



January 16, 2026

Wayne A. Jones
Chief of Police
Miami Beach Police Department
1100 Washington Avenue
Miami Beach, Florida 33139

Sent via U.S. Mail and Electronic Mail (policechief@miamibeachfl.gov)

Dear Chief Jones:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit that defends free speech nationwide, writes to express serious concerns about a recent incident in which two Miami Beach Police Department (MBPD) officers went to a resident's home to question her about a social media post plainly protected by the First Amendment. Law enforcement officers making a surprise appearance on an individual's doorstep to convey official disapproval of her protected expression represents an egregious abuse of power. It chills the exercise of First Amendment rights and undermines public confidence in the department's commitment to respecting civil liberties and the United States Constitution.

Our concerns arise from two MBPD officers' January 12 visit to the home of local resident Raquel Pacheco.¹ Pacheco has been an outspoken critic of Miami Beach Mayor Steven Meiner. The officers initially sought to verify if she was the person responsible for a January 7 Facebook comment that read:

The guy who consistently calls for the death of all Palestinians,
tried to shut down a theater for showing a movie that hurt his
feelings,^[2] and REFUSES to stand up for the LGBTQ community in

¹ The narrative in this letter represents our understanding of the pertinent facts based on public reporting and a video of the encounter, which Pacheco posted to Facebook, but we invite you to share any additional information you may have. See Aaron Leibowitz, *Miami Beach resident posted online about the mayor. Police showed up at her door*, MIAMI HERALD (Jan. 13, 2026), <https://www.miamiherald.com/news/local/community/miami-dade/miami-beach/article314299333.html>; Martin Vassolo, *Facebook post about Miami Beach mayor's support for Israel sparks police visit*, AXIOS (Jan. 13, 2026), <https://www.axios.com/local/miami/2026/01/13/miami-beach-israel-palestine-police-facebook-post>; Raquel Pacheco, FACEBOOK, <https://www.facebook.com/watch/?v=899251565831697>.

² In March 2025, FIRE wrote the city on this issue, explaining the First Amendment protects a theater's right to curate its own film selection and that government entities may not withhold public benefits to private

any way (even leaves the room when they vote on related matters)
wants you to know that you're all welcome here. 🤗🤗🤗

Pacheco's comment was posted in response to a post by Mayor Meiner that said, "Miami Beach is a safe haven for everyone." Mayor Meiner's office reportedly flagged the comment to police.

Pacheco refused to answer officers' questions about the post without her lawyer present. One officer said the "concerning part" about the post was the accusation that Meiner calls for the death of all Palestinians, adding the department was "just trying to prevent . . . somebody else getting agitated or agreeing with the statement." Acknowledging that he was "not saying it's true or not," the officer claimed the statement "can probably incite somebody to do something radical," and signaled that Pacheco should "refrain from posting things like that because that could get something incited."

As the officers' own statements make clear, the purpose of their visit was not to investigate a crime. It had no purpose other than to pressure Pacheco to cease engaging in protected political expression over concern about how others might react to it. This blatant overreach is offensive to the First Amendment.

There is no question that Pacheco's non-threatening criticism of Mayor Meiner enjoys constitutional protection. Foremost among First Amendment principles is that the "government may not discriminate against speech based on the ideas or opinions it conveys."³ But that is exactly what happened here. At the apparent behest of the target of Pacheco's criticism—the city's chief elected official—officers showed up at her door unannounced and advised her against making similar comments in the future.

The prohibition against viewpoint discrimination applies with special force to the type of expression at issue here. Political speech lies "at the core of what the First Amendment is designed to protect."⁴ Criticism of political leaders, in particular, must be viewed "against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and . . . may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials."⁵ The First Amendment safeguards "not only informed and responsible criticism" but also "the freedom

entities for viewpoint-discriminatory reasons. At their March 19 meeting, almost all commissioners voiced opposition to the resolution, and the mayor subsequently withdrew it. See *FIRE Letter to City of Miami Beach, FL, March 18, 2025*, FIRE, <https://www.thefire.org/research-learn/fire-letter-city-miami-beach-fl-march-18-2025>.

³ *Iancu v. Brunetti*, 588 U.S. 388, 388 (2019); see also *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995) (viewpoint discrimination is an "egregious" form of censorship—the "government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction").

⁴ *Virginia v. Black*, 538 U.S. 343, 365 (2003).

