

Public Official Liable for Banning Constituent from Facebook Page

01.25.2019

Blocking a constituent from a public official's Facebook page used for official business is considered a First Amendment violation.

In *Davison v. Randall and Loudoun County Board of Supervisors*, the federal appellate court for the Fourth Circuit addressed the applicability of the First Amendment to a government official's Facebook page run by a county supervisor in Virginia. The county supervisor used the page to inform the public about upcoming meetings, significant public safety issues, and other government matters. The page allowed members of the public to "like," comment, or offer feedback on posts and issues. When a constituent posted on the page an allegation about school board members having conflicts of interest in certain financial transactions, the county supervisor deleted the entire comment thread and blocked the constituent from the page. Although the county supervisor "unblocked" the constituent several hours later, the constituent filed a lawsuit alleging that blocking his speech on the official's website violated his First Amendment rights.

The court ruled that the interactive component of the Facebook page constitutes a public forum, and that the county supervisor violated the First Amendment when she blocked her constituent from that forum. The court reasoned that the decision to block the constituent because of his allegation of government corruption constituted viewpoint discrimination and impermissibly suppressed the constituent's speech. The case likely means that public speech should not be "blocked" or otherwise controlled on sites and pages maintained by public officials.

For more information on the First Amendment and government social media uses, please contact **Stephanie Cao** or **Terence Boga** in our Los Angeles office.