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June 18, 2026

VIA ELECTRONIC MAIL

Mayor James T. Butts
Council Member Gloria Gray
Council Member Alex Padilla
Council Member Eloy Morales, Jr.
Council Member Dionne Faulk
City of Inglewood
One Manchester Boulevard
Inglewood, CA 90301

Re: Ban on future attendance at City Council meetings

Dear Mayor and Council Members:

The First Amendment Coalition (FAC) is a nonprofit, nonpartisan organization that defends free speech, a free press, and the people's right to know. I understand from media reports that on June 16, 2026, the City banned four individuals from attending City Council meetings for 120 days based on their conduct at the Council's meeting of June 9. For purposes of this letter, I assume the City's description of the past conduct is correct.

On behalf of FAC, I write to explain why it is unlawful to ban individuals from future city council meetings because of their conduct in the past. The ban violates core principles of open government and free speech that protect everyone's right to transparency and civic engagement. The City should therefore immediately rescind the 120-day ban.

Whatever happened at the June 9 meeting and regardless of whether any conduct at that meeting justified removal of anyone from that meeting, the California Constitution, the Brown Act, and the First Amendment prohibit the City from banning people from future meetings due to their conduct in the past.

California Constitution and Brown Act

Under the California Constitution, "The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny." Cal. Const., Art. I, § 3(b)(1).

Since 1953, the Ralph M. Brown Act has guaranteed transparency in local government based on the premise that "[t]he people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created." Gov. Code § 54950.

A law such as the Brown Act “shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access.” Cal. Const., Art. I, § 3(b)(2). Therefore, the “Brown Act is construed liberally to accomplish its purpose,” and any exceptions to its mandate of public access “are construed narrowly.” *Berkeley People’s Alliance v. City of Berkeley*, 114 Cal. App. 5th 984, 993 (2025).

The Brown Act’s core provision could not be more clear. “All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.” Gov. Code § 54953(a).

Under the Brown Act’s plain language, everyone must be allowed to attend any meeting of the City Council except as specified in the Act itself. Only the Brown Act can state the terms on which a person may be excluded from a meeting. The Brown Act contains only three provisions allowing exclusion of individuals from a City Council meeting, none of which authorizes the City’s 120-day ban.

First, Government Code section 54957.9 provides that if a “meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session,” subject to certain conditions.

Second, Government Code section 54957.95 states that in certain circumstances, “the presiding member of the legislative body conducting a meeting or their designee may remove, or cause the removal of, an individual for disrupting the meeting, including any teleconferenced meeting.”

Third, Government Code section 54957.96 provides that existing authority “to remove or limit participation by persons who engage in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting, including existing limitations upon that authority, shall apply to members of the public participating in a meeting via a two-way telephonic service or a two-way audiovisual platform.”

Each of those provisions applies only to the meeting at which they are exercised. They authorize clearing the room or removing an individual, as the case may be, only at the meeting that is disrupted. None of them authorize banning an individual from future meetings because of conduct at a previous meeting.

As the California Supreme Court has explained, “*Expressio unius est exclusio alterius*. The expression of some things in a statute necessarily means the exclusion of other things not expressed.” *Gikas v. Zolin*, 6 Cal.4th 841, 852 (1993). By enumerating specific provisions for removing individuals from a given meeting without authorizing a ban on their attendance at future meetings and expressly stating that attendance at a meeting can be limited only as stated in the Brown Act itself, the Brown Act prohibits the City’s 120-day ban on attending future meetings, even assuming removal of individuals was lawful in the past.

First Amendment

In addition, the First Amendment prohibits a ban on future attendance at City Council meetings due to past conduct. *Walsh v. Enge*, 154 F. Supp. 3d 1113, 1131–32 (D. Or. 2015) (holding ban from future city council meetings based on past disruption was unconstitutional); *cf. Reza v. Pearce*, 806 F.3d 497, 506 (9th Cir. 2015) (“[O]ur case law on the removal of disruptive individuals only extended to single legislative hearings. No cases, in the Ninth Circuit or otherwise, empowered a government official to completely ban an individual from a government building based on a single disruption of a hearing.”); *Polaris Amphitheater Concerts, Inc. v. City of Westerville*, 267 F.3d 503, 507 (6th Cir. 2001) (“[W]here a law sets out primarily to arrest the future speech of a defendant as a result of his past conduct, it operates like a censor, and as such violates First Amendment protections against prior restraint of speech.”).

As the court explained in *Walsh*, “no matter how many meetings of a city council a person disrupts, he or she does not forfeit or lose the future ability to exercise constitutional rights and may not be prospectively barred from attending future meetings. Our democratic republic is not so fragile, and our First Amendment is not so weak.” 154 F. Supp. 3d at 1118. “Permanent or even lengthy exclusions for past disruptive conduct could become a convenient guise for censoring criticisms directed toward the powerful.” *Id.* at 1119. Therefore, assuming that one or more persons previously disrupted a meeting in a way that justified their removal from that meeting, the First Amendment nonetheless prohibits the City’s 120-day ban.

For all of these reasons, the City should immediately rescind the 120-day ban. Failure to do so would expose the City to litigation likely resulting in a judgment declaring the ban unlawful, ordering the City to rescind it, and awarding substantial attorney fees to the plaintiff. As a servant of the people and steward of limited resources, the City should not force individuals to resort to litigation to protect rights guaranteed by the Brown Act and First Amendment.

Thank you for your attention to this matter. Please let me know if you have any questions.

Sincerely,

FIRST AMENDMENT COALITION



David Loy
Legal Director