



October 31, 2025

Richmond City Council
City of Richmond
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Richmond, Virginia 23219

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Dear Council Members:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit that defends free speech, is concerned by the Richmond City Council's repeated censorship of criticism during public comment portions of city meetings. The First Amendment prohibits public bodies from adopting or enforcing vague, overbroad, or viewpoint-discriminatory rules that infringe citizens' rights to speak freely and criticize government officials. FIRE therefore calls on the Council to change its rules to comply with its constitutional obligations.

Our concerns arise from instances in which Councilmember Reva Trammell interrupted or cut off resident Sarah Ramsey¹ during public comment periods of Public Safety Standing Committee meetings for assertedly "attacking" public officials in violation of the Council's rule purporting to ban "language of a personal nature which insults or demeans any person, or which, when directed at a public official, is not related to that official's official duties."² The Rules also limit General Public Comment to bar anyone from commenting more than four times a year and more than once in any three-month period.³

On June 25, 2024, Ramsey criticized former Richmond mayor Levar Stoney by name for hiring a convicted embezzler and rhetorically asked, "Does the Mayor sound like a 'star' leader?"⁴

¹ We do not represent Ramsey but are writing independently as a free speech advocacy organization.

² City of Richmond, VA, *Rules of Procedure City Council – City of Richmond, Virginia*, § IV(G) (Feb. 25, 2019), https://www.rva.gov/sites/default/files/2020-08/Council%27s%20Rules%20of%20Procedure_20190225_1.pdf.

³ Id.

⁴ The Granite Files, *Mayor hired a convicted embezzler?*, YouTube (Aug. 13, 2024), <https://www.youtube.com/watch?v=CWB528JCmVY&t=16s>.

Ramsey also criticized city officials and law enforcement generally for failing to prosecute embezzlement crimes committed by nonprofits in favor of treating them as civil matters, and rhetorically asked, “Does this inspire confidence in our city or our ‘star’ leaders?” Trammell interrupted Ramsey after she referenced an unnamed Richmond detective, noting the mayor and police chief were not present to defend themselves. Ramsey continued, criticizing law enforcement generally for their failure to prosecute towing companies illegally towing cars. After Ramsey completed her comment, Trammell appeared to suggest that Ramsey’s comments lacked merit unless supported by a lawsuit, remarking that she had no “case that you can say, ‘Look at this. This is why I’m up here, you know, month after month to say this and that.’”

During another committee meeting on October 22, 2024, when Ramsey appeared remotely, Trammell cut off her audio after she accused the Council of censorship for not adhering to the customary publication of public submissions for one of her handouts—concerning, ironically, how the committee censored her past speech. Ramsey referred to previous Council president Kristen Nye by name and criticized her for falsely claiming Ramsey’s handout was available on the legislative website when it in fact was not.⁵ Ramsey claimed she was forced to distribute her handout in person because the clerk informed her that if she emailed it, as she did in July, it would be censored.⁶

Trammell disconnected Ramsey’s audio and said, “She is not going to attack us. I’m not gonna have that.” Ramsey’s audio was re-connected only after the clerk instructed her to address her comments to the chair and not to individual staff members. Ramsey insisted she was directing her comments to the chair and continued to speak uninterrupted until completion of her time, complaining that the committee had claimed they lost her handout. After the conclusion of the public comment period, Trammell said, “When [Ramsey] comes here and attacks us and the Clerk’s office, that—that’s going a little bit too far. Bad enough that she attacks our Police Chief and our police officers. Not gonna have it here.”⁷

The City Council’s repeated censorship of Ramsey has discouraged her from attending further meetings.⁸ Notably, this is not the first time the Council has come under public scrutiny for

⁵ *Public Safety Standing Committee Meeting – October 22, 2024 at 1:00 p.m.*, CITY OF RICHMOND, <https://richmondva.granicus.com/player/clip/4196> (video at 6:55).

⁶ Additionally, please note that Virginia law mandates the Council to make public comment handouts available for public inspection: “At least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body.” Va. Code Ann. § 2.2-3707(G) available at <https://law.lis.virginia.gov/vacode/title2.2/chapter37/section2.2-3707/>.

