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March 6, 2025

Speaker Mike Johnson
568 Cannon House Office Building
Washington, DC 20515

Re: **Legislators' Town Halls**

Dear Speaker Johnson,

We write in response to statements made by you and Rep. Richard Hudson, the chair of the National Republican Congressional Committee, about town hall meetings held by members of the House Republican caucus.

According to a recent press report, Rep. Hudson recommended that Republican members forgo in-person town halls in favor of tele-town halls or Facebook Live events. Catie Edmonson, *Republican House Members Told to Stop Holding In-Person Town Halls*, N.Y. Times (March 4, 2025). The report indicates that Rep. Hudson made this recommendation, and that you endorsed it, because of recent town halls in which angry voters "confront[ed] members of Congress about the sharp spending cuts they are proposing and President Trump's moves to fire federal workers and defund programs across government." *Id.* As the news story observes, both tele-town halls and Facebook Live events "allow moderators to filter questions and comments." *Id.*

We would like to remind you and your colleagues that the First Amendment does not allow the exclusion of questions and comments in these settings on the basis of the viewpoints they express. Since you were a constitutional lawyer before serving in Congress, you know well that the First Amendment prohibits public officials from excluding citizens from public forums such as city council meetings, school board meetings, and in-person town halls because of their political viewpoints. *See, e.g.*, *City of Madison Joint Sch. Dist. No. 8 v. Wis. Emp. Rels. Comm'n*, 429 U.S. 167, 175 (1976); *Jones v. Heyman*, 888 F.2d 1328, 1331 (11th Cir. 1989). Importantly, the same rules apply when public officials conduct town halls online, including on private social media platforms. *See, e.g.*, *Lindke v. Freed*, 601 U.S. 187, 204 (2024) (observing that a public official who uses a social media account for official purposes "risk[s] liability" for "preventing comments on his official posts"); *Knight First Amend. Inst. at Columbia Univ. v. Trump*, 928 F.3d 226 (2d Cir. 2019), *vacated as moot sub*

nom. Biden v. Knight First Amend. Inst. at Columbia Univ., 141 S. Ct. 1220 (Mem.) (2021). The First Amendment simply does not permit government officials to discriminate on the basis of viewpoint when they host public forums in order to speak to, and hear from, members of the public.

We also ask that you reconsider your perspective on dissent in these forums. You have said that much of the criticism of your colleagues at town halls is the work of "professional protestors" who may not be their constituents. Unfortunately, dismissing criticism as unrepresentative and the work of outsiders has an unfortunate history on both sides of the aisle. Patrik Jonsson, *Tea party, Reversed? How GOP Town Halls Look From the Inside*, Christian Science Monitor (Feb. 16, 2017).

Of course, it is true that town halls and similar events can sometimes be raucous and unpredictable, but non-violent debate, disagreement, and protest are the very hallmarks of democracy. Elected representatives benefit from being exposed to the wide range of views held by their constituents. *Cf.* Remarks of Vice President J.D. Vance, Munich Security Conference (Feb. 14, 2025) (condemning elected officials who are "running in fear of [their] own voters"). And their constituents also benefit from exposure to the views of their neighbors, which may differ from their own. No one benefits if expressive forums that are integral to our democracy are transformed into echo chambers.

We encourage you to consider these points about the First Amendment and democratic culture as you continue to guide your caucus.

Sincerely,

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Jameel Jaffer
Nadine Farid Johnson
Katie Fallow
Alex Abdo