KNIGHT
FIRST AMENDMENT
INSTITUTE at
COLUMBIA UNIVERSITY

475 Riverside Drive, Suite 302
New York, NY 10115
(646) 745-8500
info@knightcolumbia.org

December 4, 2020

The Honorable Lori Lightfoot
Office of the Mayor of Chicago
121 N. LaSalle Street
Chicago, Illinois 60602

Dear Mayor Lightfoot,

We write on behalf of our client Gregory Mantell to ask that you immediately cease your practice of blocking individuals and deleting their comments from your official Facebook page ("Chicago Mayor's Office Facebook page" or "your Facebook page") based on the viewpoints they have expressed.[1] The Chicago Mayor's Office Facebook page is a public forum, and blocking individuals and deleting comments from this public forum based on viewpoint violates the First Amendment. We ask that you unblock Mr. Mantell and any other individuals you have blocked based on viewpoint, and that you stop deleting comments from your Facebook page based on viewpoint.

Your office uses the Chicago Mayor's Office Facebook page to share important information with the public in the form of posts, videos, and livestreams, which visitors to the page can comment on and interact with. Your page has more than 225,000 followers, and your livestreams frequently attract thousands of viewers.[2] Indeed, your office uses the page to notify residents of virtual community town halls,[3] to provide important updates on the COVID-19 pandemic,[4] and to share

[1] Chicago Mayor's Office (@ChicagoMayorsOffice), Facebook, https://www.facebook.com/ChicagoMayorsOffice/ (last visited Dec. 3, 2020).

[2] *See, e.g.*, Chicago Mayor's Office, Facebook (Sept. 24, 2020), https://www.facebook.com/watch/live/?v=2457907968450 16&ref=watch_permalink.

[3] *See, e.g.*, Chicago Mayor's Office, Facebook (Nov. 21, 2020, 2:30 PM), https://perma.cc/W8S9-KL9B.

[4] *See, e.g.*, Chicago Mayor's Office, Facebook (Nov. 18, 2020, 2:21 PM), https://perma.cc/7TKM-N9JK.

livestreams of press conferences.[5] The page is thus a digital public forum in which you communicate important public information to the citizens of Chicago and others, and in which members of the public directly engage with you and with one another about matters of public policy.

Our client, Mr. Mantell, is an independent journalist who covers Chicago in his reporting for his news service, "Investigative News Service."[6] Prior to being blocked from your Facebook page, Mr. Mantell frequently visited the page to stay informed of updates from your office, and he occasionally posted comments in response to these updates.

Based on the facts as we understand them, Mr. Mantell was blocked from your Facebook page on or around September 20, 2020, after posting a link to a video concerning rising crime rates in Chicago in the page's comment section. He had recently discussed public safety and rising homicide rates in cities across the United States, including Chicago, in a video for his YouTube channel.[7] Following reports about your comments on a month-to-month decrease in crime in Chicago,[8] and in response to a media press conference posted to your Facebook page, Mr. Mantell posted a comment with a link to that video. He was subsequently blocked, and his comment was removed from the page.

It appears that your practice of blocking people from your official Facebook page is not limited to Mr. Mantell. In response to an Illinois Freedom of Information Act request filed by Mr. Mantell, your office provided records indicating that you or your staff blocked 12 other individuals from the Chicago Mayor's Office Facebook page.[9] When a Facebook user is blocked from a public page, that user, while signed in to their Facebook account, cannot interact with the page in any way, including viewing, commenting on, or reacting to any of the page's posts.

The practice of blocking individuals and deleting comments from the Chicago Mayor's Office Facebook page based on viewpoint violates the First Amendment. Multiple courts have held that government-operated social media accounts constitute public forums and that public officials violate the First Amendment when they block users from these forums on the basis of viewpoint. Most relevant here, the

---

[5] *See, e.g.*, Chicago Mayor's Office, Facebook (Nov. 16, 2020, 3:03 PM), https://perma.cc/EB2C-C8DG.

[6] Gregory Mantell, YouTube, https://www.youtube.com/c/gregorymantellshow/about.

[7] Gregory Mantell, *Murders Skyrocket in Chicago, NYC Following Police Protests*, YouTube (Sept. 19, 2020), https://youtu.be/y7asDU4kj-c.

[8] Phil Rogers, *Lightfoot, Barr Spar Over Who Should Get Credit for Reduction in Chicago Violence*, NBC 5 Chicago (Sept. 9, 2020), https://www.nbcchicago.com/news/local/lightfoot-barr-spar-over-who-should-get-credit-for-reduction-in-chicago-violence/2336502/.

[9] Letter from Tom Skelton, FOIA Officer, Mayor's Office, to Gregory Mantell (Nov. 20, 2020) (on file with author).

U.S. Court of Appeals for the Second Circuit recently concluded that President Trump violated the First Amendment by blocking users from his Twitter account, @realDonaldTrump, because "he disagree[d] with their speech."[10] In another recent case, the Fourth Circuit held that the chairperson of a local county board violated the First Amendment by blocking an individual from her "Chair Phyllis J. Randall" Facebook page.[11] Under those precedents, the Chicago Mayor's Office Facebook page is a "public forum" within the meaning of the First Amendment, and the viewpoint-based blocking of individuals from that forum violates the First Amendment.

We therefore ask that you or your staff immediately unblock Mr. Mantell from your Facebook page, along with any others who are blocked from the page based on their viewpoints.

Thank you for your attention to this letter. We look forward to your response.

Respectfully,

/s/ Katie Fallow

Katie Fallow
Lyndsey Wajert
Knight First Amendment Institute at
Columbia University
475 Riverside Drive, Suite 302
New York, NY 10115
(646) 745-8500
Katie.Fallow@knightcolumbia.org

[10] *Knight First Amendment Inst. at Columbia Univ. v. Trump*, 928 F.3d 226, 230 (2d Cir. 2019).

[11] *Davison v. Randall*, 912 F.3d 666 (4th Cir. 2019).