



The Leaguer

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THE NEWSLETTER OF THE LEAGUE OF WOMEN VOTERS OF CHAUTAUQUA COUNTY
lww@lwwchautauqua.org, 672-4275



Freedom of Speech & Social Media

With Mike Igoe, speaker
Hot Topic Luncheon at Clarion Hotel
30 Lake Shore Dr. E., Dunkirk

Wednesday, October 25, 2017 at Noon

During oral arguments in March in a case before the US Supreme Court, the justices mostly seemed to agree that access to social media is worthy of constitutional protection.

And why shouldn't it be? The web, and specifically social media, is where civic life happens now. As justice Elena Kagan put it, "Everybody is on Twitter." (She was referring specifically to people in US government—senators, governors, the president.)

Kagan also noted that 50 million Americans access social media every week to express their faith, and that pretty much anyone under 35 discovers news on sites like Facebook, saying, "These sites have become embedded in our culture as ways to communicate and ways to exercise our constitutional rights, haven't they?"

Kagan and her fellow justices were hearing arguments in *Packingham v. North Carolina*, a case challenging a state law limiting individual social media access for violating freedom of speech as guaranteed by the First Amendment of the US Constitution. The discussion touched on comically postmodern questions, like the distinction between Snapchat and Twitter, and what precisely constitutes an online profile. The transcript to the Feb. 27 high court session would have seemed like science fiction to legal scholars of the pre-digital age. Justice Samuel Alito quipped, "Now, I know there are people who think that life is not possible without Twitter and Facebook and these things, and that 2003 was the dark ages." He wondered whether these sites are really vital to American society.

Justice Anthony Kennedy appeared to think so. "Well, it seems to me that the sites... and their utility and extent of their coverage are greater than the communication you could ever have, even in the paradigm of public square," he said.

The justices must decide if the First Amendment right to freedom of speech extends to the internet, and if so, to what extent the government can limit an individual's online access. The individual here is Lester Packingham, who pled guilty to statutory rape when he was 21, served his sentence, and remains a sex offender for life.

Under North Carolina law, he is forever prohibited from accessing commercial social media. But in 2010, Packingham signed up for Facebook, using an alias (his first and middle name). He was caught after commenting on a traffic ticket dismissal, and charged with a felony. Packingham challenged the law as violating his First Amendment right to freedom of speech.

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Speaker's Bio



Mike Igoe has been as Assistant Professor of Communication at SUNY Fredonia since August 2013. He teaches journalism and communication law courses. This past April he received an award from the Broadcast Education Association for a video he wrote, produced, and hosted: "Good Storytelling" Mike's academic life follows his 30 year career as a television consumer reporter at several television stations around the country. 20 years of it were spent at WGRZ TV, the local NBC affiliate. Over the years he received a variety of awards for his work, including several citations from the Associated Press.

Reservation Form

LWV - Freedom of Speech & Social Media
 Hot Topic Luncheon at Clarion Hotel
 30 Lake Shore Dr. E., Dunkirk, NY 14048
 Wednesday, October 25, 2017 at Noon
 Luncheon Cost is \$15.00

Make check payable to LWV Chautauqua County. Mail reservations to Diane Hofner, 7554 Prospect Station Rd. Mayville, NY 14757. Please reply before October 18, 2017.

___ House Reuben - corned beef, fresh kraut, thousand island dressing and swiss cheese on marble rye bread

___ Traditional club - bacon, turkey, ham, lettuce, tomato, american cheese, served on toasted bread

___ Chicken Salad plate - fresh shredded chicken with apples, red grapes and almonds, served with a roll and cup of soup of the day

___ Martha's Vineyard Salad - mixed greens, craisins, golden raisins, bacon, chopped pecans and feta cheese, served with a strawberry vinaigrette (bacon may be omitted for a vegetarian meal)

___ Cobb Salad - mixed greens, tomatoes, bacon, chicken breast, hard boiled egg, avocado, red onion and crumbled bleu cheese, choice of dressing

If you wish to attend the program only, contact Diane at (716) 326-3823 or diane.hofner@gmail.com and plan to arrive at 12:45 P.M.

- Pamela Allshouse
- Kayla L. Peale
- Corey Dawley
- Allegra Freier
- Holly Hardy-Kluck
- Virginia Harper
- Anne Kissel Harper
- Candice Light Martin
- Ellen Litwicki
- Janet Schwerk
- Ann Sullivan
- Andrea and Jason Zevenbergen

We welcome our new (trial) members!

