State v. Craig Doyal

Court of Criminal Appeals of Texas (2019)

Parties:

Craig Doyal who was the Montgomery County Judge and member of the Montgomery County Commissioners Court is the defendant in the original trial. The State of Texas was the plaintiff who called the case upon Doyal.

Facts:

Craig Doyal was charged for violating the Open Meetings Act which prohibits governmental bodies from holding meetings that are closed to the public or conspire to circumvent the Texas Open Meetings Act. The State says Doyal knowingly conspired to violate that act by meeting in less than a quorum for secret deliberations.

Lower Court Holding:

Doyal moved for a motion to dismiss. He claimed that the Open Meetings Act was overbroad and vague. So, therefore it violated the first amendment right to freedom of speech. His dismissal was approved by the trial court. The state then appealed claiming that the Open Meetings Act did not violate the Constitution. The court of appeals said that the statute was content neutral because it required meeting in a quorum. In regard to his over vague claim, the court of appeals said that although the terms "conspire", "circumvent" and "secret" have not directly been defined but they have an understood meaning to the public. Therefore, the court of appeals reversed the trial courts motion to dismiss. The Court of Appeals of Texas did grant Doyal with a review of the statute for being vague as they agreed the statute was “unconstitutionally vague on its face.”

Issue Presented:

Under the freedom of speech aspect of the First Amendment, is the Open Meetings Act unconstitutionally vague that it limits the speech of an elected official?

Holding:

The court of Criminal Appeals of Texas held that the Open Meetings Act was in fact unconstitutionally vague on its face and therefore they reversed the court of appeals decision and returned to the dismissal made by the trial court.

Legal Principle:

The First Amendment protects freedom of speech even of elected officials and further statutes must be narrowly tailored to not limit any more speech than necessary by the statute. Statutes that are overbroad are subject of vagueness for unconstitutionality in violation of the First Amendment.

Reasoning:

The Supreme Court has shown that the First Amendment protects the speech of governmental officials just as strongly as it does the general public. Furthermore, while the state argued the Open Meetings Act is concerned with the act of meeting rather than speech. When you look at how the Open Meetings Act defines a meeting it can be concluded that it speaks in terms of communication rather than the physical act because the word is used as a verb rather than a noun. So, therefore the statute goes beyond the act of meeting and stretches into communication. Moreover, the state said that any speech that the statute implies is unprotected.

The court states that a statute must be sufficiently clear to be constitutional which means that an ordinary person would understand what isn’t allowed. It must provide law enforcement with guidelines, and it must be narrowly tailored to avoid chilling protected expression guaranteed by the First Amendment. When looking towards the language used within the statute the court believes that it makes the statute void for vagueness. They look to a previous case where the court had rejected a statute for not defining the term ‘political’ in it.

The court believes the statute is vague in similarity to Johnson v. the United States as well as Sessions v. Dimaya saying that those cases were too abstract just as the one before them is. When the court looks at the word ‘quorum' within the statute they believe that does not clearly define was a quorum if even if you look at the context with which it is in. Although they agree with a 2005 attorney generals definition of a quorum, still they say that even that definition has phrases in it that need to be defined. His definition concluded a ‘walking quorum’ in which public officials purposely met in groups smaller than a quorum, for the purpose of conspiring to discuss public matters.

Many states have tried to define what a ‘walking quorum' is. In fact, other states have defined them in different ways; Louisiana court of appeals, Wisconsin Court of Appeals, The Supreme Court of Ohio, a California court, and Hawaii's intermediate appellate court all held different opinions that narrowly tailored the definition of a ‘walking quorum. While Nevada's Supreme Court had a broad definition of the term. Another concern with ‘quorum’ is the limitations it would set on governmental officials who were lobbying for votes. It would prohibit government officials from talking to each other on a topic of concern that they were voting. I also prevent the communication necessary for government officials to try to persuade people on board to vote a specific way because if they did then the majority would be considered a ‘quorum'.

Other languages within the Open Meetings Act also were found to be too broad. The court believed the term ‘secret’ could apply to a variety of situations and did not clarify what it meant within the statute. Also, the word ‘circumvent' implied to more than literal violations of TOMA and did not make it clear. Another term, ‘knowing' was found to be unclear by the court they felt that given the definition of circumventing one cannot know that they are circumventing the law.

Therefore the Open Meetings Act is too abstract and focuses on general conduct that becomes too broad reaching past TOMA and could allow for criminal punishment for doing things that conflict with the purpose of TOMA or even imagining doing acts that conflict with it. The court believes that while some statues have words that need to be defined the context surrounding them assists with doing so while regarding the Open Meetings Act too many terms are overbroad. So, therefore they cannot come to a conclusion themselves on what the statute is supposed to mean and so they will not more narrowly tailor this statute.

Concurring Opinion:

Judge Slaughter and Judge Yeary joined by Judge Newell joined in a concurring opinion. They believe the Open Meetings Act was a strong statute and the court complicated the definition. They reference the precedent the court used and differentiate them from the issue before us saying the court failed to even show that the statue was vague towards Doyal in this situation. They hold that the Open Meetings Act is not unconstitutionally vague. Judge Yeary and Newall do disagree with Judge Slaughter in that they do believe the Open Meetings Act violated the First Amendment.

All the judges continue on their dissent stating that the statute at hand can easily be understood to maintain certain conduct that it is obviously trying to address. In addressing the term “knowingly conspired” they turn to Black’s Law Dictionary that clearly defines the term. Moreover, while all the terms the court address does on its face propose a possible issue they explain how if ‘deliberations’ as used in the statue requires a quorum that it’s impossible to be in less than the presence of a quorum because one can deliberate with just one other person.

They believe the statute to be clear that it is trying to prevent the governmental body from meeting about an issue, within their jurisdiction or of public concern, without having to have the necessary requirements of an open meetings act and a full document. They believe that the defendant, Doyal, shouldn't have been allowed to claim the statute was vague and he also failed to show the statute was vague in any way. The statute's purpose should be understood and therefore is constitutional.