



**FIRE**  
Foundation for Individual  
Rights and Expression



**First Amendment Clinic**  
*School of Law*  
**UNIVERSITY OF GEORGIA**

January 31, 2023

**Sent via USPS Priority Express Mail**

Keith Brooks  
Mayor  
City of Blackshear  
318 Taylor Street  
Blackshear, Georgia 31516

**Re: Jeff Gray v. Chris Wright, *Blackshear Chief of Police*;  
*Blackshear Code of Ordinances §§ 66-71, et seq.***

Dear Mayor Brooks:

In 1969, the Supreme Court of the United States struck down a Birmingham, Alabama ordinance that gave city officials unbridled discretion to deny a permit to hold a “parade, procession or other public demonstration.” Relying on decades of precedent, a unanimous Court ruled that Birmingham’s ordinance violated the First Amendment. *Shuttlesworth v. Birmingham*, 394 U.S. 147, 149–58 (1969) (reversing conviction under ordinance of minister who peacefully led 52 protestors in a civil-rights march without the required permit).

Yet, half a century later, the City of Blackshear enforced an almost identical ordinance against our client, Jeff Gray.<sup>1</sup> On August 18, 2021, Gray stood outside of Blackshear City Hall with a sign reading “God Bless the Homeless Vets,” which Blackshear police correctly construed to be a political message. Blackshear’s chief of police explained that although the city’s demonstration ordinance was “silly,” it required Gray to get Blackshear City Council’s permission before he could hold his one-person demonstration. Gray was subsequently issued a citation, which was later dropped.

The First Amendment provides Gray all the permission he needs. As the Supreme Court explained in *Shuttlesworth*, “a municipality may not empower its licensing officials to roam essentially at will, dispensing or withholding

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<sup>1</sup> Copies of the *Shuttlesworth* decision and the relevant Blackshear ordinances are enclosed.

permission to speak, assemble, picket, or parade according to their own opinions” on the effect of the speech on the “‘welfare,’ ‘decency,’ or ‘morals’ of the community.” 394 U.S. at 147. That was true in 1969, and it’s still true in 2023.

The Blackshear ordinance applied to Gray’s peaceful protest is not only unconstitutional, but inconsistent with our nation’s venerable tradition of freedom of expression:

It is offensive—not only to the values protected by the First Amendment, but to the very notion of a free society—that in the context of everyday public discourse a citizen must first inform the government of her desire to speak to her neighbors and then obtain a permit to do so. Even if the issuance of permits by the mayor’s office is a ministerial task that is performed promptly and at no cost to the applicant, a law requiring a permit to engage in such speech constitutes a dramatic departure from our national heritage and constitutional tradition.

*Watchtower Bible & Tract Soc’y of N. Y., Inc. v. Vill. of Stratton*, 536 U.S. 150, 165–66 (2002).

FIRE—the Foundation for Individual Rights and Expression—and the First Amendment Clinic at the University of Georgia School of Law strongly believe that government actors have an obligation to keep their rulebooks free of unconstitutional restrictions by regularly reviewing their laws, ordinances, and policies. When government actors keep unconstitutional laws on the books, they invite law enforcement to dust them off and apply them to violate well-established constitutional rights. And when police do so, they expose themselves, their departments, and their municipalities to liability.

Today, Gray filed a lawsuit challenging Blackshear’s enforcement of its ordinance because rather than pruning the unconstitutional law from its books, Blackshear has been enforcing it.

Gray’s goal—which FIRE and the First Amendment Clinic share—is simple: that Blackshear repeal this ordinance because it violates the right to freedom of speech enshrined in the First Amendment.

Mayor Keith Brooks  
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Enclosed is the complaint filed today in the United States District Court for the Southern District of Georgia. To prevent the full litigation of this case, Gray is willing to resolve this lawsuit if Blackshear will agree to correct its past errors and avoid future ones by:

1. Agreeing that Blackshear officials will no longer enforce the ordinance;
2. Agreeing that Blackshear's mayor will seek, and the City Council will consider, the repeal of the ordinance no later than June 1, 2023;
3. Donating \$1,779 (reflecting the year that the First Amendment was ratified) to the National Coalition for Homeless Veterans; and
4. Committing to providing regular training to Blackshear's police on the First Amendment conducted by a reputable organization with relevant expertise.

This offer will remain open until the close of business on April 3, 2023, and may be accepted only by receipt of a written agreement to these terms. Please do not hesitate to contact me via phone or email with any questions.

Sincerely,

  
Adam Steinbaugh\*

Attorney

FOUNDATION FOR INDIVIDUAL RIGHTS  
AND EXPRESSION

510 Walnut Street, Suite 1250

Philadelphia, PA 19106

Tel: (215) 717-3473, ext. 213

adam@thefire.org

  
Clare Norins

Clare Norins

Director

FIRST AMENDMENT CLINIC

UNIV. OF GA. SCH. OF LAW

P.O. Box 388

Athens, Georgia 30603

Tel: (706) 542-1419

cnorins@uga.edu

*\*This attorney is a member of the  
Pennsylvania and California bars.*

Enclosures