



19th Annual

# Charles L. Weltner Freedom of Information Celebration

Celebrating the power of the public's right to know

Oct. 15, 2020 | Virtual Event



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## Welcome and Remarks

*Jim Zachary, President, Georgia First Amendment Foundation*

## Video: 2020 in Review

## First Amendment Heroes Recognition

*Presentation by Richard T. Griffiths, GFAF President Emeritus*

## Tribute to the late U.S. Rep. John Lewis, 2012 Weltner Award Honoree

*Introduction by Cobb County Commissioner Lisa Cupid, GFAF Board Member*

## Remembrance of Tom Budlong, Long-Serving GFAF Board Member

*Introduction by Jim Zachary*

## 2021 Legislative Preview

*Presentation by Sarah Brewerton-Palmer, Chair of GFAF's Legislative Committee*

## Announcement of [Luckovich Cartoon](#) Auction Winner

*Richard T. Griffiths*

## Closing

*Jim Zachary*

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*Special thanks to our donors and members for their generous financial support. Thank you to Ken Foskett for organizing our 2020 Weltner Celebration. Thanks to Dale Russell for creating today's year-in-review video and to AJC cartoonist Mike Luckovich for donating a one-of-a-kind work of art. Thanks to the Atlanta Press Club, Frankie Blackstock, Amanda Bailey, Kathy Brister, Carolyn Carlson, Silvia Eaddy, Lenora Kopkin, Hollie Manheimer, Jenn O'Connell and Andrew Smith for contributing to the success of our event. We are grateful to The Atlanta Journal-Constitution and the Georgia Recorder for allowing us to use their photos. Our board members lead our mission year round. Meet them at [gfaf.org/about/leadership](https://gfaf.org/about/leadership).*

## About the Weltner Freedom of Information Celebration

Our annual Weltner Freedom of Information Celebration is named for Charles L. Weltner, a former chief justice of the Georgia Supreme Court who championed freedom of information and ethics in state government. The event provides financial support for the foundation's focused and essential mission: fighting for free speech, government transparency and access to public meetings, proceedings and records in Georgia. Learn more and meet past Weltner Award honorees at [gfaf.org/events/weltner-awards](https://gfaf.org/events/weltner-awards).

## Meet our speakers



**Jim Zachary**, president of the foundation's board of directors, is deputy national editor for multistate news outlet CNHI and editor of The Valdosta Daily Times. He leads newsroom training and development across the CNHI chain. Zachary is a member of the board of directors of the Red & Black Publishing Co., serving the University of Georgia; a member of the Grady College of Journalism and Mass Communications Board of Trust and director of the Transparency Project of Georgia.



**Richard T. Griffiths**, president emeritus of the foundation, lectures and consults internationally on journalism ethics, editorial quality control and free speech. He is Stembler Distinguished Visiting Professional at the University of North Carolina School of Media and Journalism. In 2017, he was named Distinguished Industry Fellow for the Cox Institute at UGA's Grady College of Journalism and Mass Communication. Griffiths worked 43 years as a journalist, including at CNN, where he oversaw global editorial quality control for more than two decades.



**Lisa Cupid** is a Cobb County commissioner representing District 4. She has worked to strengthen and redevelop her district and is recognized for considering all interests before the commission. Cupid pushed for more transparency and public input into Cobb County's deal to move the Atlanta Braves to Cobb County — at times casting the lone dissenting vote. She is an attorney and former mediator, policy analyst and manufacturing engineer and supervisor. Cupid serves on GFAP's board of directors.



**Sarah Brewerton-Palmer**, an associate with Atlanta law firm Caplan Cobb, specializes in First Amendment issues, media and communications law, complex business litigation and appellate matters. She also maintains an active pro bono practice focused on media clients and criminal cases. Brewerton-Palmer previously served as a law clerk to the Honorable Jill Pryor of the 11th Circuit Court of Appeals in Atlanta, practiced with Jenner & Block in Chicago and volunteered as a law clerk in the Orleans Public Defenders Office in New Orleans. She serves on GFAP's board of directors and chairs our Legislative Committee.



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## Welcome to our 2020 Weltner Celebration

Our 19th annual Weltner event commemorates how First Amendment rights have helped shape this unprecedented year and looks ahead to our plans for protecting and expanding government transparency and free speech in Georgia in 2021 and beyond.

In a break from tradition, we did not name a 2020 Charles L. Weltner Freedom of Information honoree. Instead, during our virtual event, we are applauding those whose work has demonstrated the importance and power of First Amendment principles that are foundational to our democracy, particularly in this challenging year. Meet our 2020 First Amendment heroes:

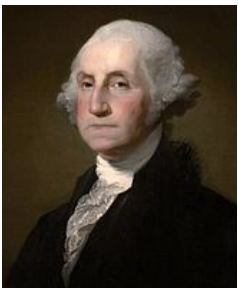
- Nineteen-year-old community organizer and activist [Zoe Bambara](#) leveraged our First Amendment right “peaceably to assemble” by helping organize protests in late May calling for an end to police brutality and discrimination. The protests raised awareness and sparked change; two months later, Georgia’s first hate crimes law took effect.
- The late state [Rep. Jay Powell](#) ushered an expansion of Georgia’s Sunshine Laws through the General Assembly in 2012. The resulting laws improved citizens’ access to their government and established a legal framework for the virtual public meetings that have become so essential this year.
- The [Supreme Court of Georgia](#) for vision, preparation and leadership that have allowed courts in our state to remain operational and open to the public during the COVID-19 coronavirus pandemic.



We’re also paying tribute to the late [U.S. Rep John Lewis](#), a former Weltner Award honoree, and longtime board member [Tom Budlong](#), who died this year. Tom’s service to GFAF began soon after the foundation was created in 1994 and continued even after he retired from the board in 2018. As a librarian, Tom was a staunch believer in the power of knowledge and access to public information.

Our legislative preview explores the open government challenges laid bare by the events of 2020 — and what we’ll do during the upcoming General Assembly session to further expand and protect Georgians’ access to government meetings, proceedings and records.

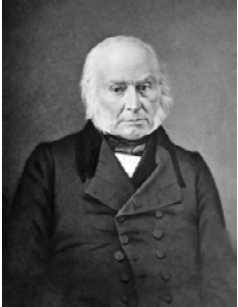
Thank you for joining our commemoration of the events, institutions and people who in this memorable year have demonstrated the importance of the public’s right to know.



“...the freedom of Speech may be taken away—and, dumb & silent we may be led, like sheep, to the Slaughter.”  
 — **George Washington**



“The only security of all is in a free press. The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be submitted to. It is necessary, to keep the waters pure.”  
 — **Thomas Jefferson**



“The freedom of the press and of religious opinion should be inviolate.”  
 — **John Quincy Adams**



“Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives.”  
 — **James Madison**



“To sit home, read one’s favorite paper, and scoff at the misdeeds of the men who do things is easy, but it is markedly ineffective. It is what evil men count upon the good men doing.”  
 — **Theodore Roosevelt**



“Of course, there are dangers in religious freedom and freedom of opinion. But to deny these rights is worse than dangerous, it is absolutely fatal to liberty.”  
 — **Harry Truman**



“We are so proud of our guarantees of freedom in thought and speech and worship, that, unconsciously, we are guilty of one of the greatest errors that ignorance can make — we assume our standard of values is shared by all other humans in the world.”  
 — **Dwight D. Eisenhower**



“A citizen must be able in confidence to complain to his Government and to provide information, just as he is — and should be — free to confide in the press without fear of reprisal or of being required to reveal or discuss his sources.”  
 — **Lyndon B. Johnson**



“I believe that truth is the glue that holds government together, not only our Government, but civilization itself.”  
 — **Gerald R. Ford**



“I consider the media to be indispensable to democracy, that we need the media to hold people like me to account.”  
 — **George W. Bush**

Since the founding of our republic, wise leaders have spoken up for truth, freedom of religion, free speech, free press, accountability journalism, and open government.