From Our President...

Summer is a time for planning for the League but we were active in several arenas. The League was asked to coordinate a forum on local wind power. While I think most of us support renewable energy we were confronted with the dilemma of where to place windmills, solar arrays, biomass production, and hydroelectric power. Sometimes the answers are not easy. As we saw from the discussion there can be impacts on personal property, recreation, and aesthetics. I came away thinking that careful study of research that is replicated and input from the community are crucial factors in determining our energy future.

Many thanks go out to the careful planning of the Voter Services committee in organizing the candidates forum. These are the endeavors on our part that make us a trusted participant in our community. All of us please note the dates of the forums and please come and contribute to the discussion.

In addition I would like to thank those who organized our participation in the Fredonia Farm Festival. Because of the efforts by those who organized the booth and contributed their time to the League we have many new persons willing to join us. Our efforts to help people to register can be as important as helping people to understand the issues and get them out to vote!

I am looking forward to the hot topics get together. Some of the topics will be single payer, death with dignity, and the relationship between freedom of speech and social media. These are challenging and thought provoking subjects and I encourage you all to attend. Thank you to the program committee for your time and effort.

Our advocacy group is continuing to work collaboratively with the Fredonia Middle School on environmental projects.

We are faced with so many challenges. Where do we focus our efforts and where can we be most effective? We can and should be helping out with the efforts to eliminate plastic bags. In addition we should be encouraging restaurants to buy products that are sustainable, certified compostable, and renewable. I believe we can obtain our goals in this area.

An important course of study for us would be the management of water as a precious resource. We must address issues such as water management, flooding, safe drinkable water, and conservation. No resource on Earth is as valuable as fresh water. Indeed, how a country manages its water can tell us a lot about the state of its economy and political stability. No nation has managed to achieve prosperity without first delivering “water security” – by developing the infrastructure, institutions and practices needed to manage droughts and floods and to ensure a consistent water supply.

Lastly, we need to make sure we are active in ensuring the safety of pedestrians and motor vehicles. We should monitor the progress of the round-about on route 60.

Warmly,
Mary Croxton

The First Round – LWV Chautauqua’s Meet the Candidates

On September 6, a lively and engaged audience attended LWV’s first Meet the Candidates session for a primary campaign. The platform was shared by four contenders for many party lines in the running for Dunkirk City Judge: James Scott Dimmer, John M. Kuzdale, Joseph Price, and Rachel Roberts. Candidate Ronald Szot was prevented from appearing because of a family emergency.

The forum was ably moderated by Marcia Merrins and Judy Reynolds, and Priscilla Bernatz was diligent time-keeper. The session was broadcast live on local TV. While the candidates refused to answer a number of questions—pleading that the questions were not on matters over which they had control—the audience raised important concerns about over-crowding in our jails, failure to convict drug dealers or delinquent landlords or tenants, and court treatment of the mentally ill. The candidates all promised to continue Judge Drag’s Drug Court and to maintain political impartiality, despite competing for party endorsements. Vigorous private discussions among audience members and some of the candidates continued long after the session ended.

Minda Rae Amiran

To be clear, freedom of speech here does not refer to actual speaking—his offense was signing up for a Facebook account, not anything he said. Still, First Amendment protections extend to accessing information (for instance, the speech of government representatives who use Twitter).

The state may be able to infringe on a constitutionally protected right, but it must show that it has a compelling interest in doing so, and that it's doing so in the least restrictive way. North Carolina's statute appears to fail the second part of this two-pronged legal test.

The state admitted it's infringing on speech protected by the constitution, and claims to be compelled to do so to protect children from predators. Limiting access to social media is the least restrictive way to achieve that goal, North Carolina senior deputy attorney general Robert Montgomery argued. But the justices disagreed, pretty heartily.

Among other complaints, the law's demands seemed to the justices to be too broad and unclear. "Here, you take a group of people who've done something wrong, been fully punished, and you're saying that they might say something to somebody which would be dangerous. And you're right; it might be," said justice Stephen Breyer. Still, that's not enough to support infringing free speech.

Breyer asked if a state may prohibit "convicted swindlers" from going on Facebook or sites where money is discussed. "[Y]ou know, pretty soon, you're going to have everybody convicted of different things not being able to go anywhere and discuss anything," he observed.

