

Smith v. City of Cumming, 212 F.3d 1332 (11th Cir. 2000)

Overview of the Decision

Case Title: James Soloman Smith, Jr., Barbara Smith v. City of Cumming, Georgia, Earl A. Singletary, et al.

Citation: 212 F.3d 1332 (11th Cir. 2000)

Decided: May 31, 2000

Court: U.S. Court of Appeals for the Eleventh Circuit

Panel: Circuit Judges Birch and Barkett, and Senior District Judge Alarcón (sitting by designation)

Opinion Author: Circuit Judge Barkett

Summary of the Opinion

Background and Claims

James Soloman Smith, Jr. and Barbara Smith brought a federal civil rights lawsuit under 42 U.S.C. § 1983 against the City of Cumming, Georgia, and its Police Chief, Earl Singletary. The Smiths alleged that city police officers had subjected them to ongoing harassment, which included preventing and interfering with their attempts to videotape police actions on public property.

The United States District Court for the Northern District of Georgia granted summary judgment in favor of the municipal defendants. The Smiths appealed that ruling to the Eleventh Circuit.

First Amendment Holding

The Eleventh Circuit explicitly recognized that private citizens possess a First Amendment right to record police activities.

Specifically, the court established that:

1. **Right to Gather Information:** The First Amendment protects the right of individuals to gather information regarding the actions of public officials when conducted on public property.
2. **Recording Matters of Public Interest:** This constitutional protection extends specifically to photographing or videotape recording matters of public concern, including interactions with law enforcement.
3. **Subject to Reasonable Restrictions:** While this right is protected, it is not absolute and remains subject to reasonable time, place, and manner restrictions.

Outcome

Although the court recognized the constitutional right to record police officers in public, it concluded that to succeed under Section 1983, a plaintiff must demonstrate an actual deprivation of that right caused by the defendants' conduct.

Upon reviewing the record, the court determined that the Smiths failed to establish that the officers' actions constituted a concrete violation of their First Amendment rights in this instance. Finding no merit in the remaining arguments raised on appeal, the Eleventh Circuit affirmed the district court's judgment.