

Social Media Blocking Toolkit

*Has an elected representative blocked you on social media?
If your answer is "yes," you've come to the right place.*



The ACLU of Utah believes that official social media pages for elected representatives and government organizations are public forums. And we also believe the blocking individuals from accessing these pages may be an unconstitutional restriction on their right to free speech under the First Amendment. And we're not alone.

Recent court cases in New York, Virginia, and Maine have established that elected representatives are violating the First Amendment when they block individuals for expressing critical opinions on Twitter and Facebook.

So, if you have been blocked from posting or commenting on an official social media page operated by an elected representative or government organization, this is the place to start getting unblocked.

Start by following the checklist at right.

[Download a PDF version of this checklist ([PDF](#))]

Social Media Blocking Checklist

*Follow these steps to confirm and resolve
a potential First Amendment violation*



STEP 1: Take photos or screenshots of the social media page that blocked you, including your posts if they are still visible or archived.



STEP 2: Use the "So you've been blocked on social media by a government official" flowchart to determine if your constitutional rights were violated.



STEP 3: Learn why blocking people on social media is unconstitutional and violates your First Amendment rights. Download and read the PDF: [Why Does Social Media Blocking Violate the First Amendment?](#) You can also read the national ACLU's recent blog post on this topic: ["Can a Government Official Block You on Twitter?"](#)



STEP 4: If the flowchart determines your rights were violated, contact the elected official via phone or email and asked to be unblocked (this low-key approach resolves 50% of complaints).



STEP 5: If you receive no response to the above request, download and personalize the ACLU of Utah's new DIY Demand Letter and send it to the elected official.



STEP 6: If you receive no response after 30 days, contact the ACLU of Utah at www.acluutah.org/request-help, or call 801-521-9862.

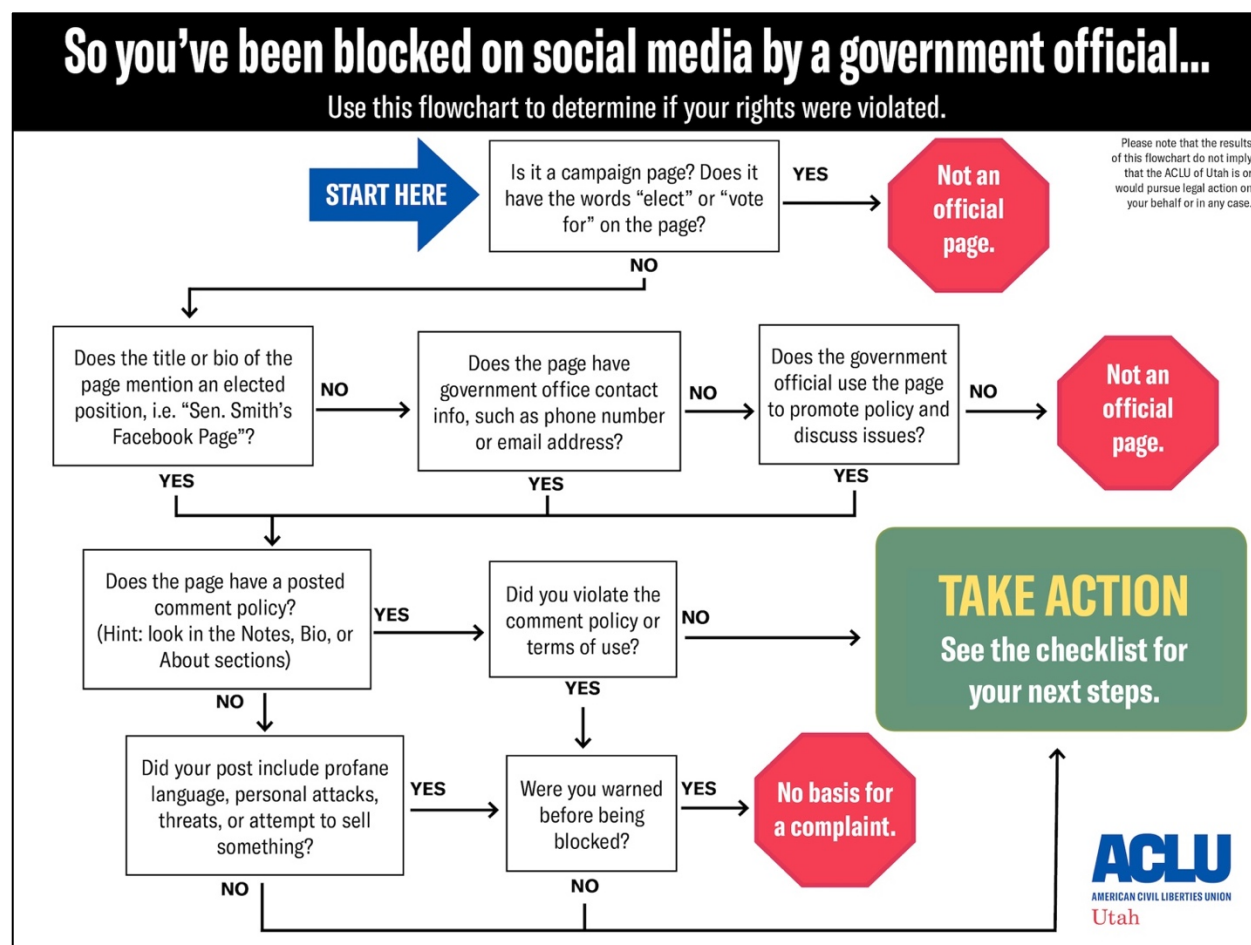
Please note that following these steps does not imply that the ACLU of Utah is or would pursue legal action on your behalf or in any case.

