



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

April 11, 2018

Senator John Albers
3330 Preston Ridge Rd., Suite 380
Alpharetta, GA 30005
info@senatorialbers.com

Via E-Mail

Re: Censorship on Government Facebook and Twitter Pages

Dear Senator Albers:

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 nine Georgia residents, Daryl O’Hare, Angie Jones, Tamara and Matt Stevens, Elizabeth Goldsmith, Jeanie Shiau, Francene Taylor, Nancy Miller, and Susan Gue,¹ who have been blocked from posting on, or even viewing, your official government Facebook page (www.facebook.com/john.albers) or Twitter page (@johnalbers), which are otherwise open for public comment or at least to preselected “Friends.”²

It is our understanding that you had previously created a separate government Facebook page³ titled “Senator Albers,” which used the address www.facebook.com/senatorialbers, and which was one time used to stage town hall meetings. *See* Exhibit H (screenshots taken by Ms. O’Hare). It appears that you have since deleted that page, and that your default account page now operates as your official government page at www.facebook.com/johnalbers, to which you now direct your constituents. *See* Exhibit I. That default Facebook page is emblazoned with the

¹ All except Ms. Miller and Ms. Gue are constituents who live in your district.

² Exhibits A through G are screenshots submitted to us by these individuals. Ms. O’Hare, Ms. Goldsmith, Ms. Miller, and Ms. Gue have been blocked from viewing your Twitter page and from commenting on your Facebook page, as the screenshots they have taken demonstrate. *See* Exhibits A (O’Hare), B (Goldsmith), C (Miller), and D (Gue). Ms. Jones and Mr. and Ms. Stevens have been blocked from your Twitter page and cannot view or find your Facebook page. *See* Exhibits E (Jones), F (Stevens). Ms. Taylor has been blocked on Twitter. *See* Exhibit G (Taylor). Ms. Shiau cannot view your Facebook page at all when entering the above address.

³ Anyone who starts a Facebook account has a default personal account page. However, users are also able to create new and separate “Pages”, used for businesses, organizations, or as public figure pages. *See* <https://www.facebook.com/pages/create>. These “Pages” appear slightly differently from the default personal account page, and typically have in their left column links to “Home,” “About,” “Posts,” etc.

banner “Senator John Albers, GA District 56,” publicizes your official government website www.senatorialbers.com, *see* Exhibit J, and is predominantly used to publicize official government business.

Thus, whether you intended to or not, your Facebook default account page now functions practically as an official government page. And because your government Facebook and Twitter pages have been opened for some members 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). And just last week, Maryland Governor Larry Hogan settled a federal ACLU lawsuit over this issue by agreeing to pay \$65,000 to the plaintiffs and to rewrite his social media policies to conform to the Constitution.⁴

Regardless of the reason you deleted your previous government Facebook page, no government official can escape the requirements of the First Amendment by masquerading their actual government Facebook page as a “personal” page, and then by curating the contents of that page to ensure that it is filled only with glowing praise. A reasonable observer might believe, rightly or wrongly, that this is what your office has done.

Of course, you yourself have the First Amendment right to create your own personal or campaign Facebook page, in which you have the right to curate or delete comments or block individuals with whom you disagree. For that reason, we strongly recommend that you return to your prior practice of having two separate social media pages: one personal, and one for government business, for both Twitter and Facebook, and segregate your posts accordingly, as other elected officials like Congressman Barry Loudermilk have done.⁵ Although this is a burden that other members of the public do not have to carry, it is a light burden that comes with the privilege of serving in 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).

⁴ *See* <http://www.baltimoresun.com/news/maryland/politics/bs-md-aclu-hogan-facebook-20180402-story.html>.

⁵ Congressman Loudermilk’s personal or campaign page is found at www.facebook.com/StandwithBarry/. His official government page is found at www.facebook.com/RepLoudermilk/.

We respectfully ask that you restore the posting privileges of the individuals identified above⁶ 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. To unblock someone on Facebook, click the question mark on the top blue bar of your Facebook page, click “Privacy Checkup,” click “Privacy Shortcuts,” click “How do I stop someone from bothering me?,” click “View All Blocked Users,” then click “Unblock” next to the name of the person you wish to unblock. To unblock someone on Twitter, click the circular self-portrait to the right of the “Search Twitter” bar, click “Settings and privacy,” click “Blocked accounts,” and unblock the appropriate persons.

We would greatly appreciate it if you could notify us within 30 days your response to the above requests. If you would like to discuss a social media policy that comports with the First Amendment, we are also happy to discuss that option with your office by phone. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sean J. Young', written in a cursive style.

