

[[DATE]]

Dear [[insert name of elected official]],

You and your office have embraced social media as a crucial means of communicating and interacting with your constituents and the public. As your constituent, I was once able to use your social media platform to have my views heard directly by you and your staff by viewing and commenting on your posts and the posts of other members of the community. [[Option to insert personal sentence here, for example: I felt like this was a valuable way to engage in public discourse and I miss being able to participate in this way.]] That was until I was blocked from your official [[insert the name of the social media platform]] account on [[insert approximate date you were blocked]] because I had questioned and criticized the positions you take on various issues of public concern such as legislation, policies, and votes. This restriction violates my free speech rights. So I write now to demand that you unblock me—without delay—so I can once again participate in the public discourse on your forum.

Preventing me from participating on your social media page is a violation of the Idaho Constitution. The Idaho Constitution provides “every person may freely speak, write and publish on all subjects...[and] the people shall have the right to assemble in a peaceable manner, to consult for their common good; to instruct their representatives, and to petition the legislature for the redress of grievances.” ID Const. Art. 1, § 9-10.

Preventing me from participating on your social media page is also a violation of the United States Constitution. The U.S. Supreme Court has declared that: “the axiom of the First Amendment is [that] the state has no power to ban speech on the basis of its content.” *Williams-Yulee v. Florida Bar*, 575 U.S. 433, 462 (2015). Content-based restrictions on speech in public forums are presumptively unconstitutional. *R.A.V. v. City of St. Paul*, 505 U.S. 377, 382 (1992).

Recent court decisions have held that the social media accounts of public officials are public forums and are therefore subject to the First Amendment of the United States Constitution. *See, Davison v. Loudoun Cty. Bd. of Supervisors*, 267 F. Supp. 3d 702 (E.D. Va. 2017) (holding that government officials are strictly limited in their ability to regulate private speech in public forums—even in forums they create on social media). For example, a federal circuit court held that former President Trump’s Twitter page was a public forum and that the President violated the First Amendment of the United States Constitution “by blocking the Individual Plaintiffs and preventing them from viewing, retweeting, replying to, and liking his tweets.” *Knight v. Trump*, 928 F.3d 226, 238 (2d Cir. 2019).

Like the Plaintiffs in *Knight*, I have also been blocked from the public site of a public official and prevented from viewing and replying to comments on the public forum. You, like the former President, are the public official who has created the public forum and blocked me from it, thus violating the Idaho and United States constitutions. You may not do this. You may not prevent me from engaging in the comment threads on your public social media page. Please unblock me and restore my ability to participate on your social media platform in accordance with the Idaho and United States Constitutions.

Sincerely,

[[Insert your name]]

[Insert your signature]