



June 2, 2021

Board of Education  
Brownsburg Community School Corporation  
310 Stadium Drive  
Brownsburg, IN 46112

Dear BCSC Board of Education,

The Liberty Justice Center is a national, non-profit, public-interest law firm dedicated to defending constitutional rights. We represent Kristin Ferklic, a taxpayer in this district.

Ferklic is deeply concerned about the curriculum used by Brownsburg Community School Corporation. To that end, she regularly attends school board meetings and other public events to challenge curricular choices that she believes do not serve the students of BCSC well. Often times her advocacy conflicts with the recommendations of BCSC Superintendent Jim Snapp.

Last week, Ferklic was “blocked” from following the Twitter account of Superintendent Snapp (@BCSC\_snappchat). Blocking someone on Twitter is a function used by a user to prevent another user from accessing any content on their profile. It prevents users from receiving governmental information that is otherwise available to the general public and from commenting in the comments on a tweet.

Blocking Ferklic violates numerous constitutional rights: to receive publicly available governmental information, *see Bd. of Educ. v. Pico*, 457 U.S. 853 (1982); to participate in a public forum, *Perry Educ. Ass’n v. Perry Local Educators’ Ass’n*, 460 U.S. 37 (1983); and to be free from discrimination or retaliation based on viewpoint, *Grossbaum v. Indianapolis-Marion Cty.*, 100 F.3d 1287 (7th Cir. 1996).

No wonder, then, that courts confronting social media bans on users by public officials have consistently sided with the citizen-users against the speech police. *Campbell v. Reisch*, 986 F.3d 822, 823 (8th Cir. 2021); *Knight First Amendment Inst. at Columbia Univ. v. Trump*, 928 F.3d 226, 230 (2d Cir. 2019), *vacated as moot*, 141 S. Ct. 1220 (2021); *Davison v. Randall*, 912 F.3d 666, 679-80 (4th Cir. 2019); *Robinson v. Hunt Cty., Texas*, 921 F.3d 440 (5th Cir. 2019).<sup>1</sup>

Superintendent Snapp must immediately restore Ferklic’s access to the Superintendent’s account and allow her to receive and respond to this otherwise publicly available information.

Very truly yours,

Daniel R. Suhr, Senior Attorney  
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<sup>1</sup> *Accord Scarborough v. Frederick Cty. Sch. Bd.*, 2021 U.S. Dist. LEXIS 22977, at \*2 (W.D. Va. 2021); *Garnier v. O’Connor-Ratcliff*, 2021 U.S. Dist. LEXIS 7613, at \*44 (S.D. Cal. Jan. 14, 2021); *Felts v. Reed*, 2020 U.S. Dist. LEXIS 224489, at \*17 (E.D. Mo. Dec. 1, 2020); *Popp v. Monroe Cty.*, 2020 U.S. Dist. LEXIS 57042, at \*2 (S.D. Ind. Mar. 31, 2020); *Faison v. Jones*, 440 F. Supp. 3d 1123 (E.D. Cal. 2020); *One Wis. Now v. Kremer*, 354 F. Supp. 3d 940, 941 (W.D. Wis. 2019). *See Anderson v. Hansen*, 2021 U.S. Dist. LEXIS 27722, at \*28 (E.D. Wis. Feb. 12, 2021).