



Annie Cappetta
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January 22, 2025

VIA ELECTRONIC MAIL

Ms. Priya Lakireddy
President
Merced City School District Board of Education
444 W. 23rd St.
Merced, California 95340
Email: PriyaLakireddy@mcsd.k12.ca.us

Re: Merced City School District Board of Education Defamation Warning Discontinuance

Dear Ms. Lakireddy:

The First Amendment Coalition (“FAC”) is a nonprofit public interest organization dedicated to advancing free speech, more open and accountable government, and public participation in civic affairs. On behalf of FAC, I write to follow up on a letter I sent to you and the members of the Merced City School District Board of Education (“Board”) on October 28, 2024, asking then-Board President Allen Brooks to disavow a statement that threatened freedom of speech. A copy of that letter, which articulated the principles of state and federal law that the statement undermined, is attached for your convenience. In light of recent developments, I write to express that FAC welcomes the discontinuance of that practice.

As identified in my previous letter, for more than two years, the Board President had regularly warned the public that the Board may characterize certain remarks from members of the public as defamatory, stating on October 22, 2024, “it is important for members of the public to understand that derogatory comments against district employees or others made in a Board meeting can be actionable as defamation under certain circumstances.” Video of MCSD Regular Board Meeting October 22nd 2024, <https://www.youtube.com/live/MGsx76k-FHI?feature=shared&t=6926>, at 1:55:26.

Based on FAC’s review of more recent meetings, however, it appears that Mr. Brooks discontinued this warning as of December 10, 2024. In your first regular meeting as Board President, on January 14, 2025, you also invited public comment without first warning against the so-called “derogatory comments.”

As I wrote in October, a public official’s first duty is to uphold the Constitution, and FAC is confident that you are mindful of this duty, considering the action you and Mr. Brooks have taken to align the Board’s statements with the First Amendment and state law.

FAC welcomes the Board’s change and urges you to continue to invite robust public comment and the democratic engagement of your community. If any member of the Board or District staff wishes to deepen their understanding of the bedrock speech protections discussed in my previous

letter, or other open-government principles, we are happy to discuss further. Please do not hesitate to contact me or Ginny LaRoe, advocacy director (glaroe@firstamendmentcoalition.org).

Thank you for your attention to this matter.

Sincerely,

FIRST AMENDMENT COALITION



Annie Cappetta
Legal Fellow

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