Sean J. Young
Legal Director
ACLU of Georgia

⁶ Ms. O’Hare goes by Daryl Smith O’Hare on Facebook and by @darylohare on Twitter. Ms. Jones goes by her real name on Facebook and by @angiejones627 on Twitter. Mr. and Ms. Stevens share a joint account and go by Matt Tamara Stevens on Facebook and @TWareStevens on Twitter. Ms. Goldsmith goes by “ECGold” on Facebook and @LizzieG73 on Twitter. Ms. Shiau goes by her real name on Facebook. Ms. Taylor goes by @FHTaylor on Twitter. Ms. Miller goes by her real name on Facebook and by @Normsnan57 on Twitter. Ms. Gue goes by Susan Kellett Gue on Facebook and @freeway1313 on Twitter.

EXHIBIT A

← 🔍 Search in John's posts, photos,...



John Albers is with **Brandon Beach** and **Marc Morris**. ⋮

Apr 3 at 7:39pm • 🌐

Congratulations to the Technology Association of Georgia (TAG) for the grand opening of their new office in my district (Alpharetta).



👍 ❤️ 😮 54

2 Comments • 2 Shares

Not able to comment

👍 Like

➦ Share



John Albers ⋮

Apr 2 at 12:51pm • 🌐



SENATOR JOHN ALBERS
GA DISTRICT 56



com

Senator John Albers

@johnalbers

You are blocked from following @johnalbers and viewing @johnalbers's Tweets. [Learn more](#)



EXHIBIT B



John Albers



Puscizna Albers and 3 others.

41 mins •

I was thrilled to honor the STAR House Foundation at the Capitol yesterday celebrating 25 years of helping children in our community.



7

Like

Share





Senator John Albers

@johnalbers

You are blocked from following @johnalbers and viewing @johnalbers's Tweets. [Learn more](#)



Home



Explore



Notifications



Messages



Me

EXHIBIT C



John Albers

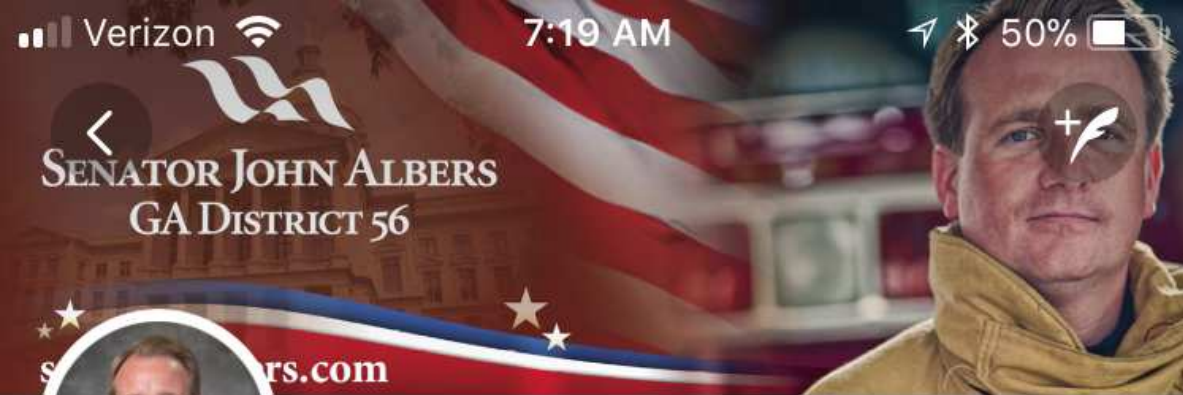
1 mutual friend: Paul Silver

-  Add Friend
-  Follow
-  Message
-  More

 Senator at **State of Georgia**

 See others who work here

 Studied Cybersecurity/CEH at



Senator John Albers
@johnalbers

**@johnalbers blocked
you**

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



EXHIBIT D



John Albers

Follow Message

Timeline About Friends Photos More

DO YOU KNOW JOHN?

Follow John to get his public posts in your News Feed.

Intro

- Senator at State of Georgia
- Studied Cybersecurity/CEH at Harvard University
- Studied Legislative Leadership at University of Georgia
- Studied Organizational leadership at University of Louisville
- Lives in Roswell, Georgia
- Followed by 588 people



John Albers is with Brandon Beach and Marc Morris. 14 hrs ·

Congratulations to the Technology Association of Georgia (TAG) for the grand opening of their new office in my district (Alpharetta).



