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To: [Gabe Thomas](#); [Kevin Forster](#); [Debra Schnabel](#); [tom morphet](#); [Aleka Fullerton](#)
Subject: Urbana, Illinois and Haines, Alaska
Date: Thursday, February 8, 2024 7:10:29 AM

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Hello all.

I wanted to forward you all this legal document from an attorney general's office regarding an incident in Urbana, Illinois. It's remarkably similar to what happened in Haines and the issues you all are weighing in on. More broadly, it will help define what is and isn't appropriate during public comment regarding "manner" of speech.

Here is the link to the 12-page legal document along with some noteworthy text:

https://edgarcountywatchdogs.com/wp-content/uploads/2021/04/URBANA-Ordinance_2021-04-014_all.pdf

"However, our review of the verbatim recording indicates that Ms. Chong's statement contained her opinions that were critical of the manner in which Ms. Mitten, a public employee, carried out her official duties: This is a matter of public concern protected by the first amendment. This office has repeatedly determined that "[w]hen criticism involves the conduct of present or former public officials in the performance of their public duties, significant latitude must be allowed."

Here is a link to a law firm in the area that also discusses First Amendment implications and a basic summary of what happened.

<https://www.ktjlaw.com/blog/public-bodies-cannot-prohibit-expression-of-opinions-or-criticism-of-public-officials-during-public-comment-without-evidence-of-disruption/>

"The Public Access Counselor noted that without further, actual evidence of disruption to a meeting, the mere criticism of public officials by name cannot be prohibited by the public rules of a public body."

Here is another example from Michigan, cited by FIRE, the Freedom of Individual Rights and Expression, this nation's premier free speech advocacy organization:

<https://www.thefire.org/news/victory-michigan-city-recognizes-first-amendment-right-demean-government-officials>

"FIRE also explained to the Bay City Commission that its rules were unconstitutionally vague and overbroad, leaving commenters to guess what comments could get them cut off from speaking or ejected from meetings. It also allows city commissioners to subjectively and arbitrarily interpret the rules."

Here's my two cents:

Key language there is "constitutionally vague and overbroad." I think if you try to define bullying outside the scope of first amendment protections and restrict speech based on a definition that hasn't already been wrangled over many times, like the instances listed above, you're going to run into the same problems. As we saw at the GAS committee meeting, one person's perception of

bullying is another person's self-perceived harmless smile or joke as evidenced by Alekka and Gabe's reaction to Tom's laughing. We can all easily look into cases like this before public officials take any official action or place codified limits on speech. From my perspective, the best thing public officials can do is model civility, reinforce those values during meetings and persuade others to behave similarly. You want to change hearts and minds. Legislating or restricting speech you don't like will likely just fuel mistrust and create more controversy, which is clearly what's happening now. That said, this is a great opportunity to learn more about these issues.

Thanks for hearing me out,

-Kyle Clayton