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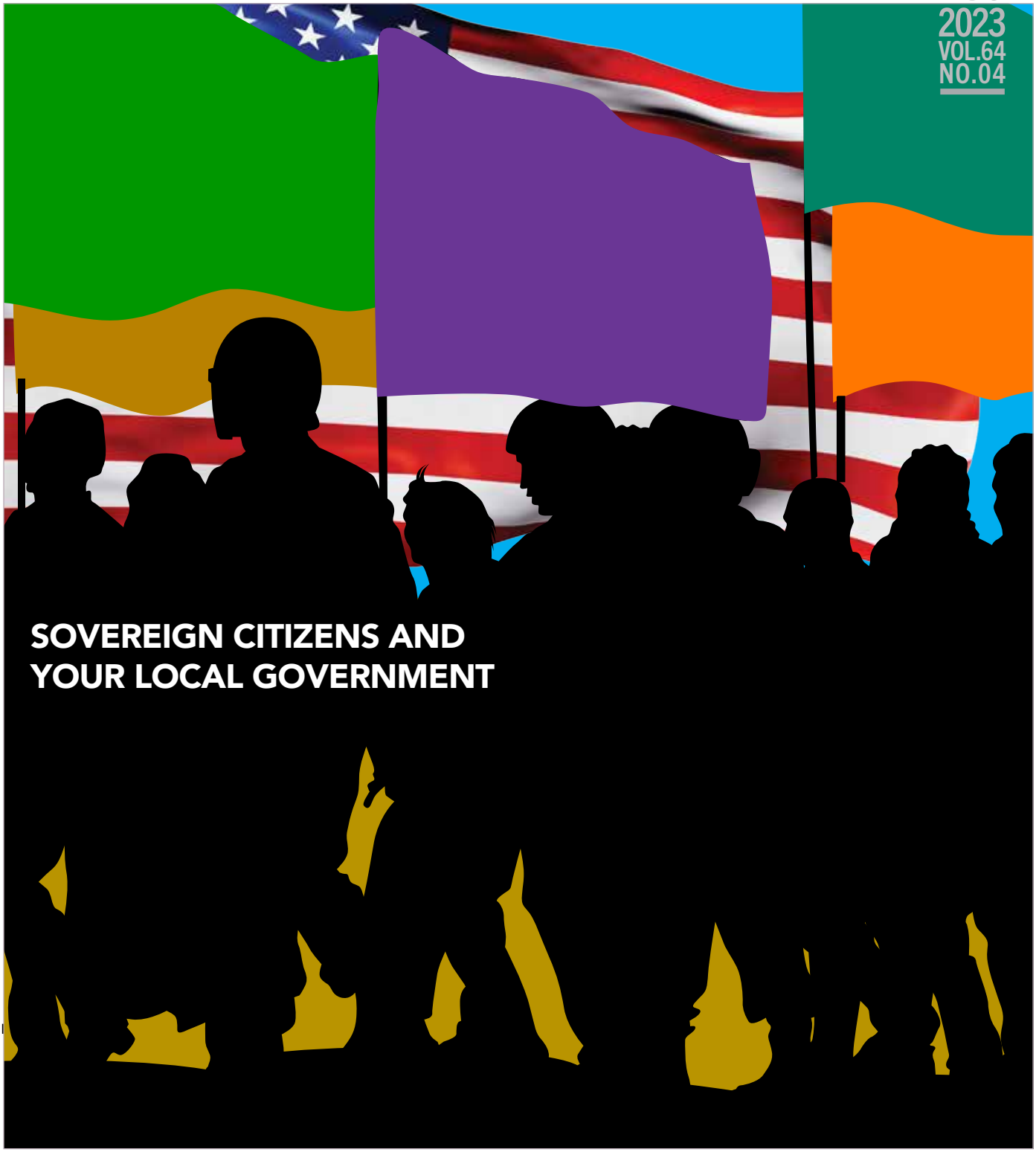

SOVEREIGN CITIZENS AND YOUR LOCAL GOVERNMENT

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MONUMENTAL UNCERTAINTY: THE SUPREME COURT, SECTARIAN SYMBOLS, STATUES, AND CITIES

By: Jeffry Dorocak, Assistant City Attorney, Las Vegas, Nevada

The Establishment Clause produces myriad questions when local governments place, or allow the placement of, monuments expressing religious themes on public property. The author discusses the potential pitfalls, the Supreme Court touchstones, and other principles which should be considered as municipalities evaluate allowing sectarian symbols.

