

Kathy Kirby Discusses Judge's Ruling That President Trump Cannot Block Critics on Twitter

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Kathleen A. Kirby, co-chair of Wiley Rein's Telecom, Media & Technology (TMT) Practice, was quoted by *Radio + Television Business Report* in an article about a federal judge's ruling that President Trump's blocking of critics from his personal Twitter account is unconstitutional. Ms. Kirby said the May 23 ruling, by U.S. District Judge Naomi Reice Buchwald of the Southern District of New York, does not apply to the Twitter accounts of people who are not government officials – such as talk show hosts or other on-air personalities.

"The court's decision does not mean that radio and television stations should have their talent stop blocking people from their Twitter feeds," Ms. Kirby said. "For there to be a constitutional claim, the challenged conduct has be traced to the government."

"Key to the court's decision here is that it found that President Trump presents his Twitter account to the public as one that operates in his *official* capacity rather than his *personal* one," Ms. Kirby added. "Essentially, where the *government* opens up a space or hosts a kind of public forum where they allow the public to speak, they can't consistent with the First Amendment, exclude someone form that forum based on their views. But the Constitution does not similarly reach merely private conduct – such as a radio or television personality blocking people from a Twitter feed – no matter how discriminatory or wrongful."

Related Professionals

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Practice Areas

Telecom, Media & Technology

The article can be found here (subscription required).