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through partnership

Jordan W. Siev

Direct Phone: +1 212 205 6085

Email: jsiev@reedsmith.com

Reed Smith LLP
599 Lexington Avenue
New York, NY 10022-7650
+1 212 521 5400
Fax +1 212 521 5450
reedsmith.com

August 20, 2020

By Electronic Mail (jmcilwain@lamar.com)

Jim McIlwain, Esq.
General Counsel
Lamar Advertising Co.
5321 Corporate Blvd.
Baton Rouge, LA 70808

Re: Improper Censorship of Billboard in Wisconsin

Dear Mr. McIlwain:

Our firm represents Roc Nation LLC (“Roc Nation”), an entertainment company specializing in the management of recording artists, performers, and professional athletes, with a robust philanthropic arm. We write to you on Roc Nation’s behalf because Lamar Advertising Company (“Lamar”) has repeatedly refused—on entirely spurious grounds—to put up billboards that our client sought to place in Wisconsin. This decision smacks of improper censorship, as there is no basis to refuse Roc Nation the opportunity to advertise, nor does it benefit either party to do so, and we urge Lamar to reconsider this decision.

Roc Nation is an enterprise that is founded, owned, and managed by Americans of color, and counts among its client base many individuals who have personally experienced the excesses and biases of the American criminal justice system. Accordingly, Roc Nation has a keen interest in issues surrounding the criminal justice system, especially as it aligns with the interests of people of color. The billboard Roc Nation seeks to place is a component of this work.

A police officer named Joseph Mensah, employed by the police department of Wauwatosa, Wisconsin, is currently suspended and under investigation for killing a Black teenager named Alvin Cole. According to Wisconsin Public Radio (“WPR”) (*see* <https://www.wpr.org/community-wants-justice-after-wauwatosa-cop-fatally-shoots-3-people-5-years>), on February 2, 2020, Officer Mensah shot Alvin several times while Alvin was lying, defenseless, on the ground. Further, according to WPR, this is the third time in Mensah’s five-year career that he has shot and killed a person who posed him no threat: he fatally shot Antonio Gonzales in July 2015, and Jay Anderson Jr. in June 2016. These killings speak for themselves, but it is also notable—and tragically, all too common an occurrence in the United States—that each person killed by Mensah was a person of color; that in each instance Mensah appears to have flouted constitutional limits on the use of force; that Mensah violated department policy by failing to properly record the interactions that preceded his resort to force; and that Mensah failed to give emergency aid to any of the people he shot. Until the recent killing of Alvin Cole and the scrutiny brought by the nationwide protests following the death of George Floyd, Mensah was not disciplined for these killings; in fact, he was decorated for at least one of them. In short, the facts of Officer Mensah’s

brief career—all of which are matters of public record, not to mention public concern—demonstrate beyond doubt that he is an active, lethal threat to the people he serves, and cannot safely remain a law enforcement officer.

Officer Mensah's string of killings recently came to Roc Nation's attention, and in keeping with its commitment to social justice, Roc Nation approached Lamar on or about July 29, 2020 with a request to commission a paid billboard near Wauwatosa. Following discussion, Lamar confirmed on August 6 that it had capacity and would move forward with the billboard, and on the same day, Roc Nation submitted the following design:

