

PRESS RELEASE
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Judge Refuses to Rule on Cosby's 1st Amendment Claims

ATLANTA, GA – Fulton County Superior Court Judge Jane Barwick issued a **one sentence ruling** denying Carolyn Cosby's free speech claim last week without providing an opinion on 1st Amendment arguments raised at her July 25th [hearing](#). The government watchdog was the subject of ethics complaints that she should have registered her small social interest groups as political action committees. The complaints alleged that she expressly advocated for or against issues or candidates. [\[O.C.G.A. 21-5-3, 21-5-34\]](#).

Cosby attorneys [Bruce Fein](#) and Stephen Humphreys contended that her advocacy was implicit and protected by the 1st Amendment of the U.S. Constitution. Fein cited a U.S. Supreme Court ruling in the 1976 *Buckley v. Valeo* case that protects the type of political free speech in which Cosby was engaged and Asst. Attorney General Christian Fuller, who represents the commission, did not refute it. Barwick ignored the argument even though **she is sworn to uphold the U.S. and Georgia Constitutions**.

An Administrative Law Judge (ALJ) fined Cosby \$30,000 although her total expenditures for all groups were likely 1/10th of that. The commission never held a final hearing to review the ALJ decision despite an agreement by both attorneys to do so. In contrast, Gov. Nathan Deal was fined \$3,350 for over 50 technical rule violations and [questionable expenditures](#) exceeding \$300,000. Fein and Humphreys argued her **disproportionate fine** and selective prosecution are arbitrary and capricious. Local activists are concerned that the Ethics Commission's **double standard** is a retaliatory effort to silence watchdog groups who expose establishment corruption.

The [commission](#)'s reputation was shattered in 2012 when **it was forced to pay over \$3,000,000 to four former employees** in wrongful termination lawsuits after they were fired or had their pay diminished while the commission investigated the 2010 campaign of Governor Nathan Deal. The commission was subsequently defunded, restructured and renamed the Georgia Government Transparency and Campaign Finance Commission.

Cosby's attorneys' are filing a [motion to reconsider](#) **today** contending that: "This Court was saddled with a duty to decide Petitioner's First Amendment claims with a statement of reasons, no matter how succinct." It contends the Court's evasions were a "dereliction of duty" that "brings the administration of law into disrepute". It further asserts that: "The Final Order is indistinguishable from secret law under tyrannical dispensations...".

A former Cherokee Co. commissioner filed the original complaint against Cosby, who gained notoriety after exposing a landfill deal that was bungled by commissioners and cost Cherokee taxpayers millions of dollars. Cosby has established a new social interest group and [web site](#) named Georgia Citizens in Defense of Free Speech.