STEP 1: Take photos or screenshots of the social media page that blocked you, including your posts if they are still visible or archived.



STEP 2: Use the “So you’ve been blocked on social media by a government official...” flowchart to determine if your constitutional rights were violated.

Download a PDF version of this flowchart ([PDF](#))



STEP 3: Learn why blocking people on social media is unconstitutional and violates your First Amendment rights. Download and read [Why Does Social Media Blocking Violate the First Amendment?](#) ([PDF](#))

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STEP 4: If the flowchart determines your rights were violated, contact the elected official via phone or email and asked to be unblocked (this low-key approach resolves 50% of complaints).

STEP 5: If you receive no response to the above request, download and personalize one of the ACLU of Utah's new DIY Demand Letters and send it to the elected official.

Simple Letter ([Word](#)) ([odt](#) – open document text) – A 1-page letter with minimal legal case references, simple wording and basic explanations.

Simple Letter

[[DATE]]

Dear [[Elected Official]]

As one of your constituents, I appreciate that you and your office have embraced social media as a crucial means of interacting with the public. I was once able to take advantage of this to have my concerns and point of view heard directly by you and your staff, until I was blocked from viewing and replying to posts on your official [[Twitter/Facebook]] account on [[Insert exact or approximate date here]]. Because my comments have always complied with the page's code of conduct, I can only assume I was blocked due to the critical nature of my comments.

The [[Twitter/Facebook]] page is being used as a public forum where governmental matters such as legislation, policies, and votes — which affect me as a constituent — are routinely discussed. Blocking me from this interactive space solely due to the nature of my comments violates my First Amendment rights. I respectfully request that you restore my access to your [[Twitter/Facebook]] rather than continuing to deny my constitutional right to engage in political speech.

Recent court decisions support my claim. In January 2019, the Fourth Circuit Court of Appeals confirmed a lower court ruling in *Davison v. Loudoun Cty. Bd. of Supervisors* that blocking people on social media is viewpoint discrimination in its most natural form. The Court ruled that government officials are "strictly limited" in their ability to regulate private speech in public forums—even in forums they create on social media. Similarly, *Leuthy et al. v. LePage* (2018), a court ruled that blocking people who disagreed with Governor LePage of Maine, constituted not only viewpoint discrimination, but government censorship as well. Perhaps most importantly, as it involved the nation's highest office, in July 2019 the Second Circuit Court of Appeals upheld a lower court decision by ruling unanimously that President Trump's practice of blocking critics on social media violates the First Amendment.

Legal Letter ([Word](#)) ([odt](#)) – A 3-page letter with extensive legal case references, legal language, and complex explanations.

Legal Letter

[[Your address and contact information]]

[[Date]]

[[Address of elected official]]

Dear [[Name of official]],

You and your office have embraced social media as a crucial means of communicating and interacting with your constituents and the public. As a constituent of yours, I was once able to take advantage of this medium to have my views on issues heard directly by you and your staff—until I was blocked from viewing and replying to posts by your official [[Select one Twitter/Facebook]] account at [[Insert Official Page Name, i.e., "John Smith's Facebook Page," and URL here]] on or about [[Insert exact or approximate date here]] because I had questioned and criticized the positions you take on various issues. I assert and can prove that the comments I posted prior to my blockage did not violate any of the terms of the Comment Policy on your official [[Select one Twitter/Facebook]] account.

Such restriction, as several federal courts have recently held, violates my right to free speech under the First Amendment. As a result, I demand that you immediately cease this unconstitutional action and restore without delay my access to your social media posts and page.

While your [[Select one: Twitter/Facebook]] account is privately owned, it is a forum where you routinely discuss governmental matters such as legislation, policies, and votes, and

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