

2/4/2025

Wesley Nute, Jr., General Counsel  
c/o Sharon Garrett  
Office of Legal Services  
Irving Independent School District  
2621 W. Airport Freeway  
Irving, Texas 75062

*Delivered via email:* [sgarrett@IrvingISD.net](mailto:sgarrett@IrvingISD.net)

**Re: First Amendment Violations on the Social Media Platform X**

Mr. Nute and Ms. Garrett:

We write on behalf of Accuracy in Media (“AIM”) to inform you that the Irving Independent School District (“IISD”) violated the First Amendment by blocking users and hiding comments on its X social media account on January 28, 2025. Recently, AIM exposed potential violations of state law protecting girls in school sports by IISD.<sup>1</sup> This investigation has garnered serious public interest in the issue and your policies—including a call by the governor of Texas for an administrator to be fired followed by his immediate resignation.<sup>2</sup>

Shamefully, IISD, rather than welcome public commentary and criticism of policy gone astray, undertook a campaign to actively block users and hide comments critical of it on the X social media platform. One user included a call to action on IISD’s X account (@IrvingISD) for parents to “make big changes starting with the school board” but found her comment hidden:

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<sup>1</sup> Accuracy in Media, *Not ILLEGAL If You Don’t Get CAUGHT: Irving School Admin’s Shocking Advice to Parents*, available at: <https://www.youtube.com/watch?v=HnpixQsjrHE>.

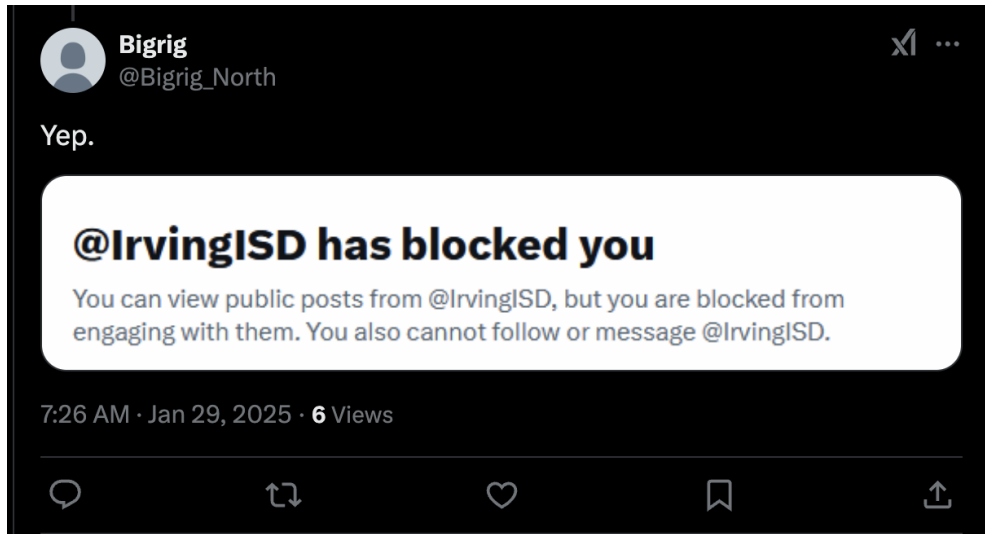
<sup>2</sup> Emily Medeiros, *Investigation Uncovers Potential Violations of Law Protecting Girls’ Sports in Irving ISD*, TEXAS SCORECARD, Jan. 29, 2025, available at: <https://texasscorecard.com/local/investigation-uncovers-potential-violations-of-law-protecting-girls-sports-in-irving-isd/>; see also Ginger Allen, *Irving ISD administrator resigns after video sparks Texas Gov. Abbott to call for investigation*, Jan. 30, 2025, CBS NEWS, available at: <https://www.cbsnews.com/texas/news/irving-isd-texas-gov-abbott-investigation-video-transgender-law/>.



When Adam Guillette, President of AIM, replied to the original comment, his comment similarly disappeared. His further comments asking about compliance with the law and about IISD blocking users and hiding comments were also hidden.



After attempts to engage in productive commentary with IISD, another user found his X account blocked by IISD on January 29, 2025:



Where public forums exist—you know, streets, sidewalks, and social media platforms—the public enjoys a right to speak. You do not enjoy the power to censor. This is how democracy works.

The courts have already spoken loud and clear on this. Under *Knight First Amendment Institute v. Trump*, 928 F.3d 226 (2d Cir. 2019), a government official’s social media account used as a public forum may not exclude individuals solely on the basis of their viewpoints. Period. The same rule holds true in Texas. Consider *Robinson v. Hunt County*, 921 F.3d 440 (5th Cir. 2019). There, the Hunt County Sheriff’s Department maintained an official Facebook page. Areas on that page where the public could comment were designated public forums. Because Hunt County was selectively removing comments critical of the Sheriff, that constituted viewpoint discrimination. If you’re not up to speed on First Amendment jurisprudence, that’s one of the biggest no-no’s.

By now, you’ve probably detected the unfortunate parallels here. Like *Trump* and *Hunt County*, IISD is a government actor using social media to distribute government messages. The @IrvingISD account on X regularly provides updates to the public about school events, learning social hours, and even applauds itself about honors it has received. In other words, IISD is using X as the modern-day equivalent of a public bulletin board in a city hall lobby—a place for the public to gather, observe, and comment. Blocking users or hiding comments simply because those comments criticize IISD is a textbook example of viewpoint discrimination.

Many Americans strongly oppose allowing children of one biological sex to play in sports designated for another. In Texas, there’s even a law on the books about this very issue. Obviously, this is going to generate spirited debate on your official social media pages. But the Constitution doesn’t let you shut down that debate just because you disagree—or because state law has you in a tough spot. Once you’ve opened the door to the public, you can’t slam it shut the moment the conversation makes you uncomfortable.

This sort of censorship deprives AIM, Mr. Guillette, and countless Texans of their cherished right to free speech. AIM is prepared to file suit against the IISD under the Civil Rights Act, 42 U.S.C. § 1983, to obtain injunctive and declaratory relief to end IISD’s unconstitutional censorship. We write to you because we believe in good faith that a lawsuit should not be necessary. We request a response from your office no later than Monday, February 10, 2025. AIM reserves all rights and

notes IISD's obligation to preserve all documents relating to these matters in anticipation of litigation.

Sincerely,

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