⁷ *Public Safety Standing Committee Meeting – October 22, 2024 at 1:00 p.m.*, supra note 4 (video at 11:25).

⁸ Another incident occurred at the November 20, 2024, Governmental Operations Standing Committee meeting, which Ramsey attended virtually to again criticize the city’s reluctance to prosecute financial crimes, to request that the Council cease its censorship of her and issue a public apology, and to request that the council members receive First Amendment training. *Governmental Operations Standing Committee Meeting – November 20, 2024 at 1:00 p.m.*, CITY OF RICHMOND, <https://richmondva.granicus.com/player/clip/4227> (video at 9:57). The committee told her to phone in instead since they could not hear her audio, though she is clearly audible in the recorded meeting posted on the city website. Additionally, video of Ramsey was not displayed for the entirety of her comment, and the meeting minutes available on the city website are for the incorrect month, which does not display her accompanying handout.

violating its residents' free speech rights.⁹ The Council's enforcement of its rules accordingly raises significant First Amendment concerns.

I. Prohibiting “Language of a Personal Nature” Concerning Public Officials and/or Language Which “Insults” or “Demeans” Them Violates the First Amendment

A ban on “language of a personal nature” referencing public officials and/or language which “insults” or “demeans” them violates the First Amendment—particularly as enforced to censor criticism of them relating to performance of their official duties.¹⁰ A municipal meeting that allows public comment is, at minimum, a limited public forum where the Council may restrict the content of constituents' speech only if restrictions are viewpoint-neutral *and* reasonable in light of the forum's purpose.¹¹ The Council may, for example, limit the amount of time reserved for each comment but may not (among other things) restrict criticism of government officials or other speech based on the viewpoint it expresses, or in ways that are vague and/or overbroad.

The U.S. Court of Appeals for the Fourth Circuit, whose decisions bind Richmond, has made clear that viewpoint-based restrictions are “presumed impermissible in any forum”¹² as “an egregious form of content discrimination.”¹³ The government consequently “must abstain” from restricting speech “when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.”¹⁴ In *Davison v. Randall*, the Fourth Circuit held that a county board chair committed “black-letter viewpoint discrimination” by banning a resident from the chair's official Facebook page after the resident made what the chair deemed “slanderous” allegations of corruption and conflicts of interest.¹⁵ This bar against viewpoint discrimination operates “against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open” and “may

⁹ See Samuel B. Parker, *City Council's actions during public comment likely violate First Amendment*, lawyers say, RICHMOND-TIMES DISPATCH (April 28, 2025), <https://archive.ph/yFKtk> (prohibiting speakers from referring to public officials by name).

¹⁰ See, e.g., *City of Madison, Joint Sch. Dist. No. 8 v. Wisconsin Emp. Rels. Comm'n*, 429 U.S. 167, 174–76 (1976) (recognizing the public's right to speak at school board meetings “when the board sits in public meetings to conduct public business and hear the views of citizens”).

¹¹ See *Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 829 (1995).

¹² *Sons of Confederate Veterans v. Vehicles*, 288 F.3d 610, 622 (4th Cir. 2002) (quoting *Rosenberger*, 515 U.S. at 828).

¹³ *Hardwick v. Heyward*, 711 F.3d 426, 443 (4th Cir. 2013) (quoting *Rosenberger*, 515 U.S. at 828–829).

¹⁴ *Id.*

¹⁵ 912 F.3d 666, 687 (4th Cir. 2019). Although the Fourth Circuit upheld a restriction on “personal attacks” in *Davison v. Rose*, 19 F.4th 626 (4th Cir. 2021), that case involved disruptive, off-topic comments and thus in no way suggests a public body may ban all criticism simply because it identifies a government official by name. Ramsey's calm and performance-based criticisms of city officials are a far cry from the speech and disruptive conduct in *Rose*. The city's enforcement of Rule IV(I)(3) shows it interprets the rule to encompass germane criticism of public officials, which the First Amendment strictly forbids.

well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.”¹⁶ Even speech that is “vituperative, abusive, and inexact” is protected.¹⁷

