



# First Amendment Foundation

*Protecting Your Right to Know for 30 Years!*

## **FOR IMMEDIATE RELEASE**

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### **The First Amendment Foundation Goes to the United States Supreme Court**

*~ Lozman v. City of Riviera Beach ~*

TALLAHASSEE –The First Amendment Foundation filed an amicus in support of in Fane Lozman’s case against the City of Riviera Beach, which was argued before the U.S. Supreme Court on Tuesday, February 27. Lozman is the 2017 recipient of the Foundation’s Pete Weitzel/Friend of the First Amendment Award.

In 2006, Fane Lozman was speaking during the public comment portion of a city commission meeting when he was told by the presiding officer to stop speaking. Lozman refused and was arrested and removed from the meeting room. Although Lozman was ultimately not charged, he filed suit against the city in federal court, alleging a violation of his first amendment rights and retaliatory arrest. The U.S. Court of Appeals for the 11th Circuit found in favor of the City of Riviera Beach and Lozman appealed.

Lozman’s case has become a major test of First Amendment rights, garnering widespread national attention. Stanford University law professor Pamela S. Karlan, who represented Lozman before the Court, noted that this case is important for protesters, journalists, and others who face retaliation from governments they criticize or cover.

During oral arguments Tuesday, the Court seemed sympathetic to Lozman. “I mean, the fellow is up there for about 15 seconds, and the next thing he knows, he’s being led off in handcuffs, speaking in a very calm voice,” Chief Justice John Roberts said during the oral argument. “Now, the council may not have liked what he was talking about, but that doesn’t mean they get to cuff him and lead him out.”

But Justices Anthony Kennedy and Stephen Breyer expressed concern about a broad ruling as they quizzed Karlan about how to protect police from unwarranted lawsuits for doing their jobs. Shay Dvoretzky, attorney for Riviera Beach, pointed out that there is no easy way for the court to draw the lines to protect police, government officials, and Lozman. Justice Kennedy responded, “If that is so, then the First Amendment is in trouble.”

FAF President Barbara Petersen, who attended Tuesday’s oral arguments, is hopeful the Court will find in Lozman’s favor. “This is a critically important case not only for Mr. Lozman but for citizens throughout Florida who face arrest and charges of trespass simply because they exercise their First Amendment rights to criticize their government. I wish I could say this case is unique but unfortunately, it’s not. I talk to citizens every day and I know that is simply not true. Mr. Lozman’s courage and conviction in pursuing this injustice should set an example for us all.”

## **About the First Amendment Foundation**

The First Amendment Foundation believes that government openness and transparency is critical to citizen trust and involvement in our democratic society – without Government in the Sunshine, civic engagement cannot bloom. Through ongoing monitoring of the state’s public records, open meetings laws, the education of government officials and citizens—the Foundation promotes the public’s constitutional right to oversee and to participate in the governance process.

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