



Hate Speech and Civility:

What's a city to do?

Presenters and Panelists



Chad Jacobs
Partner
Beery Elsner & Hammond LLP



Julie Fitzgerald
Mayor
City of Wilsonville



Melanie Kebler
Mayor
City of Bend



Steve Callaway
Mayor
City of Hillsboro

How does this happen?

- Typically, hate speech or other tactics meant to disrupt public meetings occurs through a process commonly known as “Zoom Bombing.”
- Zoom Bombers typically use public comment periods to create an unwanted, disruptive intrusion by sharing offensive materials on screen or stating comments that are lewd, obscene, racist or antisemitic in nature.
- Zoom Bombers often use technology that allows a single user to appear to be many different participants.
- Rarely does this occur in person – it is almost always online.

What does the law allow?

- Must conduct an analysis under both federal and state law.
- Under federal law, we can limit content in during public comment periods because the speech occurs in a limited public forum.
- Content based restrictions must be viewpoint neutral (and enforced that way) and they must be reasonable in light of the purpose served by the forum.
- For example, rules that limit topics of discussion to matters within the jurisdiction of a governing body is likely reasonable in light of the purposes served by the public comment period.
- Further example, rules that prohibit complaints about employees but permit compliments or praise about the same employees is not viewpoint neutral.

What does the law allow?


- While the public forum analysis is pretty settled under federal law, Oregon courts have not yet addressed this issue.
- The free speech rights afforded by the Article I, section 8 of the Oregon Constitution are more broad than those provided by the First Amendment.
- It is possible that Oregon courts would follow the public forum analysis or come up with some other analysis to permit content based restrictions during public comment periods.
- We don't know, however, so there is some risk if you do anything other than allowing the speech to occur – therefore, consult with your City Attorney!

Are there some general tips?

- We'll get more tips from our panelists, but here are some potential ideas:
 - ✓ take a recess to allow employees and audience members to leave;
 - ✓ put public comment at end of meeting;
 - ✓ require registration for online public comment;
 - ✓ utilize platform tools to maintain control of screen and audio;
 - ✓ lower the volume while such comments are occurring (don't mute);
 - ✓ don't prolong comment period by interrupting;
 - ✓ speak in opposition to such comments once they are complete;
 - ✓ amend rules to clearly set parameters of allowable comments.

Please remember!

- This is an untested area of law in Oregon, so there are risks with any action.
- This analysis applies only when someone has authority to speak, i.e., they have been recognized as a speaker during a public comment period.
- This analysis does not apply to individuals interrupting or disrupting the meeting at other times. If that occurs, such interruptions may still be dealt with as normal, including removing participants after appropriate warnings.
- Main takeaway – these situations are more common than you think, so be prepared with a plan rather than trying to react in the heat of the moment.

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1. What are your experiences with hate-related actions in your communities?
 2. Share examples of when you've had to interrupt or respond to speech by public members in a meeting and what would you have done differently in those situations.
 3. Have you noticed an increase of hate-driven instances in your community?
 4. In the time of increasing political polarization, how can city leaders support their colleagues and community members?

Panel Discussion

Helpful Items

National League of Cities:

- On the Frontlines of Today's Cities: Trauma, Challenges, and Solutions

City of Hillsboro Response Guides:

- General public comment script
- Public comment registration and Card
- Disrespectful public comment
- Response to complaints against staff

City of Bend Rules and Protocols:

- Council Rules
- Zoom Protocols

Q&A



Thank you

