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**Via Regular Mail and To Be Read at Mayor & Council Meeting**

Mayor and Council Members  
Borough of Ramsey  
33 North Central Avenue  
Ramsey, New Jersey 07446

**RE: Ramsey's Unconstitutional Video Recording Ordinances**

Dear Mayor and Council Members of the Borough of Ramsey:

I represent George Bumiller, a citizen of Ramsey. As you know, Mr. Bumiller has long advocated for openness and transparency in government. Some years ago, he began audio recording of some meetings. In November 2017, he began video recording the mayor and council meetings, and occasionally other meetings.

Please allow this letter to serve as notice that Mr. Bumiller finds Ramsey's video recording ordinances to be unconstitutional for the reasons stated below and he will therefore be recording future meetings without obtaining prior permission and will publish those videos on the Internet without any disclaimer.

**A. Ramsey's Video Recording Ordinances Are Unconstitutional**

We are aware that the American Civil Liberties Union of New Jersey ("ACLU-NJ") wrote to the Borough in December 2017 regarding Ordinance 24-2004 and highlighted the numerous ways in which it is unconstitutional. While Ramsey fixed a few of these issues when it passed Ordinance 04-2018, many unacceptable provisions remain. Two are singled out in this letter.

The first such provision is Section 2.80.9 of Ordinance 24-2004, which was not repealed or amended by Ordinance 04-2018. Section 2.80.9 states:

If a videotape or audiotape of a public meeting is to be broadcast on a private web site, a disclaimer must appear at the beginning of such broadcast in the following language:

This videotape/audiotape of a public meeting in the Borough of Ramsey is not the official record of said meeting.

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[Ordinance 24-2004, §2.80.9.]

This provision is unconstitutional and a violation of the public's common law rights. In Tarus v. Pine Hill, 189 N.J. 497, 519 (2007), the Supreme Court held that citizens have a right to record public meetings and an agency may implement "reasonable guideline[] to ensure that the recording of meetings does not disrupt the business of the body or other citizens' right of access." This provision is clearly "too restrictive" and not "limited in scope to the stated purpose of preventing disruption." Id. at 516.

Section 2.80.9 also violates Article I, Para 6 of the New Jersey Constitution and the First Amendment of the United States Constitution under the compelled speech doctrine. The First Amendment protects a citizen's right *not* to speak. Wooley v. Maynard, 430 U.S. 705 (1997). "[T]he First Amendment guarantees 'freedom of speech,' a term necessarily comprising the decision of both what to say and what *not* to say." Riley v. Nat'l Fed'n of the Blind of N. Carolina, Inc., 487 U.S. 781, 796–97 (striking down law which required charities to disclose their donors because it was unconstitutional compelled speech). Section 2.80.9 is not narrowly tailored to serve a compelling government interest. It simply forces Mr. Bumiller to publish a statement upon his own intellectual property that he does not wish to publish.

The second provision is Section 2-80.5 of Ordinance 04-2018, which still requires citizens to obtain advance notice prior to videotaping a public meeting. This provision is "too restrictive" This provision is clearly "too restrictive" and not "limited in scope to the stated purpose of preventing disruption." Tarus at 516. In a time where people carry smartphones with video recording capabilities in their pockets, it is unreasonable to require advance notice before recording is done. A citizen may decide during a meeting that something is of interest that they wish to record and they should be permitted to do so.

#### **B. Mr. Bumiller Will No Longer Comply With These Ordinances**

Because the statutes are clearly unconstitutional and unduly burdensome, Mr. Bumiller will no longer comply with them. He intends to continue video recording public meetings as he has done in the past. Additionally, he will be uploading his videos to the Internet without any disclaimer. In the future, he may livestream these public meetings.

Mr. Bumiller believes his actions will significantly benefit the public by keeping them informed of the activities of local government. Not everyone can attend public meetings, but everyone should be able to take advantage of technology that lets them watch the meetings later in the comfort of their own homes.

His goal is to promote openness and transparency in Ramsey's local government – a need that is, in his opinion, blocked at every opportunity by the current municipal government. Openness and transparency is one way of promoting the public's participation, which has been blocked at an increasing rate during this administration.

Reading code Section 2-80.2, it could be characterized as “sweetness and light,” until one then sees all the following requirements and limitations which take back what 2-80.2 suggests.

We strongly encourage Ramsey to repeal these ordinances in their totality (Ordinance 24-2004 and Ordinance 04-2018) as they violate both the constitutional and common law rights of Ramsey citizens.

Very truly yours,

CJ GRIFFIN

cc: George Bumiller