



Georgia

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March 20, 2018

Sheriff Gary Langford  
810 ½ G.I. Maddox Pkwy  
Chatsworth, GA 30705

Via Certified Mail

Re: Censorship on Your Government Facebook Page

Dear Sheriff Langford:

Our democracy thrives when people can freely criticize elected officials so that the people may best determine whether they should remain in office. The American Civil Liberties Union of Georgia (ACLU-GA) writes on behalf of Craig Burnes, who has been blocked indefinitely from posting any comments on your official government Facebook page ([www.facebook.com/MCSHERIFFSOFFICE/](http://www.facebook.com/MCSHERIFFSOFFICE/)), which is open to public comment. *See Exhibit A.*<sup>1</sup>

We are concerned that you may have blocked Mr. Burnes for unconstitutional reasons. Mr. Burnes states that he has posted critical comments on your government page in the past and that those comments were deleted. If it is true that you have retaliated against Mr. Burnes's negative comments by blocking him on your page, that is unconstitutional, and you should unblock him. If that is not the reason that Mr. Burnes has been blocked, please let us know.

Because your government Facebook page has been opened for any member of the public to post comments, it is considered a "limited public forum." *See Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37 (1983). And when a limited public forum has been created, it is unconstitutional for the government to discriminate against certain speakers because of the viewpoints they express. *See Rosenberger v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 829 (1995). Though legal challenges to censorship on government social media sites are a relatively new phenomenon, at least one court has already found that targeted censorship on government Facebook pages open for public comment is unconstitutional. *See Davison v. Loudon County*, 2016 WL 4801617 (E.D. Va. Sept. 14, 2016) and 2017 WL 58294 (E.D. Va. Jan. 4, 2017). Indefinitely blocking someone from posting comments on your government Facebook page in this manner is like forever banning a constituent from attending all town hall meetings, without explanation, until you no longer occupy public office.

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<sup>1</sup> Exhibit A is a screenshot taken by Mr. Burnes on February 9, 2018. There is no "Comment" option listed for Mr. Burnes even though it appears for other members of the public.

As social media becomes more integral to the political process and public discourse, government officials must not engage in any form of viewpoint censorship in violation of the First Amendment. As the Supreme Court of the United States has recently said, “[i]t is cyberspace—the ‘vast democratic forums of the Internet’ in general, and social media in particular,” that is “the most important place[] . . . for the exchange of views” in the modern era. *Packingham v. North Carolina*, 137 S. Ct. 1730, 1735 (2017).

We respectfully ask that you restore the posting privileges of Mr. Burnes or provide a legal justification for why they have been blocked, undertake a review of all people whose posting privileges have been censored, and restore all of those who have been unlawfully blocked for commenting. Please notify us within 30 days in writing regarding whether you will agree to do so. We look forward to hearing from your office.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean J. Young". The signature is fluid and cursive, with a large initial "S" and "Y".

Sean J. Young  
Legal Director  
ACLU of Georgia

# **EXHIBIT A**



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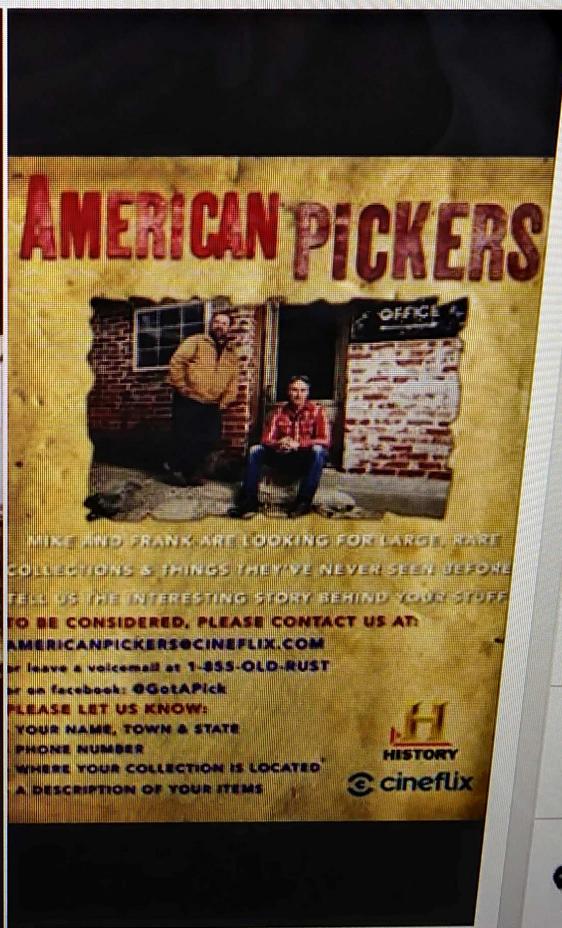
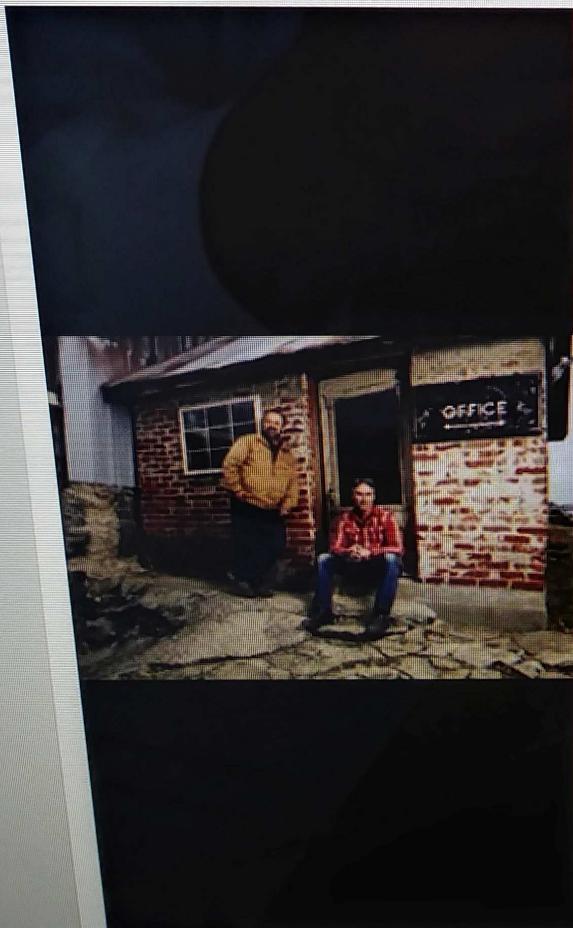
Posts



Murray County Sheriff's Office added 2 new photos.

February 1 at 3:43pm · 🌐

Alright citizens, American Pickers has called the Sheriffs Office wanting to "pick" Murray County. Look at the fliers and call the number provided if you have any of the listed items. In advance thank you Chief Deputy Jimmy Davenport.



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