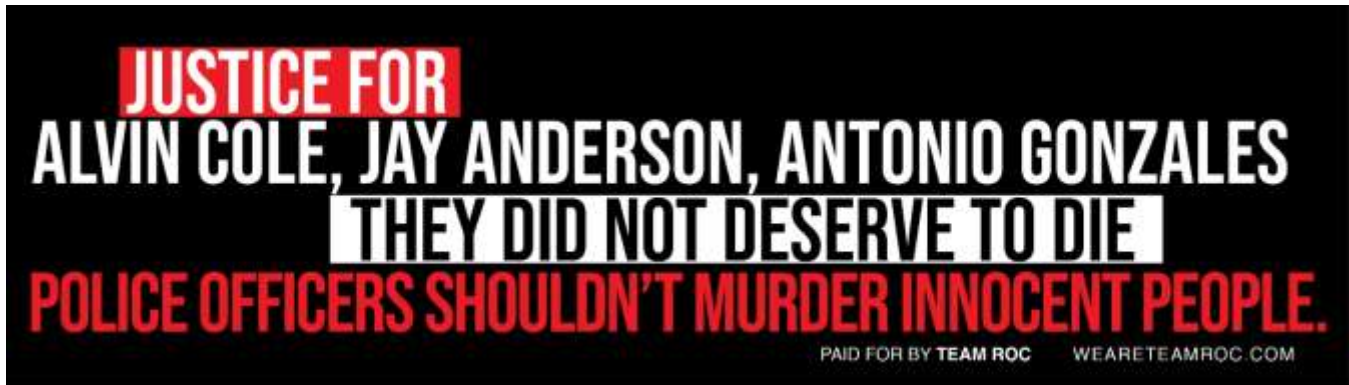


Lamar rejected this proposed billboard on August 10, 2020, however, on the grounds that this statement “could have an effect on a future action” and/or is an “issue[] with criminal implications.” Roc Nation appealed Lamar’s decision, but Lamar confirmed its decision on August 11, 2020.

This purported justification for turning down the billboard does not withstand scrutiny. First, Lamar’s Copy Acceptance Policy expressly supports advertisers’ First Amendment rights to make appropriate statements of opinion, including for noncommercial purposes. Roc Nation’s intended statement is in no way contrary to law, nor obscene or offensive. In short, this billboard is fully compliant with Lamar’s established policies.

As to Lamar’s claimed objections—which do not appear anywhere in its Copy Acceptance Policy—there is no lawsuit, prosecution, or other legal action against Officer Mensah currently pending, and this billboard does not mention any. Nor would this billboard prejudice any investigation into Mensah’s actions in any way. It simply seeks to elevate public knowledge of and discourse on Mensah’s actions in connection with the three deaths he has been involved in. The authorities are fully capable of carrying out their duties professionally and without bias; a local billboard will not change that fact. Finally, to the extent Lamar may feel this is a controversial or even unpopular statement, it bears noting both that Lamar’s policies favor broad acceptance of even controversial statements as long as they are not indecent or illegal, and that the billboard is expressly attributed to Roc Nation. The public would have no way of connecting Lamar to Roc Nation’s views, and thus Lamar would suffer no adverse consequences.

In short, no valid basis existed for rejecting Roc Nation's proposed copy. Nevertheless, in a good-faith effort to compromise, Roc Nation proposed a second billboard design:



There is even less conceivable basis to view this second billboard as objectionable. The points noted above apply with equal or greater force here: Roc Nation's statement is not indecent or unlawful, is entirely consistent with its First Amendment rights and Lamar's Copy Acceptance Policy, and will not subject Lamar itself to any public criticism. The last sentence, rather than naming Officer Mensah and calling generally for appropriate action, simply states the obvious truism that law enforcement officers should not unjustly kill the people they serve. But despite these accommodations, Lamar again rejected Roc Nation's proposed billboard on August 17, 2020, on the grounds that its objections to the first billboard had not been addressed, despite Roc Nation's significant edits to the copy.

The only conclusion that can be drawn is that Lamar is improperly censoring Roc Nation's speech on a matter of considerable public interest. Lamar's continued obstruction, in the face of Roc Nation's accommodations, suggests that Lamar simply does not want Roc Nation to make a statement that relates to Officer Mensah in any way, despite the significant public importance of the issue, especially in the Wauwatosa community where the billboard would be placed. We urge Lamar to reconsider its decision to refuse Roc Nation's business, which is without any meritorious basis and is not beneficial for either party.

If you have any questions or concerns that we can address which would be helpful in revisiting Lamar's decision, please do not hesitate to contact us directly. We appreciate your attention to this matter, and look forward to hearing from you.

This letter is written without prejudice to our client's rights, remedies, and arguments, all of which are hereby expressly reserved.

Very truly yours,

/s/ Jordan W. Siev