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LMA NEWSLETTER

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U.S. Supreme Court Hears Riviera Beach Free Speech Case

Resident was arrested during his two-minute public comment

Following visits to the Florida Capitol by high school students who witnessed the Parkland school shooting, we shared in last week's newsletter some common concepts that should unite us in the face of such tragedy. These include political tolerance, free speech, and citizen engagement in government operations. All three concepts played out this past week in a different venue – in Washington D.C. – not before Congress but before the U.S. Supreme Court. It's the case of a Riviera Beach resident who was arrested at the podium, 30 seconds into his public comments during the local city commission meeting.

Fane Lozman was speaking before the city commission in 2006 and was complaining about recent reported corruption by a Palm Beach County Commissioner. Councilwoman Liz Wade, who was chairing the meeting, deemed the speech off-topic as it didn't pertain to Riviera Beach, and after a warning was ignored, had Lozman arrested ([see the YouTube video here at the 30-second mark](#)). At one point in the video you can hear the chair tell Lozman, "If you go out, you won't be arrested." He was booked on disorderly conduct and resisting arrest without violence. The State Attorney's Office refused to prosecute.

Lozman sued the city of Riviera Beach for violating his free-speech rights. The Supreme Court last week heard arguments from Lozman's attorney that the incident qualified as a "retaliatory attack" under national standards, which lower courts haven't been able to uniformly define. It's the same basis used by police as probable cause for arresting street rioters. Government, she argued, could conceivably arrest political gadflies like Lozman whom they disagree with and jail them for short periods without actually charging them with a crime.

The attorney representing the city argued that Lozman's speech was off-topic (he was talking about Palm Beach County corruption and not Riviera Beach corruption) and therefore proper grounds for removing him. Justice Ruth Ginsberg noted that Riviera Beach is in Palm Beach County. Chief Justice John Roberts commented that he found the arrest video "pretty chilling."

This week's hearing before the highest court in the land was actually Lozman's second one in five years. He prevailed in a previous case where the Supreme Court ruled his floating home was not a vessel under maritime law, and was therefore not subject to imminent domain and destruction by Riviera Beach officials. He vows to resume attending city commission meetings once this current case wraps up. The Supreme Court is expected to make its ruling by summer.