

**Sunday, August 5, 2018**

**VIA PRIORITY U.S. MAIL & E-MAIL**

Mitchell Englander, City Council President Pro-Tempore  
Councilmember for Los Angeles City Council District 12  
Colin Sweeny, Communications Director (Council Dist. 12)  
Bree Breckenridge, Communications Deputy (Council Dist. 12)  
200 N. Spring St., Room 405  
Los Angeles, CA 90012

Dear Councilmember Englander, Mr. Sweeny, and Ms. Breckenridge:

I write you on behalf of Firearms Policy Coalition, Firearms Policy Foundation, The Calguns Foundation, and California Association of Federal Firearms Licensees. We have come to understand that you have sponsored legislation to unconstitutionally restrict the rights of people to speak, publish, and republish truthful, non-misleading information that is freely available in the public domain. (*See* Los Angeles City Council file no. 18-0732, “3D Printed Firearms / Undetectable Firearms Act,” online at <http://bit.ly/la-speech-ban>.)

Not only would our members, supporters, and the public be affected by your legislation, but we and other organizations would, too. Indeed, we established “a publicly-available Web site for truthful, non-misleading, non-commercial speech and information that is protected under the United States Constitution.” (“About This Project,” online at <https://www.codeisfreespeech.com>.) The purpose of our project “is to allow people to share knowledge and empower them to exercise their fundamental, individual rights.” (*Id.*)

In an August 3 motion by you and Councilmember Krekorian (seconded by Councilmember Harris-Dawson), you said that the “City [of Los Angeles] should establish an ordinance which prohibits and/or regulates the possession and use of both the 3D printed firearms as well as the blueprints that contain the instructions for said firearms” and moved the City Attorney to “prepare and present an ordinance that will enable the City of Los Angeles to prohibit and/or regulate the printing, manufacturing, possession, distribution, sale or transfer of 3D printed firearms of any kind as well as the blueprints detailing the specifications of a 3D printed firearm.” (Motion, online at <http://bit.ly/la-mot-file-18-0732>.)

Thus, there can be no question that the legislation and policies you sponsor would impose a prior restraint on and criminally punish constitutionally-protected speech and information. Accordingly, we, as well as our members and supporters (some of whom reside in and pay taxes to the City of Los Angeles), are deeply concerned about your proposed ban on free speech and troubled by your support of state-wide legislation to impose felony criminal liability on speakers and publishers.<sup>1</sup>

With that in mind, we are simply shocked<sup>2</sup> that you would so brazenly act to silence your critics, suppress opposition of your awful policies – including but not limited to users on the social media platform Twitter – and deny our and others’ access, right, and ability to engage in commentary and debate about your legislation.

Twitter (online at <http://twitter.com>) is a social media platform with more than 300 million active users worldwide, including some 70 million in the United States. A Twitter ‘user’ is an individual who created an account on the platform. Every Twitter user has an account name, which is an @ symbol followed by characters that serve as a unique identifier (e.g., @realDonaldTrump, @Mitch\_Englander), and a user name (e.g., Donald J. Trump, Mitchell Englander). The account name is the user’s ‘handle.’ A Twitter post by a user is called a ‘tweet’, and another user’s response to a tweet is called a ‘reply.’

Your Twitter user handle is @Mitch\_Englander and your account is located at [https://twitter.com/Mitch\\_Englander](https://twitter.com/Mitch_Englander). In your public-facing account, you describe yourself thusly: “Los Angeles City Councilmember. President Pro-Tempore. Chair, Public Safety Committee.” After surveying your tweet history, it is indisputably clear that virtually all of your posts over the past few years are about the operation of the

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<sup>1</sup> “Englander also wants L.A. to prod the state to make possessing such guns or blueprints a felony across California.” *L.A. councilman wants to make it illegal to download blueprints for a printable gun*, Dakota Smith and Emily Alpert Reyes, Los Angeles Times, Aug. 3, 2018, online at <http://bit.ly/englander-guns-8-3-2018>.

<sup>2</sup> Rick: “How can you close me up? On what grounds?”  
Captain Renault: “I’m shocked! Shocked to find that gambling is going on in here.”  
[A croupier hands Renault a pile of money.]  
Croupier: “Your winnings, sir.”  
Captain Renault: [sotto voce] “Oh, thank you very much.”  
Captain Renault: “Everybody out at once!”  
(Michael Curtiz, *Casablanca* (Warner Bros.) (1942).)

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City of Los Angeles government, your work as an elected official, and matters of public importance and debate.

On Friday, August 3, 2018, you posted a public tweet about your proposed legislation, from the location “Van Nuys City Hall<sup>3</sup>, stating:

Today I introduced legislation making the possession, download, or distribution of 3D printed weaponry blueprint files a misdemeanor in LA. With the emergence of technology expanding the accessibility of such weapons, we must craft legislation to counter these emerging threats.

(Tweet by @Mitch\_Englander, online at <http://bit.ly/englander-leg-tweet-8-3-2018>.)

A number of Twitter users, concerned about your proposed legislation and the negative impacts it would have on their fundamental, individual rights, have replied to your tweet. But when we sought to respond to your tweet about your sponsored legislation, we discovered that you have “blocked” the Firearms Policy Coalition Twitter account (@gunpolicy). And when we attempt to access your Twitter profile or any tweet therein while “logged in” as @gunpolicy, we receive the following error message: “Sorry, you are not authorized to see this status. You are blocked from following @Mitch\_Englander and viewing @Mitch\_Englander's Tweets.”

You similarly blocked one of our supporters, Grant Williams (@SurlMudgeon), who also intended and attempted to reply with substantive comments about your proposed legislation but could not. Mr. Williams is a resident of and taxpayer in the City of Los Angeles.