To be clear, federal courts have invalidated similar decorum rules. One struck down bans on “abusive,” “antagonistic,” or “personally directed” public comments.¹⁸ Another held that a decorum rule banning individuals “from being offensive, rude, insulting, or abusive” was viewpoint-based and thus facially unconstitutional.¹⁹

Rule IV(I)(3) is unconstitutional in “impermissibly target[ing] speech unfavorable to or critical of” government officials “while permitting other positive, praiseworthy, and complimentary speech” because that is inherently viewpoint-discriminatory.²⁰ The Council cannot allow City officials to “be praised but not condemned.”²¹ All of Ramsey’s comments were criticisms of public officials relating to their official duties, whether for not enforcing the law or for lack of transparency. Trammell labeling Ramsey’s comments “attacks” because she criticized an official by name or because she rhetorically asked if they deserved to be called “star leaders” is blatant viewpoint discrimination.²² As in *Randall*, Trammell censored Ramsey for being critical.²³ If a public official must allow a citizen to comment on the official’s Facebook page that the official is corrupt and has conflicts of interest, the First Amendment requires allowing Ramsey to make similar comments about an official at a public meeting.

¹⁶ *N. Y. Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964); see also *Snyder v. Phelps*, 562 U.S. 443, 452 (2011) (“[S]peech on public issues occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection.”).

¹⁷ *Watts v. United States*, 394 U.S. 705, 708 (1969).

¹⁸ See *Ison v. Madison Local Sch. Dist. Bd. of Educ.*, 3 F.4th 887 (6th Cir. 2021).

¹⁹ *Mama Bears of Forsyth Cty. v. McCall*, 642 F. Supp. 3d 1338, 1350 (N.D. Ga. 2022).

²⁰ *Id.*; see also *Ryan v. Grapevine—Colleyville Indep. Sch. Dist.*, No. 4:21-cv-1075-P, 2023 U.S. Dist. LEXIS 41478, at *17 (N.D. Tex. Mar. 13, 2023) (school district’s public comment protocols stating that “attacks of a personal nature . . . will not be allowed or tolerated” constituted evidence of viewpoint discrimination). It also bears noting that if the rule encompasses “language of a personal nature which insults or demeans” *private* parties as well, it is just as viewpoint-discriminatory and thus unconstitutional in that regard.

²¹ *Monroe v. Hous. Indep. Sch. Dist.*, 794 F. App’x 381, 383 (5th Cir. 2019) (quoting *Matal v. Tam*, 137 S. Ct. 1744, 1766 (2017)).

²² That is exactly what happened in a lawsuit FIRE brought against Eastpointe, Michigan, whose mayor shut down critical comments repeatedly at city council meetings but had no issue with constituents praising her. The mayor’s disregard of constitutional standards compelled the city to enter a consent decree that, among other concessions, prohibits it from enforcing a limitation on public comments “directed at” elected officials, requires it to allow members of the public to criticize elected officials, and required it to pay money damages and issue an apology to citizens whose rights the mayor violated. See *VICTORY: Michigan town declares Sept. 6 ‘First Amendment Day’ after FIRE sues its mayor for shouting down residents*, FIRE (Apr. 17, 2024), <https://www.thefire.org/news/victory-michigan-town-declares-sept-6-first-amendment-day-after-fire-sues-its-mayor-shouting-0>.

²³ The rule’s use of the word “personal” does not save it, especially as the Council apparently interprets it to cover criticism that simply calls out officials by name, even if germane to their official duties. Suppressing such criticism while giving the public free rein to bestow personal praise is viewpoint discrimination. Freedom of expression necessarily protects “not only informed and responsible criticism” but also “freedom to speak foolishly and without moderation,” particularly in criticizing “public men and measures.” *Baumgartner v. United States*, 322 U.S. 665, 673–74 (1944). As a practical matter, Ramsey cannot effectively communicate that public officials are failing to enforce the law if she cannot name *which* public entity or official is doing so. It entirely defeats the purpose of her comments if Ramsey must state them in such abstract and impersonal terms that no listener would understand where accountability lies.

