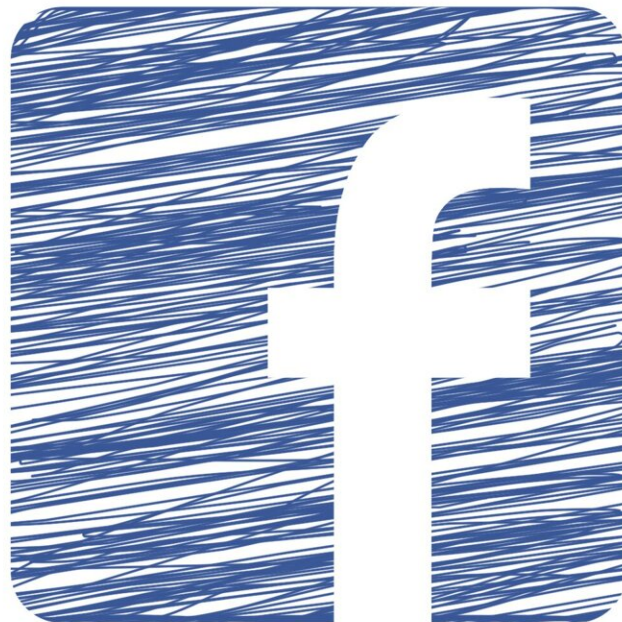


Appeals court: Politician's Facebook feed not a public forum

February 26 2022, by Morgan Lee



Credit: Pixabay/CC0 Public Domain

A federal appeals court has rejected a lawsuit that accused county commissioner and Cowboys for Trump cofounder Couy Griffin of free speech violations for blocking a local resident from discussions on the commissioner's personal Facebook page, in a judgement published Friday.

The 10th Circuit Court in Denver sided with Griffin in the dispute over his [social media](#) account and whether it functioned as a public forum concerning county affairs, with implied guarantees to [public access](#) and free speech.

Griffin, an elected commissioner in southern New Mexico's Otero County, was suspended indefinitely from Facebook in the aftermath of his arrest in connection with the Jan. 6, 2021, insurrection on the U.S. Capitol, where he appeared on an outdoor terrace and tried to lead the crowd in prayer. But the legal dispute over his social media account has persisted.

Three judges from the appeals [court](#) ruled unanimously that plaintiff Jeff Swanson, chairman of the Otero County Democratic Party, failed to show that the law has determined when a personal social media profile becomes a public forum, with 1st Amendment protections.

Griffin on Friday applauded the appeals court order and highlighted that he used his Facebook page to express personal opinions as just one member of a three-member county commission.

"We have the right now to 'block' people on our own private platforms," Griffin said Friday of the appeals court order. "It's a great verdict and

will be excellent case law towards the mark of freedom of speech and expression."

A. Blair Dunn, an attorney for Swanson, said he plans to ask the U.S. Supreme Court to hear the case.

Swanson, a Marine veteran and church chaplain, said Friday that elected leaders should not be able to shut out the electorate from political conversations on social media. Swanson said he was cut off from Griffin's Facebook profile after criticizing the commissioner for neglecting county obligations such as upkeep of a courthouse and urging Griffin to not mix politics and religion.

"When the leaders or the representatives block other people from dialogue on common social media, that shuts off the political input of the citizens," Swanson said. "I'm very direct, but I didn't swear at him" on social [media](#).

The case follows in the footsteps of litigation that challenged former President Donald Trump's efforts to block critics from his personal Twitter account—in a case that was vacated by the U.S. Supreme Court after Trump was permanently suspended from Twitter and ended his presidential term in January 2021.

Griffin is facing misdemeanor criminal charges in the Jan. 6. insurrection on the U.S. Capitol, where he appeared on an outdoor terrace and tried to lead the crowd in prayer.

Griffin denies allegations that he knowingly entered barricaded areas of the Capitol grounds with the intent of disrupting government as Congress considered the 2020 Electoral College results, though he has openly ascribed to unsubstantiated claims of fraud in the 2020 election.

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