Like

Share

52

2 Shares

Chat (6)



rs.com

Senator John Albers

@johnalbers

You are blocked from following @johnalbers and viewing @johnalbers's Tweets. [Learn more](#)

**Susan Kellett Gue**
May 20, 2017 · 🌐

Add a description

📍 Tag Photo

📍 Add Location

✎ Edit

👍 Like

💬 Comment

➦ Share



Write a comment...



EXHIBIT E

⚠ Sorry, this content isn't available right now

The link you followed may have expired, or the page may only be visible to an audience you're not in.

[Go back to the previous page](#) · [Go to News Feed](#) · [Visit our Help Center](#)



SENATOR JOHN ALBERS

GA DISTRICT 56



Senator John Albers
@johnalbers

You are blocked from following @johnalbers and viewing @johnalbers's Tweets. Learn more

Who to follow · Refresh · View all

- **David Shafer** @DavidShafer
Follow
- **Renee Unterman** @Renee...
Follow
- **John Wilkinson** @senjwil...
Follow

Find people you know

EXHIBIT F



john albers



Filters

Friends of Friends

City ▾



John Albers



John Alber

28 followers



John Albers



John Albert

University of Georgia



John Albert

Medical Assistant (MA) at Carl...



John Albers



John Alberts

Atlanta, Georgia



4:12

◀ Search

SENATOR JOHN ALBERS
◀ GA DISTRICT 56



rs.com



Senator John Albers

@johnalbers

**@johnalbers blocked
you**

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



EXHIBIT G



SENATOR JOHN ALBERS
GA DISTRICT 56



senatorialalbers.com



Senator John Albers
@johnalbers

@johnalbers blocked you

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



EXHIBIT H



90% 11:42 AM



Senator Albers Office

to me

Feb 21 [View details](#)



Thank you for contacting my office. Your message is very important to me.

Please be sure to include your name, address and phone number in your message. Here are some helpful links that may provide beneficial information or answer questions:

www.legis.state.ga.us

www.sos.ga.gov

www.georgia.gov

www.senatorialbers.com

www.facebook.com/senatorialbers

<https://twitter.com/johnalbers>

Feb / 2018
↓

It is a privilege and honor to serve you in the Georgia Senate. We take all comments seriously. If you have a question, someone in my office will be in contact with you as soon as possible.

Most sincerely,



Senator John Albers - Town Hall Meeting Postponed



Town Hall Meeting

A government of the people, by the people and for the people needs to hear from the people it serves!



Due to a scheduling issue the town hall for this Saturday has been postponed to a social media event. Please join me for a Facebook Town Hall on February, 21st.

Tuesday, 2/21 @ 7:00 PM

Facebook

<https://www.facebook.com/senatorialbers/>

Join me online with your family, friends and ideas to make Georgia a better place to live, work and raise a family. We look forward to hearing from you.



Capitol Address

Senator John Albers
Room 110, State Capitol
Atlanta, GA 30334
(404)463-8055



District Address

Senator John Albers
3330 Preston Ridge Road
Suite 380
Alpharetta, GA 30005

EXHIBIT I



Message to Senate John Albers Office



Inbox



Senator Albers Office

to me

11:43 AM [View details](#)



Thank you for contacting my office. Your message is very important to me.

Please be sure to include your name, address and phone number in your message. Here are some helpful links that may provide beneficial information or answer questions:

www.legis.state.ga.us

www.sos.ga.gov

www.georgia.gov

www.senatorialbers.com

www.facebook.com/johnalbers

<https://twitter.com/johnalbers>

April 20/8

It is a privilege and honor to serve you in the Georgia Senate. We take all comments seriously. If you have a question, someone

EXHIBIT J



SENATOR JOHN ALBERS
GA DISTRICT 56



John Albers

Add Friend

Follow

Message

...

Timeline

About

Friends 1 Mutual

Photos

More

DO YOU KNOW JOHN?

To see what he shares with friends, send him a friend request.

Add Friend

 1 Mutual Friend

Intro

-  Senator at State of Georgia
-  Studied Cybersecurity/CEH at Harvard University
-  Studied Legislative Leadership at University of Georgia
-  Studied Organizational leadership at University of Louisville
-  Lives in Roswell, Georgia
-  Followed by 588 people

 **John Albers**
3 hrs · 

April Newsletter

This legislative session was historic with numerous significant accomplishments. I am very proud of the work we completed. I worked tirelessly to pass dozens of bills and resolutions. As you will see in more detail, we cut the GA Income Tax, fully funded education, passed property tax relief for North Fulton and so much more. It has been a sincere honor to serve you these past 8 years and this without a doubt was the most successful year...

www.senatoralbers.com

SENATORALBERS.COM

 Like

 Share

  4

 **John Albers**
20 hrs · 

A good reminder and just as pertinent today: