

# US Supreme Court weighs social media 'blocks' by public officials

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'There may be First Amendment interests in protecting the private speech of government employees,' opined Supreme Court Justice Elena Kagan.

Can a public official block someone from their personal social media accounts?

The US Supreme Court weighed the matter on Tuesday as it sought to reconcile conflicting rulings from cases handled by lower courts.

The question reached the nation's highest [court](#) once previously, when then-president Donald Trump was sued for blocking critics on Twitter, now known as X.

But the case was declared moot by the justices after Trump was banned from Twitter and left the White House.

The cases before the court on Tuesday involved the social media accounts of a city manager in Michigan and school board members in California.

In the Michigan case, a city manager blocked a state resident from his Facebook page.

In California, the school board members blocked a set of parents who repeatedly left critical comments on their Facebook pages.

Arguing on behalf of the city manager, lawyer Victoria Ferres said "this country's 21 million [government employees](#) should have the right to talk publicly about their jobs on personal social media accounts like their private sector counterparts."

Hashim Mooppan, representing the California school board members, said "individuals who hold public office are still private citizens too."

"When acting in their personal capacity, they retain their First Amendment rights to decide who can participate in a community discussion that they host at their own property," Mooppan said.

"They are thus free to block users from their personal social media

pages, unless they chose to operate those pages in their official capacities instead," he said.

Pamela Karlan, an attorney for the California parents, countered that the Facebook pages were "a tool of governance" and "of the hundreds of posts I found only three were truly non job-related."

## **'First Amendment interests'**

Justice Elena Kagan said the cases present "First Amendment interests on both sides"—a reference to the constitutional amendment protecting freedom of speech.

"Just as there may be First Amendment interests in protecting the private speech of government employees," Kagan said, "there are also First Amendment interests in enabling citizens to access the important parts of their government.

"That's what makes these cases hard," she said. "It's that there are First Amendment interests all over the place."

References to Trump's Twitter [account](#) surfaced repeatedly during Tuesday's oral arguments.

"I don't think a citizen would be able to really understand the Trump presidency, if you will, without any access to all the things that the president said on that account," Kagan said.

"It was an important part of how he wielded his authority," she said. "And to cut a citizen off from that is to cut a [citizen](#) off from part of the way that government works."

The Supreme Court is expected to issue its ruling next year.

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