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Seattle, Washington

Bothell Man Sues City Over Speech Policy Banning Criticism of City Officials

Yesterday, Bothell resident James Barnhart filed a federal lawsuit in Seattle against the City of Bothell to defend his First Amendment right to free speech, including speech that criticizes Bothell officials and employees, after he was told he would be reported and prosecuted if he continued to peacefully display protest signs in Bothell City Council meetings.

The lawsuit alleges that on January 8, 2013, Mr. Barnhart brought a sign that criticized the City's handling of a police misconduct investigation, stating that a Bothell police officer had been investigated for rape and carelessly discharging his firearm, had been found to have violated several policies, yet was not terminated by the City. Bothell police then investigated Mr. Barnhart and his free speech activities, and warned him not to show up with such signs at future meetings. Since that time, Mr. Barnhart has continued to bring signs to City Council meetings, but in response, City officials have forced him to remove the signs, and threatened him with criminal prosecution if he refused.

On March 19, Bothell City officials passed a resolution that prohibits any comments at meetings that they find "relate negatively to other individuals, or are otherwise inappropriate (personal, slanderous, or boisterous)." The City also restricted citizen signs to the size of a sheet of computer paper.

"Basically, the City of Bothell is saying, it's OK to bring a sign, but only if we like the message, and only if we can't really read it because the signs are so small," said Joe Shaeffer, an attorney for MacDonald Hoague & Bayless, who represents Mr. Barnhart, along with attorney David Whedbee. "The problem is, we live in a free society where our First Amendment requires that government sometimes has to put up with speech it doesn't really like."

"I just want to attend Council meetings and peacefully show my signs. I don't disrupt anything or anyone," said Barnhart.

By a motion also filed Wednesday, Mr. Barnhart is seeking an injunction to stop the City Council from enforcing the resolution.

A copy of the complaint and motion may be found at www.mhb.com on the news page.

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