

1st Amendment free-speech rights extend to government contractors, too

Contractors performing work for governmental agencies are protected by the First Amendment right to free speech as if they were public employees.

Recent case: Amanda worked as a lab technician, running blood alcohol testing for a police department. She quit and went to work for a college that contracted for the same services that she had been providing before.

When Amanda was called to testify as a witness in a criminal case using blood alcohol testing that had been performed before she quit, she testified that she could not say the equipment in the testing van had worked correctly and that the results might not be reliable. The defendant was acquitted based in part on her testimony.

The police department soon dropped the college as a contractor after several officials stated they didn't want witnesses who would so readily testify against it. When the contract disappeared, Amanda lost her job.

She sued, alleging that she had merely spoken out against an erroneous testing process, which was a matter of public importance. That, she claimed, made the testimony a form of protected free speech.

The county argued that free speech rights don't apply to contractors such as the college.

The court disagreed.

It said that an employee of an entity that contracts with a governmental unit still has First Amendment rights and that if the county terminated the contract in retaliation for her testimony, she might have a legal claim. (*Culbertson, et al., v. Lykos, et al.*, No. 13-20751, 5th Cir., 2015)