



ACLU Of Louisiana and Partners File Amicus Brief Defending Rights of Man Arrested for Facebook Joke

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RAPIDES PARISH, La. (ACLU/KALB) - The ACLU of Louisiana, Cato Institute, and Foundation for Individual Rights and Expression have filed an amicus brief in the United States Court of Appeals for the Fifth Circuit against the Rapides Parish Sheriff's Office for violating Waylon Bailey's free speech rights after he made a joke on Facebook comparing the COVID-19 pandemic to a zombie apocalypse.

Following the Facebook post, the sheriff's office assigned a detective to the case who showed up to Bailey's home with a SWAT team to arrest him for his joke.

"It is absurd that a law enforcement agency believes it has the power to show up to someone's doorstep and arrest them for a joke they made on the internet," said ACLU of Louisiana Legal Director Nora Ahmed. "It's not a crime to make a joke on the internet. And it can't be, because the First Amendment protects speech in cyberspace just as much as in physical spaces. But overzealous local officials don't always honor that constitutional guarantee, rendering the grant of qualified immunity by the lower court here erroneous."

During the early days of the COVID-19 pandemic, Bailey saw a friend make a coronavirus joke on Facebook, and then posted one himself. He compared the COVID-19 situation to a zombie apocalypse, joking that the local sheriff's office would soon be shooting "the infected."

RPSO later came to Bailey's home and arrested him, claiming his joke violated a state anti-terrorism law. However, when presented with the allegations, the district attorney dropped the case.

When Bailey brought a civil rights lawsuit, the sheriff and detective responsible for Bailey's arrest were granted qualified immunity. The court also said that Bailey didn't have any free speech rights

to make a joke in the first place, relying on World War I-era cases about opposing the draft during wartime.

The appeal and amicus brief in support, filed in *Bailey v. Iles*, seek to overturn the lower court's ruling.