



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

December 18, 2017

Chief Keith Nichols
Henry County Police Department
108 S. Zack Hinton Pkwy
McDonough, GA 30253

CC: June Wood, Chair
Henry County Board of Commissioners
140 Henry Parkway
McDonough, GA 30253

Via Certified Mail

Re: Censorship on Your Government Facebook Page

Dear Chief Nichols:

Our democracy thrives when people can freely criticize elected officials, including the governmental entities that they are charged with overseeing, such as the Henry County Police Department. The American Civil Liberties Union of Georgia (ACLU-GA) writes on behalf of Will Sanders, who has been blocked indefinitely from posting any comments on your official government Facebook page ("Henry County Police Department"), which is open to public comment. Furthermore, in response to an Open Records Request, Mr. Sanders has also learned that you have permanently blocked *up to 220 individuals* from posting on your page. *See Exhibit A.* We are concerned that you have silenced these voices for unconstitutional reasons.

Because your government Facebook page has been opened for any member of the public to post comments, it is considered a "limited public forum" under the law regardless of how your office might choose to characterize it. *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).

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 restore the posting privileges of Mr. Sanders, 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", written in a cursive style.

Sean J. Young
Legal Director
ACLU of Georgia

EXHIBIT A

Banned People and Pages
Settings

<input type="checkbox"/>	Name	Banned
<input type="checkbox"/>	Roy VanWey	09/01/17
<input type="checkbox"/>	Adam Crawford	06/17/17
<input type="checkbox"/>	Morgana Le Fey	01/09/17
<input type="checkbox"/>	Find Kun Hwa	12/17/16
<input type="checkbox"/>	Qam Eam	11/19/16
<input type="checkbox"/>	Richard Tig Lynn	05/27/16
<input type="checkbox"/>	Will Holloway Sanders	04/03/15
<input type="checkbox"/>	Davito Trippin	04/03/15
<input type="checkbox"/>	Renee Strozier McCrory	03/27/15
<input type="checkbox"/>	Neal Collier	03/27/15
<input type="checkbox"/>	Ronnie Cooley	03/27/15
<input type="checkbox"/>	Bryan K Wilson	03/27/15
<input type="checkbox"/>	Gregg Chapman	03/27/15
<input type="checkbox"/>	Scott Welch	03/19/15
<input type="checkbox"/>	Benjamin Lamar Campbell Jr	03/18/15
<input type="checkbox"/>	Yvonne Ehrhart	03/06/15

	Name	Banned
	Johnny Mitchell	03/02/15
	Drahcir Allif	03/02/15
	Teresa Barfield	01/20/15
	Nancy M. Reis	01/20/15
	Ricky Wilson	01/20/15
	Herb Middleton	01/20/15
	Lee Timmer	01/20/15
	Robyn Lynn	01/20/15
	Art Martinucci	01/20/15
	Steve Dulya	01/20/15
	Christopher Wood	01/20/15
	Elliott Boss Wittert	01/20/15
	Willie Jones	01/20/15
	Amber Marcello	01/20/15
	Brett Thierauf	01/20/15
	John Edwin	01/20/15
	Aarón Abel	01/20/15
	Sekuma Lambew	01/20/15

	Name	Banned
	Marilyn V McKenzie	01/18/15
	Jacob Baker	01/18/15
	Kevin Longino	01/18/15
	Gail Bullock	01/05/15
	Ricky Barrios	01/05/15
	Amy Elizabeth Reynolds	12/16/14
	Kevin Netherton	12/15/14
	David Vandiver	12/12/14
	Kurt Harris	12/11/14
	Noah Smith	12/10/14
	Tommy Henderson	12/10/14
	Sam Force	12/10/14
	Scott Spratling	12/10/14
	Jacob Brown	12/09/14
	Bryan Rice	10/10/14
	Kay Beeze	09/11/14
	Marcel RightWay Jackson	08/20/14
	Joe Ackley	08/20/14

	Name	Banned
┌	Ryan Roark	08/19/14
┌	Jason Turner	07/31/14
┌	Michael Jamsmith	07/31/14
┌	Charles L Sargent	07/28/14
┌	Sabrina Black	07/28/14
┌	Ryan Hickman	07/23/14
┌	Ty Larsen III	07/23/14
┌	Bret Coburn	07/22/14
┌	Matthew Chaffin	07/21/14
┌	Zach Boggs	07/21/14
┌	Heather Congo	07/21/14
┌	Matt Von Reaper	07/19/14
┌	Jarko Deatin	07/17/14
┌	Wendy Chaney	07/03/14
┌	Faith Hazelwood	06/30/14
┌	Alisha Hill	06/13/14
┌	Jody Anderson	05/27/14
┌	Nick Calhoun	05/20/14

	Name	Banned
┌	Miles Moore	05/09/14
┌	Crystal Shane Faulk	04/24/14
┌	Jerrell Anthony Freeman	04/21/14
┌	Ron Jones	04/08/14
┌	Joe 'Nuggets' Chipperfield	04/08/14
┌	Jamie Bertrand	04/08/14
┌	Matt Chapman	04/07/14
┌	Kelly Logan	04/07/14
┌	Scott R. Abercrombie	04/04/14
┌	Josh Sweatshirt Isakson	04/04/14
┌	Nick Taylor	04/04/14
┌	John Shoemaker	04/04/14
┌	Bill Brink	04/04/14
┌	Chris Carey	04/04/14
┌	Aaron Kenneth	04/04/14
┌	Michael Thomas	04/04/14
┌	The Pope's Zombie Army	04/03/14
┌	Ron Bye	04/03/14

