meaning of those words**, First Amendment auditors **claimed the right to film public employees going about their business in public buildings.**"

Source: Municipal Association of South Carolina (www.masc.sc)

But what is PUBLIC?

What is a PUBLIC FORUM?

1. Traditional Public Forum - "namely, public streets or parks—speech restrictions must be 'narrowly tailored to serve a compelling government interest.' "

2. Designated public forum - "which exists 'if government property that has not traditionally been regarded as a public forum is intentionally opened up for that purpose.'" (same restriction standard as traditional public forum)

Am. Freedom Def. Initiative v. King Cnty., 577 U.S. 1202, 136 S.Ct. 1022(Mem), 194 L.Ed.2d 376(Mem) (2016)

3. "a limited public forum (also called a nonpublic forum)—namely, 'a forum that is limited to use by certain groups or dedicated solely to the discussion of certain subjects'—then speech restrictions need only be 'reasonable and viewpoint neutral.'"

Am. Freedom Def. Initiative v. King Cnty., 577 U.S. 1202, 136 S.Ct. 1022(Mem), 194 L.Ed.2d 376(Mem) (2016)

These concepts are a bit ambiguous and it's ok to feel like you're in the weeds.



Now let's take a look at a first amendment auditor at work.



Source: Youtube; News Now California



Source: www.wxyz.com/news/remain-calm-pleasant-how-state-is-asking-employees-to-handle-so-called-1st-amendment-auditors

Practical responses

- Educate employees.
- Don't overreact.
- Identify and mark nonpublic forums.
- Consider rules about harassment/disorderly conduct.
- Before adopting any specific regulations, always consult with your county/city attorney.

Source: Municipal Association of South Carolina (www.masc.sc)





Low Hanging Fruit

WISCONSIN COUNTY COMPLAINT FORM

Town Name: _____ County Name: _____
Date of incident: _____

Officer you are complaining about: _____

Name of the individual you are complaining about: _____

Is this an open records request complaint? ☐ Yes ☐ No
If Yes, was a written open records request submitted? ☐ Yes ☐ No
When was your request for the records request being denied? ☐ Yes ☐ No
If Yes, what record were you given for the records request being denied?

If No, how else happened?

Have you attempted to address your complaint with the Office Director? ☐ Yes ☐ No
What action are you requesting?

Signature & Date

Submit form to the appropriate County Executive's Office







Source: Youtube; Good Citizen News

Do you have these questions?

1. What about my office?
2. What about my courthouse?
3. What about my courtroom?
4. What about me or my employees at work?



These are the questions that you need to discuss with your local county officials and decide how you want to answer them and how you want to respond to First Amendment auditors, or citizen journalists.