



# The Washington Report

The Newsletter of the National Association of Police Organizations  
*Representing America's Finest*

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May 8, 2013

## **NAPO WASHINGTON REPORT FLASH** **NAPO MOTION GRANTED BY U.S. COURT OF APPEALS**

On Monday, May 6, the United States Court of Appeals for the Fourth Circuit in Richmond, Virginia issued an order granting NAPO's motion to participate as an *amicus curiae* ("friend of the court") in a pending case called Bland, et al. vs. Roberts. The Court is one step below the U.S. Supreme Court, and the case involves an issue of free speech by a law enforcement officer and how social media and free speech interact. The plaintiffs in the case were deputy sheriffs employed by the defendant. The defendant was running for reelection. An opponent to the sheriff was running against him. The plaintiff deputies "liked" the opponent's Facebook page. The sheriff found out about it and warned the plaintiffs that if he was reelected, they would be terminated. Sure enough, he won and the plaintiffs were terminated.

They filed suit and in the resulting case in U.S. District Court, the judge held that "liking" someone on Facebook was not speech and so no legal or constitutional protections were available to the deputies. The deputies appealed and when NAPO learned of the case we sought to participate as an *amicus curiae* in support of the deputies. The sheriff opposed our motion. On Monday the Court granted our motion and we will be allowed to participate.

**THE ONLY AMICUS CURIAE THAT THE COURT ALLOWED TO PARTICIPATE ARE THE ACLU, FACEBOOK, INC, AND NAPO!** So we're in some rare company. NAPO's Executive Director and General Counsel, Bill Johnson, and Attorney Mike McGuinness, who frequently lectures at NAPO seminars, wrote and edited the *amicus* brief and are the counsel of record in the case. We'll have copies of our brief available at our upcoming May 13 seminar in Washington.

Please monitor NAPO's website [www.napo.org](http://www.napo.org), and Facebook page: National Association of Police Organizations, and follow us on Twitter at NAPOpolice for breaking news and updates.