Many thanks to the Georgia First Amendment Foundation for continuing to uphold these core values today.

**The Griffiths Family Fund**

# GFAF recap: How we're protecting Georgians' right to know

The fight for government transparency and free speech in our state has never been more important. It is the Georgia First Amendment Foundation's sole mission. We have furthered that mission by:

- Educating citizens and elected officials on how to [ensure public meetings remain open](#) during the COVID-19 coronavirus crisis.
- Calling for increased transparency around [COVID-19 public health data](#).
- Calling for [greater transparency in law enforcement](#) operations.
- Encouraging police departments across Georgia to adopt [Citizens' Right to Record policies](#).
- Collaborating with other nonprofits to develop transparency training for police officers in Georgia.
- Partnering with other First Amendment advocates to provide [resources for journalists covering protests](#).
- Creating a how-to guide for [journalists working during pandemic restrictions](#).
- Publishing an updated, user-friendly citizen's [guide to Sunshine Laws in Georgia](#).
- Taking the lead in calling for the Georgia attorney general to [investigate the City of Atlanta for Sunshine Law violations](#), leading to the first criminal prosecution under Georgia's Open Records Act.
- Advocating in court to [secure free speech protections](#) in Georgia, [expand public access to information](#) about private entities performing functions for government; reinforce citizens' right to [record in public spaces](#); and empower government agencies to [release public information](#) otherwise exempted under the state Open Records Act.
- Educating lawmakers and citizens on the [hazards of transparency-reducing proposals](#), such the creation of a state-backed board to investigate and oversee the media and all-party consent for recordings.
- Working with First Amendment advocates and media organizations statewide to help usher through the Legislature a [major expansion of free speech rights](#) — the largest legislative gains in this area in two decades.
- Protesting the [detention of journalists](#) covering issues of public interest.
- Pushing for increased penalties for government entities that don't allow access to public meetings, proceedings and records, as required by Georgia law.
- Writing letters of inquiry to help Georgia citizens and journalists gain access to government meetings, court proceedings and public records.
- Conducting in-person and virtual workshops to train citizens, public officials, law enforcement officers and journalists about Georgia's free speech and Sunshine Laws.



[Become a member](#) to receive our newsletter and other benefits. Keep up with the foundation via [gfaf.org](#), on Twitter [@Ga\\_FAF](#) and on [Facebook](#). Plus, check out [foundation updates](#) and [GFAF in the news](#).

# It's worth knowing.

As journalists, we fight for free speech,  
government transparency and  
access to public information — because  
it is worth knowing what's really going on.

# It's worth celebrating.

The Atlanta Journal-Constitution  
applauds the work of  
the Georgia First Amendment Foundation and  
salutes the legacy of Rep. Jay Powell,  
the vision of the Georgia Supreme Court  
and the passion of Zoe Bambara.

**The Atlanta  
Journal-Constitution**  
Credible. Compelling. Complete.

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## Police departments should adopt Citizens' Right to Record policy

Citizens' recordings of police actions have become catalysts for change and reform. The Georgia First Amendment Foundation urges local governments and police departments across the state to codify citizens' right to record police activity. We call on local public officials to amend law enforcement agencies' standard operating procedures with rules for how public employees — including police officers — enable, store and dispose of photos, videos and audio recordings of police activity. In a Q&A, GFAF board member **Gerry Weber** explains the rationale:

### **Q: What's the history behind the framework for the Citizens' Right to Record?**

**A:** We really began to understand the impact of citizens' right to record after Rodney King was beaten by police officers in Los Angeles in 1991, and the beating was videoed by a citizen from a nearby balcony. In Georgia, the issue gained traction more than 20 years later after high-profile cases in which police seized and, in some instances, deleted footage from cameras and cellphones. One of the resulting reforms, emerging from a 2015 court order, was an Atlanta Police Department policy detailing citizens' right to record police activity. The Atlanta Police Department has updated the policy over time, as more cases have come to light.

