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## **Laydon accused of free speech violations on social media**

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Douglas County Commissioner Abe Laydon.

 By Mike McKibbin / NewsBreak Denver / Oct. 31, 2022

**Clarification:**

This story was updated to clarify a photo of Colorado Gov. Jared Polis, a Democrat, that shows Republican Douglas County Commissioner Lora Thomas in the background was taken at a 2021 bill signing and not at a reelection event for Polis. Thomas added she has never attended such an event for Polis.

**[DOUGLAS COUNTY, COLO.]** — Douglas County Commissioner Abe Laydon is being accused of violating the First Amendment rights of county residents by banning them from his Facebook, Instagram and other social media accounts.

Whether their stance is valid is in a murky area, based on legal rulings in similar cases — including one involving former President Donald Trump — and interpretations of those rulings.

Laydon did not respond to several interview requests.

### **Thomas criticism encouraged**

In a September interview and text messages in October, Sarah Geving said she is a registered Republican who had never met any of the three commissioners before reaching out to Laydon through Facebook Messenger in February.



**Abe Laydon**

Active 17h ago



MAR 11, 7:24 PM

Sarah! You are awesome! Glad you have seen through the divisive Lora Thomas and her baseless attempts to attach fellow republicans. Please continue to speak out loudly and I invite you to monitor my social media feeds and respond with the truth as you deem appropriate. Appreciate you and had a great talk with John Anderson about you!



A social media post by Douglas County Commissioner Abe Laydon to county resident Sarah Geving.

Geving said Laydon encouraged her to speak out against fellow Commissioner Lora Thomas, who was running for county sheriff in the June primary election.

Laydon and fellow Commissioner George Teal made several [public accusations](#) and [authorized investigations against Thomas](#) earlier this year.

Laydon also sent Geving a photo of Colorado Gov. Jared Polis, a Democrat, that Laydon claimed showed Thomas standing behind Polis at one of his reelection campaign events. Thomas, a Republican, said the photo was actually taken at a 2021 bill signing. Thomas added she has never attended a Polis reelection event.

Laydon and Geving communicated through July on Facebook and Instagram, Geving said.

"Interestingly, when the sheriff campaign was over after the primary, and I started asking HIM questions via social media, I was BLOCKED on both Facebook and Instagram," Geving wrote in a text message.



abelaydon



225  
Posts

Followers Following

**Abe Laydon**

Public figure

Abe Laydon was elected Douglas County Commissioner, District I, in 2018 and began serving his first term in 2019. He is running for re-election.

[abelaydon.us/social-media-commenting...](https://abelaydon.us/social-media-commenting...)

User not found

Message



The Facebook Messenger account of Douglas County Commissioner Abe Laydon after county resident Sarah Geving was blocked.

"I wrote to the county attorney asking for help since Laydon had censored me," Geving continued. "After that, I received a private message from Laydon via Instagram. He unblocked me on Instagram only. But, within days, for some unknown reason, he blocked me again on Instagram."

**Victim's rights issue may have led to blocking**

Geving said the comment that seemed to spur Laydon to block her concerned his support for a metro area child sex trafficking victims counseling agency. Geving believes that agency acted unethically. Geving said she is a child sex trafficking survivor and advocates for victim rights.

Geving said Laydon emailed a copy of his social media policy to justify the action, "but he had no problem when I was bashing Lora Thomas until I spoke out against his stance on victim rights."

Laydon's [social media commenting](#) policy lists several instances when commentors or comments could be blocked and notes, "... my social media sites are not a public forum. They are moderated online discussion sites that are similar to a public meeting."

Geving said she sent three letters to all three commissioners and the county attorney about Laydon's actions. She also spoke to two constitutional attorneys who said blocking was "definitely a First Amendment issue and were willing to take the case pro bono," Geving said.

