

March 19, 2018
Representative Mark Amodei
5310 Kietzke Lane, Suite 103
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Congressman Amodei,

We were contacted by one of your constituents regarding a call they made to your office about federal firearms policy during National School Walkout day on March 14, 2018. As reported to us, the constituent called your office to implore you to raise the minimum age to buy a gun, and ban bump stocks. During this call, your constituent passionately implored you and all members of Congress to “Get off your fucking asses and do something about gun control.”

That very day the constituent was called to the principal’s office and given a two-day suspension for “disrespectful behavior/language.” A staff member from your office contacted the constituent’s school to report this phone call and according to the notice of suspension, “Disrespectful behavior/language. Student contacted Congressman Amodei’s office this morning during the gun control protest and made offensive, disrespectful and vulgar comments to the party on the other end of the line. A staff member from the Congressman’s office contacted McQueen to advise and report the incident.” In addition to the suspension, the school is also refusing to seat the student for his elected position as class secretary/treasurer because your office retaliated against him.

The constituent assures us that he in no way made a threat against you, your staff, or anyone else while on this call. And although the constituent’s choice of words may not be the same words we would choose, he has a right to express himself under the First Amendment.

As a member of Congress, you have sworn to uphold and defend the U.S. Constitution, and you should know that people have the right to criticize government officials, even if they use colorful language. Courts have consistently held that swearwords are constitutionally protected, with rulings on the topic dating back as far as 1971, in which the U.S. Supreme Court held that absent a “particularized and compelling reason”, the government cannot make “a simple display of [a] single four letter-expletive” a criminal offense.”¹.

The constituent in question is, by most measures, a model student. He has been disciplined at school few—if any—times, and is one of the leading members of his

¹ “[I]t is nevertheless often true that one man’s vulgarity is another man’s lyric,” *Cohen v. California*, 403 U.S. 15, 27 (1971).



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school's debate team. The retaliatory actions taken against this student by your staff have put his debate career in jeopardy, and with it, opportunities for scholarships and other academic recognition.

We are deeply disturbed that your office moved to restrict the First Amendment rights of one of your own constituents in such a way. As a representative of Nevada, you should know exactly why some of your constituents might feel strongly about gun policies: In addition to the school shooting in Parkland Florida in February, just a few short months ago, our state was the site of the largest mass-casualty shooting in recent American history.

Do you and your Congressional office understand the rights the First Amendment of the United States Constitution guarantees us?

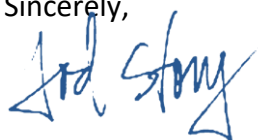
Amendment I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the **freedom of speech**, or of the press; or **the right of the people peaceably to assemble**, and to **petition the government** for a redress of grievances (Emphasis added).

This young man is guaranteed the right to speak, peaceably assemble, and petition the government—all of which he did on March 14 by participating in the national school walk-out and calling your office. He broke no law, but in fact exercised the very rights the First Amendment guarantees every one of us.

Regardless of your opinions of the March for Our Lives movement, student walkouts, and gun control policies, it was inappropriate and unbecoming of your Congressional office to seek to have this student punished. You owe this student a public apology for retaliating against him by enlisting the school to punish him on your behalf.

What actions you take next will determine you and your office's commitment to the First Amendment and the Constitution you swore to uphold and defend. For the sake of all of your constituents, I hope you will rectify the situation you created and restore this young man's school record by withdrawing your complaint with the school and apologizing to him.

Sincerely,



Tod Story
Executive Director



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