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SOVEREIGN CITIZENS AND YOUR LOCAL GOVERNMENT

By: Judith El Masri, Executive Vice President, The Randle Law Office, Houston, Texas

As Americans debate the merits of liberal or conservative policies, the proper functioning of legislative, executive, and judicial branches, and the appropriate balancing of state versus federal authority, another faction disavows the very legitimacy of any government. Ignoring authority and challenging laws at every turn, the sovereign citizen presents unique challenges for local government attorneys.

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ETHICAL OBLIGATIONS OF MUNICIPAL ATTORNEYS WHEN A COUNCILMEMBER IS SUED PERSONALLY

By: Meredith Ladd, City Attorney, Carrollton, Texas

A lawsuit filed against a local councilmember on a personal basis presents particular nuances for the government attorney. A firm understanding of the relevant rules of ethics is mandatory to avoid violations.

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STAFF

EXECUTIVE EDITOR Amanda Karras

EDITOR Erich R. Eiselt

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EDITOR'S NOTE



BY: **ERICH EISELT**
IMLA Assistant General Counsel and Director of Legal Advocacy

On the Virtue of Government

It may seem inappropriate, mere days before we celebrate the Fourth of July, to deliver a publication whose cover depicts those in our midst who reject America, or at least the rules and institutions by which we are governed. But that editorial choice is actually an entrée to a more positive message: that despite its flaws, our "constitution"— as that word describes both a document and a national character – still guides us through continuing challenges.

One reason for that perspective arises from an arena in which IMLA frequently adds its voice—the United States Supreme Court. While raising criticisms about ethical lapses, the shadow docket, politicization, and more, Americans nevertheless consent to be bound by its pronouncements in matters of huge consequence. We need only look to the decisions rendered in the last weeks to see the pivotal role played by the Court in our daily lives, whether the issue is consideration of race in college admissions policies, the personal expressive rights of business owners, the authority of state courts to apply state constitutions in evaluating state legislatures' elections measures, the continuing vitality of federal voting rights law, and much more. These opinions, and countless others issued by courts around the nation, are accepted as binding until reversed or displaced by amendment or legislative processes. Regardless of the outcome, the vast majority of us remain loyal to tripartite government and harness democratic principles to effect the change we seek, using the ballot box—local, state, and federal—as our vehicle. In that sense, we are the true sovereign citizens.

Against that backdrop, we offer this July-August 2023 *Municipal Lawyer*. Our cover feature, as referenced above, is an article by Judith El Masri discussing the various persons and groups who decline to accept their status within American citizenry. While most are harmless but troublesome, consuming time and energies of local governments in dilatory and mischievous behavior, others are more dangerous, engaged in fraud and even threatening violence. But sovereign citizens are free to espouse their perspectives under the protection of the very Constitution they may disavow, illustrating its legitimacy—and providing a segue to our other articles, all of which emphatically support the validity of government. A second feature by Meredith Ladd analyses the ethical complexities arising for local government lawyers when your councilmember is sued in a personal capacity, a situation which can pose competing duties. In a third, Jeffry Dorocak discusses Establishment Clause considerations when localities place monuments on public property, another activity which inherently invites First Amendment scrutiny.

Our departments provide shorter commentaries. In *Practice Tips*, Cyril Vidergar advises on the fine points of securing copyright and trademark protection for your locality's branding efforts; in *Telecommunications*, Gerry Lederer and Greg Caffas update us on the latest FCC robocall rules which can provide pitfalls for local governments; in *Amicus*, Amanda Karras looks towards the upcoming Supreme Court Term and cases of major importance for our membership as that calendar is populated; and Monica Ciriello delivers her reliable update on Canadian decisions of relevance to our members above the 49th Parallel in *Inside Canada*.

As IMLA members in Canada and the U.S. head into our respective celebrations of national unity, whether on July 1 or July 4, we rest assured that government, and local government in particular, plays a pivotal role the lives of our constituents. IMLA appreciates the opportunity to be a part of that dynamic, through our amicus activities and our various educational offerings which bring to the fore so many talented and dedicated public servants. Have a happy and safe Independence Day.

Best regards-

Erich Eiselt