

## SCHOOL DISTRICT VIGOROUSLY OPPOSES RECOGNITION OF FFA'S FIRST AMENDMENT RIGHT TO COMMUNICATE WITH ELECTED OFFICIALS BY EMAIL

**Alarminglly the school district represented to the court that FFA has no right to communicate with school officials by email, even when they invite the public to communicate with them that way.**

Florida Family Association's lawsuit against the School District of Hillsborough County for blocking supporters' emails is very important for establishing rights to communicate with public officials by email. A final court judgment in FFA's favor would set a precedent that would protect the rights of citizens who participate in pro-family email campaigns that seek to influence public policy.

*See page 3 ... Lawsuit May Set Precedent*

## "ADAM WALSH CHILD PROTECTION ACT" ENACTED, National Database to Track Offenders

The United States House of Representatives approved the *Adam Walsh Child Protection and Safety Act of 2006* (H.R.4472) on July 25, 2006. The United States Senate passed the legislation just days before. President Bush signed the legislation to protect children from sexual predators into law on July 27, 2006.

The legislation establishes a national data base and tracking of sex offenders. The legislation also provides resources to apprehend sex offenders who do not comply with the law and who do not register.

Florida Family Association started urging thousands of citizens in January 2006 to send emails to senators

*Continued page 4 ... Protection for Children*

## T-MOBIL PULLS ADS FROM FROM ALL EXPLICIT SHOWS

Florida Family Association asked thousands of people to send emails to T-Mobil because the company continued to advertise on the following explicit television shows:

**Playboy's Girls Next Door** - Entertainment Channel  
**Sexiest Bad Girls** – Entertainment Channel  
**Nip-Tuck** - FX Channel  
**Sexiest Celebrity Brunettes** - Entertainment Channel

Robert Dotson, T-Mobile CEO, wrote in his email dated July 19, 2006 **"In addition to removing advertising from programs brought to our attention, effective immediately, we are pulling all advertising from the FX Channel pending further review of their programming."** Thus far, Mr. Dotson's commitment has been proven true by the absence of ads on these programs.

The effort to influence T-Mobile to stop advertising on pornographic television shows took approximately five weeks. Florida Family Association asked T-Mobile's President in a one on one email on June 13, 2006 to discontinue advertising on Playboy's Girls Next Door which airs on the Entertainment Channel.

T-Mobile's President and CEO, Robert Dotson, sent Florida Family Association an email on June 13, 2006 stating, *"Thank you for taking the time to send this note expressing your concerns with the Playboy programming featured on the Entertainment channel and T-Mobile's unfortunate placement of advertising. To be clear, we do not support nor endorse programming that is not suitable for families or younger audiences. Again thank you for taking the time to bring this to our attention so corrective action can be taken."*

However, more T-Mobile advertisements appeared during subsequent episodes of Playboy's Girls Next

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# THIS IS A MUST WIN FOR ALL

Our lawsuit against the School District of Hillsborough County, described on page one and three, could have serious ramifications for the millions of Americans who send issue oriented email through the organizations they support.

Some of the organizations that use their own servers to send supporter emails include: American Family Association, Parents Television Council, American Civil Liberties Union, People for the American Way, National Abortion and Reproductive Rights Action League and the National Gay and Lesbian Task Force.

The School District of Hillsborough County's position that FFA supporters have no right to communicate with elected officials via FFA's email service is an affront to every American citizen's First Amendment Right regardless of their ideology.