	Name	Banned
	Chris Schauer	03/12/14
	Lisa-Marie Enaaja	02/25/14
	Don Crumbley	02/20/14
	Jose Modela	02/12/14
	Jamie Fincher	02/12/14
	Terry Hawkins	02/12/14
	Laura Young	02/10/14
	Tom Grulke	01/23/14
	Mike Bryant	01/22/14
	Josh Barnes	01/11/14
	Melissa Wright	01/06/14
	Heroes Society	12/21/13
	Christopher Barlow	12/13/13
	Kent Prince	12/10/13
	James Doty	12/10/13
	Phillip Aundre Wright	12/10/13
	Josh Whitten	12/10/13
	Joshua T Vincent III	12/10/13

	Name	Banned
┌	Josh Honeycutt	12/06/13
┌	Kris Phillips	12/03/13
┌	Andy Allen	11/27/13
┌	Steve Edwards	11/23/13
┌	Chris Pope	11/23/13
┌	Todd Mullins	11/22/13
┌	Darrell A Land	11/22/13
┌	Dawn S Cornell	11/08/13
┌	Gaven Green	11/08/13
┌	Tracy Payton Reeves	11/08/13
┌	Adam Davis	11/07/13
┌	Toney Holcombe	11/07/13
┌	Lee Killingsworth	11/05/13
┌	Tonya Wilson	10/24/13
┌	Kevin Barclay	10/22/13
┌	Shane Singleton	10/22/13
┌	Daniel Brock	10/21/13
┌	Karen Breeden	10/21/13

	Name	Banned
	Ashley Ward	10/10/13
	Christin Calloway	10/10/13
	Russell Smith	09/12/13
	Jon Lamont	09/12/13
	Erik Hindman	09/09/13
	Tamera Patterson	09/06/13
	Khadijah Fleming	09/06/13
	Vin Cenzo	09/03/13
	Justin Bryant	08/30/13
	Russ Ivey	08/29/13
	Zachary Forsythe Knight	08/24/13
	Dermeshia White	08/23/13
	Jayne Agan	08/22/13
	Ray Roberts	08/22/13
	Keta Starks	08/22/13
	Emory Dennis Jr.	08/22/13
	Omeshia Fayondra	08/22/13
	BO Kane	08/22/13

	Name	Banned
	Joma Edmonds	08/22/13
	Robert Williamson	08/15/13
	Tony Clements	08/14/13
	Michael Brumbelow	08/14/13
	Victoria Lashay Brows	08/14/13
	Dominique Arnold	08/13/13
	Carter King	08/10/13
	Paul Collier	08/10/13
	Rickey Dwayne	08/10/13
	Tiffany Draby	08/10/13
	Beverly Avrett	08/08/13
	Juan Jackson	08/07/13
	Bonnie Rice Schubert	08/07/13
	Jimmy Israel	08/07/13
	John Allan	08/07/13
	Ronald Underwood	08/07/13
	Michael Greer	08/07/13
	Donavan N Naomi Patterson	08/07/13

	Name	Banned
	Matt Fields	08/06/13
	Scott Smith	08/01/13
	Jon Lubecki	07/27/13
	Kris Fischer	07/20/13
	Mike Cannon	07/11/13
	Joy Lynn Gunnin	07/04/13
	Jodi Watson	06/29/13
	Kellie Mowery Hatcher	06/27/13
	Bobby Hopper	06/25/13
	Nathan Neely	06/19/13
	Stacie Pruitt	06/12/13
	Brent VanWie	06/11/13
	Jamie Brooks McCullough	06/04/13
	Jared Cline	06/04/13
	Justin Cline	06/03/13
	Robert Mott	06/02/13
	Vince Cole	06/01/13
	Tom Scalmato	06/01/13

	Name	Banned
┌	Cheryl Elaine Penn	05/29/13
┌	John Lewis	05/28/13
┌	Jen Morton	05/23/13
┌	Cody Stafford	05/09/13
┌	Ryan Duncan	05/07/13
┌	Cecily Harris	05/07/13
┌	Belinda Funes	05/06/13
┌	Kevin Schultz	05/03/13
┌	Mid GA River Adventures, LLC	04/30/13
┌	Brad Lindsey	04/24/13
┌	Sherry Keller McGee	04/19/13
┌	Wayne Chase	04/18/13
┌	Allen Orlando Blando Keaz	04/17/13
┌	Jason Joyner	04/16/13
┌	Prakash Sharma	04/12/13
┌	Cindy Lulu Pierce	04/11/13
┌	Oliver Kloushoff	04/10/13
┌	Stephen Horvath	04/07/13

	Name	Banned
	Jerry Gunter	04/07/13
	Ravi Prashad	04/04/13
	Dave Ryser	04/04/13
	Donald Pickelsimer	04/03/13
	Jacqueline Clemmons	03/27/13
	Justin Powell	03/19/13
	David Wakefield	03/19/13
	Cedrick Jones	03/13/13
	Brittany Elliott	03/13/13
	Gini Cason	03/12/13
	Roger Gutierrez	03/12/13
	Michael Adams	03/11/13
	Ricky Garnto	03/11/13
	Jonathan Belles	03/11/13
	Christopher Cox	03/11/13
	Nick Whitner	03/11/13
	Isidro Cabrera	03/09/13
	Kevin Chenoweth	03/09/13

	Name	Banned
┌	Matt Browning	03/09/13
┌	Shontel Sorrels	03/07/13
┌	Peyton Foshee	03/06/13
┌	Joe McCann Jr.	03/06/13
┌	Kyle Parks	03/05/13
┌	Stephen Ward	03/05/13
┌	Danny McCall	03/05/13
┌	Kent Johansen	03/04/13
┌	Majah Mesheck	02/01/13
┌	Jose Castro Jr.	01/30/13
┌	Pete Camp	07/30/12