

First Amendment rights may be put into play in Twitter discussion

October 5 2009, By Kevin Sherrington

In the wake of insubordinate comments made recently on Twitter accounts, please match the coach to the action:

Banned tweets, calling them "stupid."

Benched the player.

Said he wasn't sure No. 1 was legal.

Mack Brown.

Rex Ryan.

Mike Leach.

And the correct answer is: If you can't tell Mack from Buddy Ryan's kid and the Pirate, you couldn't pick the nun in a police lineup.

While Mack has encouraged his players to be "classy and not put anything on there that they don't want their mom to read," Leach and Ryan have taken decidedly bolder steps. Where they lead, only an ACLU lawyer knows.

Before it's all said and tweeted, the rights of players to bare their Twitter souls could become a First Amendment issue.

If athletes want to protect their Twitter rights, they'd better hurry. The NFL announced that it's banning tweets 90 minutes before kickoff and on through postgame media sessions. Meanwhile, the NBA says it may enact "minimal guidelines" after a former Milwaukee Bucks player, Charlie Villanueva, tweeted at halftime of a game against the Celtics last March.

The Bucks didn't wait on David Stern. From here on out, players can't tweet at the team's practice facility or at any arena.

Charlie Bell, a Milwaukee guard, said he'd try to abide by the new rules.

"Hopefully," he told reporters, "I don't get fined too much."

Frankly, in more than three decades trying to talk to athletes, I never knew they had so much on their minds that they were willing to risk a fine to say it. Believe me, they've had the opportunity. We've milled aimlessly around locker rooms and clubhouses, pads, pens and tape recorders at the ready, waiting, waiting, waiting for someone to say something, anything, and not once has anyone knocked me over to get his side across. Herschel Walker once threatened to knock me over, but that's a different story.

From a sportswriter's perspective, I understand the concept that athletes like getting their messages across without first passing them through a media filter. But as it turns out, they're finding they can get themselves in trouble even without our help.

For example: Tech linebacker Marlon Williams asked last Sunday on his Twitter account why he was still in a meeting room when "the head coach can't even be on time."

More than likely, Williams never considered the consequences of his

message. He was probably just filling time while the Pirate was reading up on Bluebeard or plotting an overthrow of the NCAA.

The problem is that athletes don't think of their thumb-driven content as broadcast material. Just a little one-on-one between them and 40,000 followers.

The phenomenon isn't anything new, just the delivery format. Back when teams weren't so protective and you could actually talk one-on-one with players, they'd occasionally reveal their frustrations on the record, albeit in hushed, conspiratorial tones. The next day, it'd be a headline. Clubs solved the problem for the most part by making players available only in news conferences, where, amid all the cameras and klieg lights, you couldn't get a guy to reveal his middle name, much less his inner angst.

For the record, I canvassed several lawyers as to Twitter rights and found a consensus expressed by Paul Watler, a Dallas attorney who specializes in First Amendment issues.

Basically, Watler says, a coach probably could ban [Twitter](#) accounts in order to maintain discipline. But he couldn't restrict only those he deemed negative or critical. It's either all or none.

Both sides will no doubt continue to hash out their differences on the issue while failing to realize that, in the process, they've lost the God-given right to blame the media for their problems.

Makes at least one coach nostalgic, anyway.

"I remember the days when I didn't have a cellphone," said Scott Skiles, the Milwaukee coach. "I liked those days."

Yeah. Tweet that.

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