

Supreme Court: Posting To Facebook Is A First Amendment Right

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A North Carolina law made it a felony for a registered sex offender to access a commercial social networking Web site where the sex offender knows that the site permits minor children to become members or to create or maintain personal Web pages. When a sex offender posted on Facebook about getting a traffic ticket dismissed, he was convicted and given a suspended sentence. The North Carolina Supreme Court affirmed the conviction, including the constitutionality of the statute. The Court, in an opinion by Justice Kennedy, reversed and remanded, holding that the law violated the First Amendment because it was not narrowly tailored to serve a significant governmental interest. The Court called the statute unprecedented in the scope of First Amendment speech it burdens, given how it effectively blocked sex offenders from receiving the legitimate benefits available from social media. Justice Alito, joined by Chief Justice Roberts and Justice Thomas, concurred in the judgment, agreeing that the statute violated the First Amendment, but complaining that the majority opinion contained too much undisciplined dicta that might prevent States from limiting sex offenders access to, for example, teen dating sites. [A link to the opinion in *Packingham v. North Carolina* is here.](#)

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