North Carolina's law is also difficult to interpret. The state makes murky distinctions, restricting only sites with certain types of user profiles linking to other users. Twitter is taboo but the New York Times online is not, for example, which bothered justice Sonia Sotomayor.

She proffered a print-out of the online newspaper showing users commenting and displaying profile pictures, asking what the difference was. Montgomery said in the state's defense that Facebook will reveal whether a kid likes puppies and has divorced parents, while a newspaper user profile or even school websites—which are legally accessible to sex offenders under the challenged law—won't provide personal details.

Again, the court was dubious. Justice Ruth Bader Ginsberg said:

Even if the New York Times is not included, the point is that these people are being cut off from a very large part of the marketplace of ideas. And the First Amendment includes not only the right to speak, but the right to receive information.

With this statement, she revealed her position on social media's importance in American society, a view that seemed widely shared on the bench. Packingham could prove significant, establishing the place of Facebook and its ilk in American life and law.

<https://qz.com/922444/a-us-supreme-court-discussion-of-free-speech-and-social-media-got-comically-postmodern/> March, 2017, Quartz Media

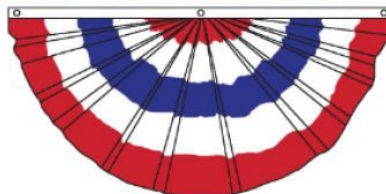
October 24

Weeks Room at JCC in
Jamestown
County Executive
County Clerk
Contested Legislative Seats

October 26

Dunkirk Courthouse in City
Hall
(County Executive)
County Clerk
Dunkirk City Council Seat
Dunkirk Court Judge
Contested Legislative Seats

**YOUR CHANCE TO
MEET THE CANDIDATES**



November 1

Fredonia Opera House
NO County Executive
Candidates will be
appearing
County Clerk
Contested Legislative
Seats
Town of Pomfret Council
Village of Fredonia
Trustees

The League of Women Voters of New York State Voices: Political Advocacy Tool APP is designed to make political advocacy easy and to familiarize League of Women Voters members with local, state, and federal political representatives.

The APP provides a series of monthly alerts aimed at introducing and sustaining support for different political causes along with League of Women Voters positions on current issues. Alerts vary in content, ranging from reminders about voting registration to information about current policy initiatives. By making elected officials easy to reach, the APP's goal is to ensure that all voices are heard during the policy-making process.

After downloading the APP from www.tryvoices.com entering in the necessary iTunes, Android and Google Play information, and quickly inputting the desired address or location by voice and/or type, the APP displays current representatives with political affiliation, alongside their phone, email, and Twitter information. Additionally, the APP includes several response templates, including phone, email, Twitter and letter examples, provided to help citizens advocate to their representatives easily and making democracy work for all.



League of Women Voters of New York State Announces Support for 2017 Constitutional Convention

Ballot Question Albany, New York (March 27, 2017)

The League of Women Voters of New York State announced today its support for calling a New York State Constitutional Convention.

On November 7, 2017, New Yorkers will have an opportunity, which occurs only once every 20 years, to call for a Constitutional Convention to be convened in 2019 to consider changes to the New York State Constitution. Any proposed changes recommended by the Convention would be subject to voter approval.

"New York State's political leaders have failed for the past two decades to enact meaningful reform and make democracy work in our state," said Dare Thompson, President of the League. "In this 100th anniversary year of women getting the vote in New York State, New Yorkers will be able to send a strong message that they are fed up with corruption and dysfunction in Albany."

A Constitutional Convention would provide New Yorkers the opportunity to consider critical reforms that Albany has refused to undertake, including in the areas of:

- Voting reforms, bringing New York's elections into the 21st century
- Rooting out corruption, including reducing the influence of money in our political system and
- instituting an effective ethics enforcement agency Fair legislative redistricting, completely removed from sitting legislators
- Streamlining and modernizing our court system, making it more effective
- Reinforcing and strengthening our bill of rights, guaranteeing our personal freedoms and
- meeting our basic human needs.

If voters approve the Constitutional Convention question in 2017, a total of 189 delegates from State Senate districts and 15 at-large delegates will be elected in November 2018. "The League believes it is important that voters choose delegates who will embody change," said Ms. Thompson. "We will work with other groups in New York State to strengthen the delegate selection process to ensure the election of an informed and diverse group of delegates committed to fundamental reform."

