

Mayor Jean Stother (City of Omaha), Chief Todd Schmaderer (OPD) and Tony Conner (OPOA),

I am writing to you today as a concerned constituent who is no longer able to engage with Tony Conner, Omaha Police Officers Association (OPOA) president on social media because I have been blocked from viewing and/or commenting on Tony Conners official Twitter account at [@OPOAPresident](#) and [@OPOAPresident \(@opoapresident\) / Twitter](#). I was blocked on or about Oct 26, 2022.

Tony Conners page is being used as a public forum where governmental matters such as legislation, policies, and votes—all of which affect me as a constituent—are regularly discussed. My comments have complied with your page's policies and blocking me from this interactive and informative space based on the views I express violates my First Amendment rights. Rather than deny my constitutional right to engage in speech, I respectfully ask that you restore my access to Tony Conners OPOA President page.

There are several recent federal circuit court rulings that acknowledge that blocking constituents from social media accounts belonging to government and public officials, or organizations is a violation of the First Amendment's guarantee of freedom of speech.[1]

The message from the courts is clear: when pages are used for government business, restricting speech or blocking individuals from such forums is unconstitutional. Members of the public must remain a part of the conversation and, as such, are protected when they express their views on public officials' social media pages.

I respectfully request that you restore my ability to view and interact with Tony Conners office on social media and uphold your duty as an elected/public representative to hear my concerns and to simultaneously uphold the United States Constitution in the process.

Tony Conner's OPOA job, as the OPOA President, is a fully funded law enforcement position that is funded by city taxpayers and Tony Conners twitter account promotes and engages citizens in views about politics and other matters that personal affects me as a citizen.

The following are taken directly from the OPOA labor contract that was established and accepted by the City of Omaha and Mayor Jean Stother. This shows that the city is the one who "assigns" the roll and therefore it is an office that is appointed by Mayor Jean Stother AND Tony Conner is a full-time city employee and should not be allowed to block people on any social media account.

Article 26, Section 4 states:

"The CITY will assign the President of the ASSOCIATION to the "B" shift (with his consent) without regard to Article 10, Seniority, during the duration of his presidency."

Article 26, Section 6 of OPOA contract with the City of Omaha describes the role of the OPOA President:

“ASSOCIATION PRESIDENT I REPRESENTATIVE - FULL TIME RELEASE STATUS:

The ASSOCIATION President or another elected SECTION 7 PAGE 75 ASSOCIATION representative shall be granted full release time to conduct ASSOCIATION business. While working in this full-time release capacity, the ASSOCIATION President, or his/her designee, shall receive his/her full salary and benefits to which he/she is normally entitled as a sworn member of the Omaha Police Department, of equivalent rank, working a (40) hour Monday through Friday work week on B shift. This full time ASSOCIATION representative shall be assigned under the office of the Chief, but shall be free to conduct the affairs of the Omaha Police Officers Association.

The ASSOCIATION President or President's designee shall not be entitled to overtime resulting from engaging in Association activity, unless otherwise ordered by the Chief or his designee, but shall not be restricted in his/her ability to request consideration for, and participation in, police related overtime assignments available to any other sworn employee of the same rank.

In the event that the ASSOCIATION President elects to assign another elected ASSOCIATION representative as his/her designee, such designee shall not hold a rank greater than the rank of Sergeant.

On May 1st of each year, the ASSOCIATION shall advise the Chief of who will hold the full time release position.

Any changes to the full time release position mid year shall be communicated to the Chief no less than 30 days prior to the change.

The ASSOCIATION President reserves the right to not be carried on full time status and instead hold his/her current assignment. The ASSOCIATION President reserves the right to not assign a full time release designee.”

In the above section it clearly states that the president will receive his/her full salary and benefits to which he is normally entitled as a sworn member of the Omaha Police Department and paid for by taxpayer dollars. Any position that is paid for citizens and engage in political matters is not allowed to block me and deny me my first amendment rights granted by the United States Constitution. Tony Conner must unblock ALL accounts on his social media platforms.

Sincerely,

Colene Hinchey

Citizen of Omaha

Founder [@blue_snitch](http://BlueStitch.com)

[1] See *Davison v. Randall*, 912 F.3d 666 (4th Cir. 2019) (holding that blocking users on social media is viewpoint discrimination where a government or elected official social media user does things like displays their official title, website, and contact information, where a page is used as a “tool of governance” and where government resources are used to support the page); see also *Knight First Amendment Inst. at Columbia Univ. v. Trump*, 928 F.3d 226, 234 (2d Cir. 2019) (affirming lower court decision that because, inter alia, former President Donald Trump’s Twitter account was presented as presidential and used for official business, his control over it was governmental in nature and needed to comply with the First Amendment); see also *Campbell v. Reisch*, No. 19-2994, 2021 WL 261992, at *2 (8th Cir. Jan. 27, 2021) (holding that even a “private account can turn into a governmental one if it becomes an organ of official business . . .”).