Howard Troxler, a columnist at the St. Petersburg Times, wrote a column titled "*In Government In-boxes, all e-mail must be equal*" in the July 27th edition that defended our and all American's rights to communicate by email. Mr. Troxler's column closed by stating, "*But the freedom to speak, to assemble and to petition are core First Amendment rights, and they are every bit as important as the others.*

*They are a package deal; they cannot be unraveled; neither can they be suspended or overruled by the information technology department.*

*Why does this still matter, if the problem from November was fixed? Because of the prospect it could happen again, or that the government might become even bolder in its use of such claims. The Family Association wants, either by the federal judge's order or by a change in the School Board's policy, a guarantee this won't happen again. If I were on the School Board, I would give it eagerly; if I were the federal judge, I would order it sternly.* To read the entire column, go to <http://www.tampabay.com/>, click on St. Petersburg Times, Click on Columnists, Click on Howard Troxler, Click on "*In Government In-boxes, all e-mail must be equal.*"

**We need your support to have sufficient resources to meet the demands in this lawsuit and to stay strong in all of our efforts. Please help all of our efforts to stay strong by sending a gift in the enclosed envelope. THANK YOU.**

Sincerely,

*David Caton*

Executive Director



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## CONTRIBUTION POLICY

**CONTRIBUTIONS ARE TAX DEDUCTIBLE AND CONFIDENTIAL.** Florida Family Association is a non-profit 501C3 tax exempt corporation that is devoted to educating citizens on what they can do to defend, protect and promote traditional, biblical values. Checks may be made payable to Florida Family Association or FFA. Contributions are tax deductible and confidential. Florida Family Association will never sell or give away any contributor's name to anyone else, will never solicit contributions by phone, and will never report a contributor's gift or bequest through a Will or Trust in any publication.

A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL-FREE 1-800-435-7352. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL OR RECOMMENDATION BY THE STATE.

# Lawsuit Could Set Precedent Protecting Email Rights of Citizens

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*Continued from page 1.*

Thanks to the legal representation of Don Conwell, FFA's case is making progress. The court has now ruled in FFA's favor on two significant rulings. Sadly, the school district continues to vigorously oppose recognition of FFA's rights to communicate with elected officials by email, even when the public has been invited to do so.

FFA asked thousands of people who have associated with Florida Family Association to send emails to the Hillsborough County School Board members and the superintendent on November 2, 2005 when these officials appeared ready to drop Christian and Jewish holidays from the school calendar. The School District of Hillsborough County blocked emails from Florida Family Association's email server while accepting emails on this issue from all other IP addresses.

Florida Family Association filed a lawsuit against the School District of Hillsborough County in the U.S. Middle District Court of Florida on November 4, 2005 for violating FFA's First Amendment rights. FFA is also asking the school district to amend their email policy to prevent them from blocking political speech in the future.

The school district could have easily resolved this issue if they had simply adopted a policy not to block emails seeking to petition and influence the school board on policy issues pending before the board in the future. Instead the school district chose to vigorously oppose recognition of FFA's First Amendment Rights to communicate with elected officials by email. Alarmingly the school district represented to the court that FFA has no right to communicate with school officials by email, even when they invite the public to communicate with them that way. The school district has ignored and/or delayed FFA requests for public records. They have filed two motions to dismiss FFA's complaint. And now the school district is again seeking to dismiss FFA's Complaint for a declaratory judgment by which the court would recognize that FFA emails

are protected First Amendment speech.

Florida Family Association won the second round on June 14, 2006 when U.S. Middle District Court Judge Susan C. Bucklew, over the vigorous objection of the school district, allowed us to pursue a declaratory judgment and injunctive relief. FFA won the first round on April 21, 2006 when the judge denied the school district's motion to dismiss FFA's lawsuit on numerous grounds.

FFA spent time in June and will spend several days in July and August deposing numerous Hillsborough County School District officials and employees. FFA is also reviewing many documents and subpoenaing more as FFA prepares for trial.

FFA deemed the school district's decision to block supporters' emails but not the emails of other citizens on this same issue to be a major violation of FFA's First Amendment rights. FFA could not allow this government agency to get away with blocking emails from citizens based upon the content of their message. This would be a bad precedent to allow.

The School District of Hillsborough County's blocking of FFA emails, refusal to modify its policy to prevent future blocking of political speech by email and its vigorous fight to oppose a court ruling regarding FFA's rights to communicate with public officials by email indicates that FFA's lawsuit is very necessary.