Without a doubt, these are serious issues of significant public debate and concern, important to us, our members, our supporters, and the general public. Indeed, any legislative attack on our fundamental, individual rights, including free speech and right to keep and bear arms, are matters of great concern and importance.

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<sup>3</sup> Van Nuys City Hall is a “neighborhood” city hall and part of the City of Los Angeles government. See [Los Angeles] City Hall & Neighborhood City Halls, online at <http://bit.ly/la-city-halls>.

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And your proposed legislation would most certainly negatively affect law-abiding people and taxpayers throughout the City of Los Angeles.

We, our members and supporters, City residents, and the public at large have a right to reply to your tweets and criticize your proposed legislation and policy preferences. *See, e.g., Knight First Amendment Inst. at Columbia Univ. v. Trump*, 302 F. Supp. 3d 541 (S.D.N.Y. 2018).

According to Mr. Englander's government Web page for his Council District 12, "Colin Sweeney is a communications specialist with extensive experience in political campaigns. As Communications Director, he is responsible for the Council Office's media outreach and digital communications." And "Bree Breckenridge serves as the Communications Deputy for Councilmember Englander and coordinates all communications from the Council Office including the CD12 website, social media, newsletters, press releases and advisories, and media files." ("Meet the Staff," online at [http://www.cd12.org/meet\\_the\\_staff](http://www.cd12.org/meet_the_staff).) Thus, as in *Knight*, Mr. Sweeny and Ms. Breckenridge apparently also have access to and control of the @Mitch\_Englander account for Council District 12, including the access necessary to block and unblock individuals from the @Mitch\_Englander account.

Social media Web sites and platforms, like Twitter, are "integral to the fabric of our modern society and culture." *Packingham v. North Carolina*, 137 S. Ct. 1730, 1738 (2017). "These websites can provide perhaps the most powerful mechanisms available to a private citizen to make his or her voice heard. They allow a person with an Internet connection to become a town crier with a voice that resonates farther than it could from any soapbox." *Id.* at 1737 (quoting *Reno v. ACLU*, 521 U. S., at 870, 117 S. Ct. 2329, 138 L. Ed. 2d 874) (cleaned up).

But you deny our ability and right to comment about your proposed legislation. In addition to raising serious constitutional concerns, your un-democratic blocking and silencing of critics evinces your legislation's – and policy preferences' – lack of foundation in law, logic, and reason.

\* \* \*

We hereby demand that you: 1) Immediately un-block the Firearms Policy Coalition Twitter account (@gunpolicy) so that we can reply to you and comment about

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issues of great public importance and debate, including but not limited to your proposed legislation; 2) Un-block the Twitter account of our member, Mr. Grant Williams (@SurlMudgeon); and, 3) Un-block all other Twitter users who are blocked from accessing and commenting on your tweets about serious issues. If we do not hear from you before the close of business on Wednesday, August 8, we will assume that you do not intend to comply with our demands.

Additionally, please provide us with a copy of all public records and information about your blocking social media users, deleting or removing content/comments/replies, and any social media policies and practices that were in effect on August 3, 2018.

Please do not hesitate to communicate with me by e-mail at [bcombs@fpchq.org](mailto:bcombs@fpchq.org) if you have any questions. I can also be reached by U.S. Mail, overnight service, or common carrier at 4212 N. Freeway Boulevard, Suite 6, Sacramento, California, 95834.

Thank you for your prompt attention to this important and time-sensitive matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Brandon Combs', with a long horizontal line extending to the right.

Brandon Combs

Enclosures

cc: Counsel  
City Attorney Mike Feuer (via e-mail to [mike.n.feuer@lacity.org](mailto:mike.n.feuer@lacity.org))



# MITCHELL ENGLANDER

LOS ANGELES CITY COUNCILMEMBER | 12TH DISTRICT | ENGLANDER.LA



Tweets  
3,560

Following  
215

Followers  
6,121

Likes  
2,465

Lists  
11

Follow

## Mitchell Englander

@Mitch\_Englander

Los Angeles City Councilmember.  
President Pro-Tempore. Chair, Public Safety Committee

Los Angeles, CA

Englander.LA

Joined March 2009

776 Photos and videos



### Tweets

### Tweets & replies

### Media



Mitchell Englander @Mitch\_Englander · Aug 3

Today I introduced legislation making the possession, download, or distribution of 3D printed weaponry blueprint files a misdemeanor in LA. With the emergence of technology expanding the accessibility of such weapons, we must craft legislation to counter these emerging threats. – at Van Nuys City Hall





**Mitchell Englander**  
@Mitch\_Englander

Follow

Today I introduced legislation making the possession, download, or distribution of 3D printed weaponry blueprint files a misdemeanor in LA. With the emergence of technology expanding the accessibility of such weapons, we must craft legislation to counter these emerging threats.



10:57 AM - 3 Aug 2018 from [Van Nuys City Hall](#)

1 Retweet 7 Likes



15

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**Guns Of Liberty #2ADefenders** X @ValianceGlobal · 2h

Replying to @Mitch\_Englander

**Mitchell En**

@Mitch\_Englander

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President Pro-Tem  
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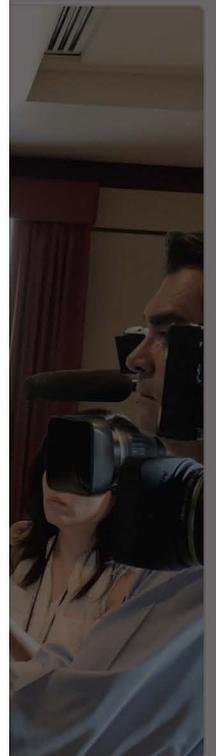


**Paul Kre**  
@PaulKre

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