### **Q: Have you seen results since these rules took effect?**

**A:** The good news is we have seen that when police officers are properly trained about the policy and citizens' rights, many embrace these rules. But, unfortunately, there are still plenty of instances of police officers interfering with citizens' video, audio or photographic documentation of police activity. During the protests in Atlanta, journalists were even detained and arrested after documenting police activity.

### **Q: What's your advice to local governments and police departments that want to add a Citizens' Right to Record to their law enforcement protocols?**

**A:** The time to do it is now, and the template the Georgia First Amendment Foundation has put together can simplify the process. Our template tracks what the Atlanta Police Department has done, and it also aligns with laws guaranteeing citizens' constitutional rights. It's a good policy that enables an additional check on police officer conduct. It builds public trust, particularly in communities of color, and the policy has the power to save lives. [Read more.](#)



— *Gerry Weber is a First Amendment attorney and a founding member of GFAF's board of directors.*



## First Amendment rights spark justice and seed change in Georgia

By Lisa Cupid

Democracy, despite its flaws, comes with checks and balances. When Americans want change, they have a First Amendment right to peaceably assemble and to petition the government for a redress of grievances. The First Amendment also protects the right to record in public spaces, including recording police activity. Federal laws and companion laws in Georgia ensure that our elected government belongs to every citizen. The public and the press have a legally protected right to understand what elected officials are doing with the power granted to them by the people.

It was the public's access to government records that first brought scrutiny in the death of Ahmaud Arbery, an unarmed Black man shot by white pursuers in February as he jogged through a Brunswick neighborhood. A *New York Times* journalists' open records request revealed a memo from the then-prosecutor on the case. In the memo, the prosecutor detailed why he believed there was not sufficient probable cause for arrest warrants. The *Times* story drew national attention. A few days later, the release of a video of Arbery being shot drew international outrage.

In the Arbery case, public records opened the door to justice. My hope is that we will get to a place in our democracy where government officials' commitment to transparency is about more than just answering records requests in three days or guaranteeing that citizens can attend meetings. It is operating with the public's best interests in mind and with the knowledge that the people are paying attention. [Read more.](#)



— Lisa Cupid is a commissioner in Cobb County and a GFAF board member.

# Increasing transparency around COVID-19 while still respecting privacy

By Clare Norins

The COVID-19 coronavirus pandemic has brought new focus on the appropriate balance between protecting an individual's identity and the public's right to information during a public health crisis.

The reality is state health departments, including in Georgia, are taking greater precautions than are actually necessary to achieve reasonable medical privacy. Providing citizens access to localized, non-identifying information about COVID-19's presence in their communities and schools empowers them to make informed and rational choices.

Enhanced disclosure of the location or affiliation of people who have tested positive for COVID is — in most situations — not going to be sufficient to make them reasonably identifiable. Moreover, the federal law restricting release of medical information — the Health Insurance Portability and Accountability Act, or HIPAA — recognizes that privacy interests are not absolute in the face of a public health crisis. So does the Georgia Department of Public Health's Notice of Privacy Policies, which states, "We may disclose your health information for public health activities which include: preventing or controlling disease ... ."

Withholding potentially life-saving information about COVID-19 goes beyond what is necessary to reasonably protect privacy. Instead, it fosters anxiety and public mistrust of health institutions. A recalibration of privacy vs. access is in order.

[Read more.](#)




— Clare Norins is director of the First Amendment Clinic at the University of Georgia School of Law and a GFAF board member.



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# Opening Doors to Justice

Open government is a cornerstone of an open society—a society where voices can be heard, ideas debated, and where there is opportunity for exchange between government and the people.

Kilpatrick Townsend is proud to join the Georgia First Amendment Foundation in saluting those whose work has demonstrated the importance and power of First Amendment principles that are foundational to our democracy. We applaud the Foundation's commitment to maintaining the public's trust through open government and freedom of information to all our citizens.