

From: GARY NORTHINGTON
Date: 11/19/2020 6:21:33 AM
To: Rudy Davis

Attachments: □

1ST AMENDMENT, SPEECH:

***"Intimidation, in proscribable sense of word pursuant to the First Amendment, is a type of 'true threat', where speaker directs threat to person or group of persons with intent of placing victim in fear of bodily harm or death". VIRGINIA v BLACK, 538 US 343, 359-360 (2003) (conviction for cross-burning vacated).

***"Fighting words" of group or religious expression not prohibited. R.A.V v ST. PAUL, MINN, 505 US 377, 386-387 (1992).

***"Statement about attempt on life of President of "If they go for him again, I hope they get him" was allowable speech. RANKIN v McPHERSON, 483 US 378, 384-385 (1987).

***"Boycott activity which is nonviolent is protected. 'Fighting words', those that provoke immediate violence, are not protected by the First Amendment; similarly, words which create an immediate panic are not entitled to constitutional protection". NAACP v CLAIBORNE HARDWARE CO., 458 US 886, 927 (1982).

***"Political hyperbole" is not a true threat. WATTS v U.S., 394 US 705, 708 (1969).

***"Fourteenth Amendment prohibits State from imposing criminal punishment for public advocacy of peaceful change in our institutions". STREET v NEW YORK, 394 US 576, 591 (1969).

***"Under Constitution, public expression of ideas may not be prohibited merely because ideas are themselves offensive to some of their hearers". STREET, 394 US at 592.

***"The right of an American to criticize public officials and policies and to advocate peacefully ideas for change is 'the central meaning of the First Amendment'." NEW YORK TIMES v SULLIVAN, 376 US 254, 273 (1964); BLOCH v RIBAR, 156 F3d 673, 678 (6th Cir. 1998).

***"The distinction between advocacy of abstract doctrine and advocacy directed at promoting unlawful action is one that has been consistently recognized in the opinions of this Court (sic). This distinction is heavily underscored in *Gitlow v New York*, 268 US 652, in which the statute involved is nearly identical with the one now before us, and where the Court, despite the narrow view there taken of the First Amendment said: 'The statute does not penalize the utterance of abstract "doctrine" or academic discussion having no quality of incitement to any concrete action... It is not the abstract "doctrine" of overthrowing organized government by unlawful

means which is denounced by the statute, but the advocacy of action for the accomplishment of that purpose... This [Manifesto] .. is [in] the language of direct incitement... That the jury were warranted in finding that the Manifesto advocated not merely the abstract doctrine of by force, violence, and unlawful means, but action to that end, is clear... That utterances inciting to the overthrow of organized government by unlawful means, present a sufficient danger of substantive evil to bring their punishment within the range of legislative discretion, is clear. Id. 268 US at 664-669". YATES v UNITED STATES, 354 US 298, 318-319 (1957) (on Smith Act).

***"The statute was aimed at the advocacy and teaching of concrete action for the forcible overthrow of Government, and not of principles divorced from the action". YATES, 354 US at 320.

***"We recognize that distinctions between advocacy or teaching of abstract doctrines, with evil intent, and that which is directed to stirring people to action, are often subtle and difficult to grasp, for in a broad sense (sic), 'Every idea is an incitement'. But the very subtlety of these distinctions require the most clear and explicit instructions with reference to them". YATES, 354 US at 326-327.

***"I view the guarantees of the First Amendment as the foundation upon which our governmental structure rests and WITHOUT WHICH it could not continue to endure as conceived and planned. Freedom to speak and write about public questions is as important to the life of our government as is the heart to the human body. In fact, this [RIGHT] is the heart of our government. If that heart be weakened, the result is debilitation; if it be stilled, THE RESULT IS DEATH". MILK WAGON DRIVERS v MEADOWMOOR DAIRIES, 312 US 287, ____ (1941).

***"All speech is presumably protected against government interference by First Amendment". U.S. v ALVAREZ, 617 F3d 1198, ____ (9th Cir. 2010).

***"[A] content-based regulation of speech is constitutionally suspect under the First Amendment". McCULLEN v COAKLEY, 571 F3d 167, ____ (1st Cir. 2009).

***"The First Amendment protects a significant amount of verbal criticism and challenge directed at police officers.... The freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principally characteristics by which we distinguish a free nation from a police state. Id. at 462-463". GREENE v BARBER, 310 F3d 889, 896 (6th Cir. 2002) (officer insulted by Greene).

***A "true threat" must be taken in context. U.S. v SAVOIE, 122 F3d 122 (2nd Cir. 1997).

***Whether or not "true threat" is a jury question. U.S. v CREWS, 781 F2d 826, 832 (10th Cir. 1986).

***Intent to carry out not required. U.S. v DYSART, 705 F2d 1247, 1256 (10th Cir. 1983).

Dear Rudy,

Hey! Thanks for the Birthday Greeting. My response is delayed by a plethora of JPay problems. They say a piece of their equipment was down for a month - that may have been the server. I am attempting to get JPay to remove the virus its "UPDATE" put into my tablet about a month ago. $2 + 2 = \dots$

On 18 NOV 2020, I received a notice that an email you sent was blocked from being received by me. It is unclear who blocked the email but that is usually done by the mailroom employees who are Hilary Madery and COA J. Norder at JCF, or Business Manager Stacey Stinson at JCF, masquerading as the "JPay Representative". It also may be JPay out of the Mob-Run Anti-American local of Atlanta. Aforesaid is part of my grievance.

"Our struggle is not against ... Ephesians