

# One Wisconsin Now: Reaction on ‘encouraging’ social media lawsuit ruling

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MADISON, Wis. — One Wisconsin Now Executive Director Scot Ross released the following statements about a federal appeals court ruling that says a elected official cannot block social media users based on their political views. One Wisconsin Now filed a lawsuit in November 2017 against a number of Wisconsin Assembly Republicans, such as Speaker Robin Vos and budget writing committee chair Rep. John Nygren, for blocking One Wisconsin Now on their official government twitter accounts.

“We are encouraged by this ruling because it once again reminds our elected officials that when they create a public forum, they can’t silence people with whom they disagree,” said Scot Ross, One Wisconsin Now Executive Director. “Robin Vos and his Republican cohorts must realize they are not above the law.”

The release as well as a link to One Wisconsin Now’s original filing is below.

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November 1, 2017

One Wisconsin Now Lawsuit Argues Republican State Representatives Vos, Nygren and Kremer Twitter Blocking Violates First Amendment

## 'Free Speech Isn't Just for the People or Organizations They Like or Agree With'

MADISON, Wis. — Wisconsin politicians are increasingly using social media accounts on Twitter, as official accounts of their taxpayer funded offices, to communicate with the public. A lawsuit filed late Tuesday afternoon in federal court by One Wisconsin Now challenges elected officials on Twitter, acting in their official capacity, from “blocking” citizens and organizations and therefore preventing them from participating in the online public forum by keeping them from viewing and commenting on the blocking users tweets on their Twitter accounts.

The suit, filed on behalf of One Wisconsin Now in the Western District of Wisconsin U.S. District Court by Attorney Christa Westerberg at the Pines Bach law firm, names defendants State Assembly Speaker Robin Vos, State Representative John Nygren, who also chairs the powerful Joint Committee on Finance, and State Representative Jesse Kremer, author of legislation restricting free speech on University of Wisconsin campuses. All three have blocked One Wisconsin Now on their state official Twitter accounts.

“It is unacceptable State Representatives like Kremer, Nygren and Vos use forums like Twitter to broadcast their propaganda in their official capacity, on the public’s dime and then block the public from challenging or responding to them,” commented One Wisconsin Now Executive Director Scot Ross. “Free speech isn’t just for the people or organizations whom they like or with whom they agree.”

One Wisconsin Now maintains a verified Twitter account and uses it to promote issues of concern to the organization like voting rights, free speech and student loan debt and to provide a counterpoint to the right wing and conservative ideology and messages promoted by Vos, Nygren and Kremer via the Twitter accounts associated with their positions as state legislators.

In their lawsuit, plaintiffs contend that government officials can’t offer a public forum and then block selected parties from participating without a lawful basis. They are asking the court for relief by requiring the defendants to end the restrictions on speech they have imposed that are prohibited by the First Amendment to the United States Constitution:

The suit notes:

“Because of the way in which Defendants use their Twitter accounts, the accounts

have become an important channel for news about the Assembly, state government, and public policy issues. For example, the Kremer Account included a May 3, 2017, post inviting people to testify in favor of his “Campus Free Speech” act at a legislative hearing.”

Furthermore:

“Those who are blocked from the accounts are impeded in their ability to learn information that is shared only through that account.

“The comment threads associated with tweets from Defendants’ Accounts and Twitter’s “mentioning” feature are important forums for discussion and alerts about Defendants’ performance as elected representatives and about government policy. Defendants’ Accounts are a kind of digital town hall in which Defendants and/or their aides use the tweet function to communicate news and information to the public, and members of the public use the reply function to respond to Defendants and their aides and exchange views with one another.”

In asking the court for relief, One Wisconsin Now argues that the defendants have violated the First Amendment in blocking the organization from participating in a public forum, restricting their access to official statements of the defendants otherwise available to the general public, restricting their ability to petition the government, and acting as a prior restraint on speech without a compelling government purpose.

Attorney Westerberg concluded, “This is a groundbreaking case that we expect will result in ensuring that everyone will have the right to respond to public officials on social media sites, like Twitter, just as they would if they were attending a town hall meeting.”