BALLOT PROPOSAL NUMBER TWO: AN AMENDMENT

FORM OF SUBMISSION (how the proposal will be presented to you on the ballot): Allowing the Complete or Partial Forfeiture of a Public Officer’s Pension if He or She is Convicted of a Certain Type of Felony

The proposed amendment to section 7 of Article 2 of the State Constitution would allow a court to reduce or revoke the pension of a public officer who is convicted of a felony that has a direct and actual relationship to the performance of the public officer’s duties. Shall the proposed amendment be approved?

WHAT WILL THIS AMENDMENT DO IF APPROVED?

New York’s Constitution now provides that the benefits of a public pension or retirement system cannot be reduced or impaired. The purpose of the proposed amendment is to allow a court to reduce or revoke the pension of a public officer who is convicted of a felony that has a direct and actual relationship to the performance of the public officer’s duties. A court would determine, after notice to the public officer and a hearing, if a public officer convicted of such a felony would lose part or all of his or her pension. In reaching this determination, the court must consider the seriousness of the public officer’s crime, the proportionality of a reduction or revocation to the crime, whether forfeiture would result in undue hardship or other inequity to dependent children, spouse, or other dependents, and any other factors required by the Legislature. The Legislature must enact law that puts this proposal into effect, taking into account principles of fairness.

The proposed amendment would define “public officer” to mean the following:

- A person filling an elected office within New York;
- A person holding an office that is filled by appointment by the New York Governor, whether or not that appointment has to be confirmed by the Senate;
- A county, city, town, or village manager or administrator, or equivalent position;
- The head of any state or local government department, division, board, commission, bureau, public benefit corporation, or public authority in New York who is vested with authority, direction, and control over that entity;
- The chief fiscal officer or treasurer of a municipal corporation or political subdivision in New York;
- A judge or justice of the Unified Court System; and
- A legislative, executive, or judicial employee who directly assists in the formulation of legislation, rules, regulations, policy, or judicial decision-making and who is designated by law as a policy-maker.

If approved, the amendment will apply only to crimes committed on or after January 1, 2018.

WHAT IS THE BACKGROUND ON THIS PROPOSAL?

After a long string of corruption charges at the local and state level, the legislature passed this amendment to deter public officials from committing crimes while in office. Crimes eligible for pension forfeiture would only include crimes related to the public officer’s official duties. Supporters of this proposal believe that it is necessary to further discourage elected officials from engaging in unethical behaviors. Opponents feel that pension forfeiture can unfairly hurt the families of those who have committed crimes while in office.

Tuesday, October 3, 2017

Calling Constitutional Convention in New York: The Process and the Issues

The Garden at Reed Library

3:30 to 4:50 p.m.

Peter Galie, Presenter



MARK YOUR CALENDARS

OCTOBER 3	3:30 p.m.	DEMOCRACY 101 - "Calling Constitutional Convention in New York: The Process and the Issues", The Garden at Reed Library
OCTOBER 24	7:00 p.m.	MEET THE CANDIDATES - Weeks Room at JCC in Jamestown
OCTOBER 25	NOON.	LUNCHEON- Freedom of Speech & Social Media, CLARION HOTEL
OCTOBER 26	7:00 p.m.	MEET THE CANDIDATES – Dunkirk Court in City Hall
NOVEMBER 1	7:00 p.m.	MEET THE CANDIDATES – Fredonia Opera House

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THE NEWSLETTER OF THE LEAGUE OF WOMEN VOTERS OF CHAUTAUQUA COUNTY

lww@lwwchautauqa.org, 672-4275



The League of Women Voters of Chautauqua County is where hands-on work to safeguard democracy leads to civic improvement.

Invite a Friend to Join or Give the Gift Of League Membership!!

Make Your Voice Heard!
Join Us Today!

League of Women Voters of Chautauqua County Management Team

Mary Croxton, President
Minda Rae Amiran
Priscilla Bernatz
Gen Ludemann
Marcia Merrins
Judy Reynolds
Rose Sebouhian
Linda Warner

Membership Form

Mail to:

LWV Chautauqua

P.O. Box 42 Fredonia, NY 14063

Membership Dues: through December 31, 2017 Individual: \$60; Family: \$90; Student: \$25 (Check payable to LWV Chautauqua County)

Name _____

Address _____

Phone _____ Fax _____

Email _____

I would like to get involved with:

_____ Local Issues _____ Voter Service _____ State/National Issues

_____ Local Newsletter

_____ Assisting with minor tasks occasionally

Other: _____