⁵ *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964); see also *Snyder v. Phelps*, 562 U.S. 443, 452 (2011) ("[S]peech on public issues occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection.").

to speak foolishly and without moderation,” especially when criticizing “public men and measures.”⁶

Although the officers claimed Pacheco’s post could “agitate” others or “incite somebody to do something radical,” such speculation falls far short of what is required for these comments to lose their constitutional protection, and the MBPD should know better than to entertain the mayor’s indefensible, self-serving request for law enforcement intervention against a critic.

As the Supreme Court has long made clear, speech “may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger.”⁷ The “language of the political arena . . . is often vituperative, abusive, and inexact.”⁸ While there is a “well-defined and narrowly limited” First Amendment exception for speech that (1) “specifically advocate[s] for listeners to take unlawful action,” (2) is “directed to inciting or producing imminent lawless action,” and (3) is “likely to incite or produce such action,” that exception does not apply here.⁹ By no stretch of the imagination did Pacheco call for any unlawful action, and there is certainly no evidence that anyone was likely to engage in such action after reading her post, let alone *immediately*.

Nor did anything Pacheco say remotely approach the First Amendment exception for true threats, which are statements through which “the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.”¹⁰ Pacheco gave her opinion that Mayor Meiner is not truly welcoming to people of all backgrounds and beliefs. However forcefully she expressed that viewpoint, and however unfair or misleading others might find it, nothing in her post plausibly suggested an intent to commit violence such that a police visit was warranted. Her speech is fully protected by the First Amendment.

The officers’ actions violated Pacheco’s rights and will undoubtedly chill others from criticizing Mayor Meiner. This is unacceptable. Government action violates the First Amendment not only through prosecutions and other formal actions, but also through official conduct that “would likely deter a person of ordinary firmness from the exercise of First Amendment rights.”¹¹ That result obtains here. As you know, law enforcement officers do not speak with the same authority as ordinary government employees; their words carry the implicit weight of the state’s power to detain, arrest, and prosecute. A person of ordinary firmness in Pacheco’s position—unexpectedly confronted at her home by police officers questioning her speech and advising her to “refrain from posting things like that”—would likely

⁶ *Baumgartner v. United States*, 322 U.S. 665, 673–74 (1944).

⁷ *Terminiello v. Chicago*, 337 U.S. 1, 4 (1949).

⁸ *Watts v. United States*, 394 U.S. 705, 708 (1969).

⁹ *Nwanguma v. Trump*, 903 F.3d 604, 609–11 (6th Cir. 2018); see also *Ashcroft v. Free Speech Coal.*, 535 U.S. 234, 239 (2002) (the “mere tendency of speech to encourage unlawful acts is not a sufficient reason for banning it”); *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969) (incitement requires a showing that speech was “directed to inciting or producing imminent lawless action and . . . likely to incite or produce such action”).

¹⁰ *Virginia v. Black*, 538 U.S. 343, 365 (2003).

¹¹ *Bennett v. Hendrix*, 423 F.3d 1247, 1254 (11th Cir. 2005).

self-censor based on a reasonable belief that continuing to post similar content would invite further law enforcement scrutiny. Again, this is unacceptable.

Beyond the legal issues, this incident reflects a deeply troubling departure from America's foundational commitment to free speech and individual liberty. Our constitutional tradition rests on the premise that the right to criticize those in power—even in scathing terms—is a defining characteristic of a free society. No American should have to fear that expressing a political opinion will lead to a knock on the door from the police. While such illiberal tactics are distressingly becoming more common in Europe,¹² they have no place in the United States. Law enforcement plays a vital role in keeping communities safe and should take actual threats and credible risks of imminent violence seriously. But it must not—and, per well-settled law, cannot—police dissent under the guise of promoting public safety.

The MBPD must publicly affirm that the First Amendment protects Pacheco's post and commit that, going forward, officers will never initiate contact with individuals for the purpose of discouraging lawful expression. We also request copies of any departmental policies, guidance, or training materials governing officer responses to protected expression.

We request a substantive response no later than January 30, 2026.

Sincerely,

A handwritten signature in dark ink, appearing to read 'A. Terr', with a long horizontal flourish extending to the right.

Aaron Terr
Director of Public Advocacy

Cc: Mayor Steven Meiner

¹² See Greg Lukianoff, *The situation for free speech in Europe is even worse than I thought*, ETERNALLY RADICAL IDEA (Jan. 14, 2026), <https://eternallyradicalidea.com/p/the-situation-for-free-speech-in>.