This case is very important to establishing the First Amendment Rights of all citizens who participate in email campaigns that focus on public officials. Please pray for this case and G. Donovan Conwell, Jr. as he represents our position.

G. Donovan Conwell, Jr. with Conwell, Sukhia & Kirkpatrick, P.A. (csklawfirm.com) is representing Florida Family Association in this lawsuit. Mr. Conwell has successfully represented Florida Family Association in numerous other lawsuits involving FFA First Amendment rights since 1990.

## PROTECTION FOR CHILDREN

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on the United States Senate Committee on the Judiciary. The emails encouraged senators to approve the Children's Safety Act of 2005 (H.R. 3132.) Florida Family Association also asked supporters in the January 2006 newsletter to send postcards and letters to urge senators to approve this important legislation.

Unfortunately, attempts by homosexual activists to influence the U.S. Senate to add their special Hate Crimes legislation slowed down the enactment of this important legislation. Homosexual activists influenced the U.S. House of Representatives to vote 223 to 199 to add Hate Crimes legislation to the Children's Safety Act prior to their approval of the full bill in September 2005.

Florida Family Association urged supporters to send emails, postcards and letters in support of the provisions to protect children from sexual predators while opposing the special legislation demanded by homosexual activists. Thankfully, the United States Senate and House of Representatives created new comprehensive legislation now known as the *Adam Walsh Child Protection and Safety Act of 2006* that did not contain the Hate Crimes provisions demanded by homosexual activists.

The *Adam Walsh Child Protection and Safety Act of 2006* will be an effective tool to protect children from sexual predators. **A SPECIAL THANKS to John Walsh who lead this important effort and to every one who responded to our request to send emails, postcards and letters to the United States Senate.** Your emails helped make the difference in winning strong legislation to protect our children while defeating the homosexual agenda.

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### Are you receiving FFA's Email Alerts?

Thousands of citizens have signed up to receive email alerts from Florida Family Association (FFA). Citizens participating in FFA's email campaigns have helped to influence numerous victories. To sign up, simply log onto [www.floridafamily.org](http://www.floridafamily.org), click on the button labeled "Email Updates" in the left hand column. After reading the information on how the system works, click on the "Register" or "Sign Up" button and complete the form.

## T-MOBIL DROPS EXPLICIT SHOWS

*Continue from page 1*

Door. FFA followed up by asking Mr. Dotson specifically when his company planned to take action.

T-Mobile's CEO responded with the following, "Yes, and you may see them again given what it takes to eliminate media flights. We are in the process of pulling our advertising as soon as is physically possible. I dislike seeing them as much as you do."

Mr. Dotson's statement "... you may see them again given what it takes to eliminate media flights" indicates that T-Mobile may not have had policy or directives regarding the placement of their advertisements on explicit television shows. FFA has influenced approximately 180 companies to withdraw their ads from Playboy's Girls Next Door. Only five of these companies' advertisements have appeared again during this show. Over ninety-five percent of the companies that informed us they were pulling off the show stayed off the program from that point.

Florida Family Association sent out an email to supporters on July 11, 2006 which resulted in Mr. Dotson's responding with a very lengthy email, part of which is printed on page one. To summarize his response, Mr. Dotson informed FFA that T-Mobile was pulling off all the programs that FFA and AFA brought to his attention. He further committed to a lengthy review of all of the programs on which their advertisements air to avoid supporting such programming in the future.

*"We are very pleased with the level of commitment and concern that Mr. Dotson expressed in his email response."* Notes David Caton, Florida Family Association Executive Director. *"I believe this is one of the most thorough and humble responses that we have ever received."*

T-Mobile is a very large advertiser. Their decision to tighten their advertising policy will take significant funds away from explicit television programming. **A SPECIAL THANKS to everyone who sent emails to T-Mobil.** Your effort made the difference in influencing a major television advertiser to pull money away from pornographic shows.