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September 24, 2018

Peter Alviti, Director  
RI Department of Transportation  
Two Capitol Hill  
Providence, RI 02903

BY EMAIL AND MAIL

Dear Mr. Alviti:

I am writing to seek your immediate intervention in a very important First Amendment matter that has been brought to our attention. It involves a complaint the ACLU of Rhode Island has received from an individual who has been blocked from the Rhode Island Department of Transportation's (RIDOT) Twitter account. Specifically, he has been blocked from either following @RIDOTNews or viewing @RIDOTNews tweets.

Our complainant, whose Twitter handle is @bluntz401, claims that he was blocked from @RIDOTNews about a year ago after he posted some tweets that were critical of work being done on a RIDOT project near his residence. His comments were not in any way libelous or obscene. It is our further understanding that he is not the only person who has been blocked from @RIDOTNews. Because we believe such actions are a clear violation of Twitter users' free speech rights, I am writing to request that you immediately unblock any individuals who are currently being blocked from the @RIDOTNews Twitter account.

While the use of social media is a relatively new phenomenon, there can be little question of its importance as a platform for freedom of speech on vital public matters. @RIDOTnews, like other government Twitter accounts, serves as a public forum for the dissemination and receipt of useful, and sometimes essential, information. The Department simply does not have the authority to censor or otherwise block individuals from access to, or participation in, this forum because it disagrees with the viewpoints they express. Indeed, this blocking not only deprives residents of their ability to directly speak to RIDOT through this medium, it also bars them from access to timely transportation-related information and alerts.

The U.S. Supreme Court has noted that social media sites allow citizens to "petition their elected representatives and otherwise engage with them in a direct manner," and that these sites "can provide perhaps the most powerful mechanisms available to a private citizen to make his or her voice heard." *Packingham v. North Carolina*, 137 S.Ct. 1730, 1735, 1737 (2017). These comments recognize the important role that social media now play in democratic discourse. Their use to speak out on public matters and to petition the government for redress of grievances is

Page Two  
Peter Alviti  
September 24, 2018

an exercise of, and protected by, the First Amendment. In short, the ability of constituents to be able to express their views to both elected and appointed officials is crucial in a democratic society, and Twitter, Facebook and other social media are simply 21<sup>st</sup> Century ways of doing that.

Whatever standard RIDOT is using to block Twitter accounts is, in our view, both unconstitutional and inappropriate as a matter of public policy. As mentioned above, we therefore ask that you immediately unblock @bluntz401 and any other individuals who are currently being barred from accessing the @RIDOTNews Twitter account. If the blocking of Twitter users like our complainant is being done pursuant to a formal policy, we further urge that it be promptly reviewed and revised.

I would appreciate your expeditious attention to this matter, and look forward to hearing back from you about it at the earliest possible opportunity. If you believe we have misconstrued the Department's actions in any way, we would welcome learning that too. Thank you.

Sincerely,

Steven Brown  
Executive Director

cc: John Iglizzi, Legal Counsel  
Governor Gina Raimondo