



NEW YORK STATE LEGISLATURE

September 10, 2020

Jack Patrick Dorsey
Chief Executive Officer

Twitter

Home Office

Market Square

1355 Market Street, #900

San Francisco, CA 94103

New York Office

Chelsea

249 West 17th Street

New York, NY 10011

Re: Blocking of Customers for Political Content

Dear Mr. Dorsey

It has recently come to our attention that your company has removed the access and ability of the New York State Conservative Party (@CPNYS) to maintain an account and post on your company's social media platform, which suggests a politically-motivated restriction on free speech.

Both the Second Circuit Court of Appeals in [Knight First Amendment Institute at Columbia University v. Trump](#), 928 F.3d 226 (2d Cir. 2019), and the Fourth Circuit Court of Appeals in [Davison v. Randall](#), 912 F.3d 666, 673 (4th Cir. 2019), have recently held that the type of social media platform your company offers has become the 21st Century equivalent of a public forum, where free speech is constitutionally protected.

Despite Twitter being a private company, you and your company are not insulated from abridging political free speech via some sort of believed violation of user agreement protocols. The Supreme Court of the United States has long recognized that a public forum, where free speech cannot be violated, not only includes traditional" public forums, such as public streets, sidewalks, and parks, but also private forums, that are not publicly owned, but that have offered and opened themselves up to the public, or some segment of the public, for expressive activity.

Further, the Supreme Court of the United States has long said merely because you and/or your company do not agree with its political perspective, is nonetheless constitutionally protected. This is unquestionably still the case even if you wrongfully label such as "hate speech," or unilaterally classify such speech as content that does not conform with the terms of your license or user agreement.

As duly elected representatives of the people of the State of New York, we find your actions in blocking the Twitter access to the New York State Conservative Party to be deeply troubling. Our Conference, and more importantly the overwhelming number of the constituents we represent, does not believe in silencing constitutionally protected, political free speech, even when we disagree with its content or political perspective. This is the hallmark of our nation, its liberty and its freedom.

For all the foregoing reasons, I respectfully request that your company immediately cease and desist from its unlawful practice of violating the constitutionally protected free speech rights of the New York State



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Conservative Party. It is my hope that you will immediately reinstate their full access to your company's services and formulate policies that avoid these types of restrictive and problematic issues moving forward. Thank you for your time and attention.

Sincerely,

Handwritten signature of Robert G. Ort in black ink, featuring a stylized 'R' and 'G' followed by a circular flourish.

Robert G. Ort
Republican Conference and Minority Leader
New York State Senate

Handwritten signature of Will Barclay in black ink, written in a cursive style.

Will Barclay
Minority Leader
New York State Assembly