



Georgia

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March 20, 2018

Senator Johnny Isakson  
One Overton Park  
3625 Cumberland Blvd, Suite 970  
Atlanta, GA 30339

Via Certified Mail

Re: Censorship on Your Government Twitter Page

Dear Senator Isakson:

We write to follow up our January 23, 2018, letter, in which we requested that you restore the posting privileges of two constituents who had been blocked from commenting on your government Facebook page and/or Twitter page. *See Exhibit A.* We have since confirmed that your office has unblocked those individuals and we thank you for doing so.

We have recently learned that another constituent, Rebecca Aubin, has been blocked from commenting on your Twitter page. *See Exhibit B.* We respectfully ask that you restore the posting privileges of Ms. Aubin or provide a legal justification for why she has been blocked within 30 days.

Given the possibility of an emerging pattern of constituents being blocked from commenting on your government social media sites, we strongly recommend that you undertake a review of all people whose posting privileges have been censored and restore all of those who have been unlawfully blocked for commenting. We are also happy to work with your office on a social media policy that is viewpoint-neutral and otherwise consistent with the Constitution.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean J. Young".

Sean J. Young  
Legal Director  
ACLU of Georgia

# **EXHIBIT A**



Georgia

P.O. Box 77208, Atlanta, GA 30357  
678.981.5295 | syoung@acluga.org

January 23, 2018

Senator Johnny Isakson  
One Overton Park  
3625 Cumberland Blvd, Suite 970  
Atlanta, GA 30339

Via Certified Mail

Re: Censorship on Your Government Facebook Page

Dear Senator Isakson:

Our democracy thrives when people can freely criticize elected officials—including yourself—so that the people you answer to can best determine whether you should remain in office. The American Civil Liberties Union of Georgia (ACLU-GA) writes on behalf of two of your constituents, LJ Burton and Tom Johns, who have been blocked indefinitely from posting any comments on your official government Facebook page (“Johnny Isakson, @isakson”) and your government Twitter page (“Johnny Isakson, @SenatorIsakson”), respectively. Both these pages are open to public comment. *See* Exhibits A and B.<sup>1</sup>

We are concerned that you have blocked Ms. Burton and Mr. Johns for unconstitutional reasons, especially since, according to Ms. Burton and Mr. Johns, you have not provided any explanation for blocking them. Ms. Burton states that she has contacted your office repeatedly to request that you allow her to post comments on your government Facebook page as other constituents are able to do, and she states that your office has yet to explain its reasons for blocking her indefinitely.

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

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<sup>1</sup> Exhibit A is a screenshot taken by Ms. Burton on January 19, 2018. There is no “Comment” option listed for Ms. Burton even though it appears for other members of the public. Although your last post was on July 12, 2017, other constituents have been able to publicly air and debate their concerns on all sorts of issues via comments in response to that post, as recently as a few days ago. Yet Ms. Burton remains unable to participate.

Exhibit B is a screenshot taken by Mr. Johns on January 22, 2018. He is not only blocked from commenting on your government Twitter page, he is blocked from viewing it entirely.

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 a constituent 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.

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 Ms. Burton and Mr. Johns 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 B**



**Johnny Isakson** 

@SenatorIsakson

**@SenatorIsakson blocked you**

You are blocked from following @SenatorIsakson and viewing @SenatorIsakson's Tweets.