**So, Laydon defends  
inappropriate shows  
for children because  
of the First  
Amendment,**

**but when I  
challenged him about  
victims rights, he  
BLOCKED me from  
his Gov't Page??  
After I wrote the  
County Attorney,  
Laydon unblocked  
me on Insta, but I'm  
still blocked on FB.  
What is he so afraid  
of?**



Abe Laydon

Douglas County resident Sarah Geving posted this comment online after county Commissioner Abe Laydon blocked her from his social media.



The experience has left Geving believing that Laydon is "hell-bent on silencing me."

"No matter the reason he blocked me, he did, in fact, censor and block me," she said. "If he will do it to me, he could do it to other constituents. Voters deserve to know the truth about how he conducts himself."

### **Laydon's PrideFest comments spur another resident**

Another county resident, Barb Jean, wrote in text messages in October that Laydon blocked her after she claimed his comments regarding the [PrideFest drag show incident](#) at the county fairgrounds were "pandering" for reelection votes.

"He seemed to be pandering not to upset the gay crowd," Jean wrote. "I said 'it's not about gay equality or rights, it's about the appropriateness of a drag show at a family event.'"

Jean said she called Laydon a "phony" but did not make any threat.

"Next thing I know, ALL my comments were gone and I had to try to 'refriend' him, which obviously I didn't do," she wrote.

Jean added it seems wrong that Laydon is "using a private page in his official role of a county commissioner and a campaign page, skirting around First Amendment issues."

### **Blocking legal rulings vary**

Jeffrey Roberts is the executive director of the [Colorado Freedom of Information Coalition](#). He wrote in a September email, "Essentially, if the public official's social media account is used for official business, it's a public forum, and people can't be blocked based on viewpoint."

He cited a 2020 [case against Trump](#), where the U.S. Court of Appeals upheld a lower court's ruling that he violated the First Amendment when he blocked critics on his Twitter account.

Roberts also noted a case that was settled in [Woodland Park](#). Others were settled that involved former state lawmakers [Leroy Garcia](#) and [Ray Scott](#).

In a [January 2021 story](#) about a ruling in a case involving Republican Colorado U.S. Rep. Lauren Boebert, the Colorado Sun noted that while at least four Colorado lawsuits were settled after elected officials blocked constituents, "there has not been a court ruling explicitly outlawing the practice. Courts in other states, however, have ruled it unconstitutional because it impedes their ability and rights to participate in government."

To support his social media commenting policy and actions, Laydon emailed NewsBreak Denver what he said was former county attorney Lance Ingall's response to Geving's email.

Ingalls wrote that social media accounts operated by the commissioners are "not controlled in any way by Douglas County staff and their use is entirely up to the elected official."

Ingalls disagreed with Geving's claim of a violation of her First Amendment rights. While Ingalls cited the Trump case's ruling, he also pointed to the judgment in Boebert's case that found she could block people from her private social media since she was not using it for official Congressional business.

"A Congresswoman's job was to vote on and consider legislation while serving in Congress, not to communicate with individuals," Ingalls wrote. "The court concluded that a Congresswoman could not do and was not performing her job on social media. An individual commissioner is, in my opinion, more similar to a Congresswoman and cannot do their job on social media. A commissioner is part of a board, and it is the board of county commissioners that has the authority to conduct county business."

Ingalls also stated that while there are reasons an elected official may allow everyone to use and comment on their individual social media pages and strings "without any editing or blocking (and that is certainly a safe/conservative way to proceed), I cannot conclude and do not agree that as a matter of law that is required for a county commissioner."

Geving also sent NewsBreak Denver a copy of an Instagram message she said Laydon sent her after she emailed Ingalls:

"Hi Sarah, I'm rarely on Instagram but I will look into this," Laydon wrote. "I know my administrators have a strict social media policy around ensuring all citizens have an opportunity to engage equally, and any form of harassment, bullying, defamation, stalking,

trolling, monopolizing threads, and/or negative personal attacks get addressed and/or blocked so that everyone gets a chance to fairly participate. I have appreciated your passion, support, and engagement in the past and trust you were not engaging in any of these activities on my pages."