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January 14, 2019

ACLU of Ohio
Complaint Intake
4506 Chester Ave.
Cleveland, Ohio 44103

Dear ACLU of Ohio;

I am deeply concerned that the City of Lakewood is actively impairing the First Amendment rights of its citizens. I have attached a copy of my previous letter on this topic (October 23, 2017) as well as a recent public statement of the mayor of Lakewood, Ohio.

A group page on *facebook* ("Lakewood Community" group *facebook* page) is being misused to prevent intelligent and reasonable comment about public issues affecting Lakewood citizens. Comments on public issues on that page are routinely regulated to represent the policy preferences of the City of Lakewood, **by the deletion of alternative citizen viewpoints.**

Public employees are believed to be a part of this process, supposedly in their individual capacity and this fact is substantiated by the public statement of Mayor Michael P. Summers (attached).

Those who express policy preferences that are different from those of the city administration find their comments promptly deleted and may find themselves blocked or excluded from the group.

This raises the novel issue of whether a government can disavow control over the content of social media, but still exercise control over that content by the participation of public officials or public employees.

This has been an on-going problem for several years now and these practices have now been widely discussed on other social media forums.

I appreciate your time and attention to this matter.

All the very best,

s/Mark D. Kindt

Mark D. Kindt, Esq.

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October 23, 2017

ACLU of Ohio
Complaint Intake
4506 Chester Avenue
Cleveland, Ohio 44103

Dear ACLU Complaint Specialist,

I am deeply concerned that the City of Lakewood is actively impairing the First Amendment rights of its citizens.

First, my local newspaper, *The Lakewood Observer*, has been banned from the Lakewood City Hall building. The newspaper has been publishing critical reporting on major public policy issues that affect all residents. This ban did not occur until the critical articles were published. Prior to that time, the paper was freely available at the City Hall building.

Second, a group page on *facebook* ("Lakewood Community" group *facebook* page) is being misused to prevent intelligent and reasonable comment about public issues affecting Lakewood citizens. One of the administrators of that group page is the **Finance Director of the City of Lakewood**. Comments on public issues on that page are routinely regulated to represent the policy preferences of the City of Lakewood, by the deletion of alternative citizen viewpoints.

Those who express policy preferences that are different find their comments promptly deleted and may find themselves excluded from the group.

The City of Lakewood has recently been sued related to its breed-specific ordinance related to a certain breed of dog ("pit-bull") and discussion of this litigation or the merits of the ordinance itself have been banned from discussion on the Lakewood Community group *facebook* page.

This raises the novel issue of whether a government can disavow control over the content of social media, but still exercise control over that content by the participation of a key government executive.

I appreciate your time and attention to this matter.

All the very best,

[signature on original]

Mark D. Kindt, Esq.

The View from the mayor's office- Lakewood Ohio

Wednesday, January 9, 2019

Social Media and Government

Governments have always been challenged to communicate, explain, discuss, and connect to their constituents.

The advent of social media and demise of traditional print media have intensified this challenge. Not too many years ago, governments at all levels were served by professional journalists who roamed city hall looking for stories, investigating tips, studying, and then reporting on complex stories. It is a rare event when I have an opportunity to engage one-on-one with a journalist, other than for a 30-second soundbite on whatever may be that day's controversy.

So how can governments best harness the power of social media? The answer is emerging and changing by the week. The aspect of social media I am most concerned about is the absence of facts. If so many people claim to get their news from social media, how are they to separate fact from opinion?

In Lakewood City Hall, increasing efforts are being made to **monitor** conversations and inject facts as we know them to improve the quality of discourse. City Hall managers—some more than others—**keep a wary eye on some discussions. One public information officer spends a significant part of her time following and ensuring effective responses to social media posts. Judgments are made, as has always been the case in communications.**

The City of Lakewood has its official social media vehicles — Facebook, Twitter, YouTube, and Instagram accounts. Others will emerge and the City will continue to utilize them.

I have grown very fond of the famous words of former New York Senator Patrick Moynihan. He said, "Everyone is entitled to their own opinions, but not their own facts." **Those in City Hall's leadership often take to social media to correct misunderstandings, misstatements, or erroneous "facts", and I would always encourage them to do so. When employees participate in these conversations, they participate as citizens who bring their own individual experiences and knowledge to bear on a conversation. They do not convey any official or sponsored message of my administration.**

To engage in social media, **one has to keep an eye on it.** This goes for those who present the City's official social media messages, and it goes for employees who post as citizens. City Hall policies permit these reasonable efforts to communicate and I foresee that continuing well into the future.

Posted by **Michael P. Summers, Mayor, City of Lakewood, Ohio** at 6:07 AM

4 comments:



Blog Archive

- ▼ **2019** (1)
 - ▼ **January** (1)
 - Social Media and Government**
- **2017** (2)
- **2013** (1)
- **2012** (11)

About Me



Michael P. Summers, Mayor, City of Lakewood, Ohio

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