

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/press-releases/aclu-of-ohio-files-amicus-in-support-of-man-unlawfully-arrested-for-exercising-first-amendment-rights-against-police-at-county-fair>

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COLUMBUS Today the ACLU of Ohio filed a brief as amicus curiae to the United States Court of Appeals for the Sixth Circuit in **Wood v. Eubanks**, a case addressing an individual's First Amendment right to publicly criticize the police. Michael Wood was unlawfully arrested at the Clark County fairgrounds after criticizing law enforcement and wearing a t-shirt that said F*** the police, despite both acts being constitutionally protected free speech under the First Amendment. The ACLU of Ohio argues that the District Court was wrong to find that Mr. Wood's speech rose to the level of fighting words, or speech that is so extremely offensive that it would tend to provoke a violent response.

At the time of his arrest, Mr. Wood was leaving the fairgrounds as he had been instructed to do. Six officers shadowed his steps in an intimidating fashion and charged him with disorderly conduct in response to remarks he made as he walked away.

Professional law enforcement are trained and expected not to respond to mere insults with violence, and there was never any actual risk of that here, noted **David Carey, Senior Staff Attorney for the ACLU of Ohio**. Arresting Mr. Wood had nothing to do with keeping the peace. Criticizing our government, including in harsh terms, is at the heart of First Amendment protection. Police cannot use the excuse of fighting words to silence someone who is merely annoying them.

In reaching the wrong result, the ACLU of Ohio argues, the District Court wrongly relied on Ohio state law decisions that have improperly watered down First Amendment protections. The constitutional right to free speech does not dissipate even when insults are directly aimed at individual officers, rather than simply stated near them.

The ACLU of Ohio urges the court to reverse, and to clarify that federal First Amendment doctrine which is, correctly, more protective than the state law cited by the District Court protects Mr. Wood's speech in the matter *Wood v Eubanks*.

Read the amicus below.

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