The City Council’s rule is also unconstitutionally vague because it fails to provide persons of ordinary intelligence reasonable notice of what speech is prohibited and affords city officials too much discretion to decide what speech to allow.²⁴ Even in a limited public forum, where “some degree of discretion in how to apply a given policy is necessary, ‘that discretion must be guided by objective, workable standards’ to avoid the moderator’s own beliefs shaping his or her ‘views on what counts’ as a policy violation.”²⁵ It is unclear what “language of a personal nature” means, or when comments directed at a public official become forbidden remarks that “insult” or “demean.” Is it insulting to say an official is acting unethically? Or benefited from patronage? Is it demeaning to say an official is unqualified to hold public office? Or balance a budget? Making these determinations is an unavoidably subjective exercise. There is no clear answer. The rule’s vague language violates the requirement that laws and regulations “provide explicit standards for those who apply them” to prevent “arbitrary and discriminatory enforcement.”²⁶

Rule IV(I)(3) is also unconstitutionally overbroad because it “prohibits a substantial amount of protected speech ... not only in an absolute sense, but also relative to the [rule’s] plainly legitimate sweep.”²⁷ A similar statute making “disorderly, insolent, or disruptive behavior” at public meetings a misdemeanor was facially invalid because it failed to limit proscribed activity to actual disturbances and “unnecessarily swe[pt] a substantial amount of non-disruptive, protected speech within its prohibiting language.”²⁸ While *some* speech that may be labeled here as comments “of a personal nature” and/or which “insult” or “demean” public officials could fall into one of the few, narrowly defined categories of expression that receive no First Amendment protection—such as true threats—the vast majority of such speech is protected.²⁹

The Council’s censorship of Ramsey under Rule IV(I)(3) is incompatible with the “free flow of ideas and opinions on matters of public interest and concern” that lies at “the heart of the First Amendment.”³⁰ Which is not to say the Council is without recourse to regulate decorum at its meetings. The Council can proscribe conduct that *actually* disrupts a meeting—like speaking when not recognized. But it cannot misconstrue germane comments as disruptions simply because they are sharply critical of individual officials.³¹ But there is no credible argument that Ramsey was disruptive. She did not make any threats, speak on topics wholly unrelated to the city, or exceed the time limit. Ramsey was well within her First Amendment rights to criticize public officials by name for their perceived failure to adequately perform their official duties.

II. The Citizen Comment Rule Unreasonably Restricts Speech

Rule IV(G) governing the Citizen Comment period—for comments not restricted to agenda items—also unreasonably restricts speech in arbitrarily limiting citizens to speaking “no more than four times per year and no more than once within a three-month period.” If the goal is to

²⁴ *Grayned v. City of Rockford*, 408 U.S. 104, 108–09 (1972).

²⁵ *Minnesota Voters All. v. Mansky*, 585 U.S. 1, 21–22 (2018).

²⁶ *Grayned*, 408 U.S. at 108.

²⁷ *United States v. Williams*, 553 U.S. 285, 292 (2008).

²⁸ *Acosta v. City of Costa Mesa*, 718 F.3d 800, 816 (9th Cir. 2013).

²⁹ *See United States v. Alvarez*, 567 U.S. 709, 717 (2012).

³⁰ *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46, 50 (1988).

³¹ *Terminiello v. City of Chicago*, 337 U.S. 1 (1949).

ensure diversity of speakers, there are reasonable ways to accomplish that, such as prioritizing those who have not previously had a chance to speak to the Council ahead of those who have done so recently. But if the goal is to limit participation of speakers who frequently participate to voice criticism, that would constitute blatant viewpoint discrimination.

III. Conclusion

For all these reasons, FIRE calls on the Richmond City Council to amend its Rules of Procedure to eliminate their unconstitutional defects and affirm it will refrain from infringing speakers' First Amendment rights going forward.³² FIRE would be pleased to work with the Council to ensure its rules comply with the First Amendment.

We respectfully request a substantive response no later than November 14, 2025 .

Sincerely,

A handwritten signature in black ink, appearing to read "Stephanie Jablonsky", with a stylized, cursive script.

Stephanie Jablonsky
Senior Program Counsel, Public Advocacy

³² While the Council should also refrain from interrupting speakers unless necessary and appropriate, any speakers who are interrupted should be compensated with additional time or the Council risks committing censorship otherwise.