

August 10, 2018

Jennifer Utrecht
Scott McIntosh
Department of Justice
Civil Division, Appellate Staff
950 Pennsylvania Ave NW Room 7710
Washington, DC 20530

**Re: *Knight First Amendment Institute, et al. v. Trump,
et al., Case No. 17-CV-5205 (NRB)***

Dear Ms. Utrecht and Mr. McIntosh,

We write in response to your email of July 10, 2018, in which you accepted our offer to provide you with information about individuals who remain blocked from the @realDonaldTrump account because they criticized the president.

As you know, on May 23, 2018, the district court ruled in the above-referenced case that defendants' viewpoint-based blocking of individuals from the @realDonaldTrump Twitter account violates the First Amendment. On June 5, 2018, you informed us that the individual plaintiffs' access to the @realDonaldTrump account had been restored. Unfortunately, defendants continue to block many other individuals from the account. Some of these individuals have reached out to us since the district court issued its decision. It appears to us that all or nearly all of these individuals were blocked from the @realDonaldTrump account because they criticized President Trump or his policies.

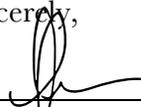
Accordingly, on June 28, 2018, we wrote to ask that defendants unblock these individuals from the @realDonaldTrump account. Although we recognize that the district court's ruling does not expressly require defendants to take this action, the court has made clear that defendants' blocking of individuals from the account on the basis of viewpoint is unconstitutional. We also note that the Supreme Court has recently considered the President Trump's tweets as official White House statements, *see Trump v. Hawaii*, No. 17-965, 2018 WL 3116337, at *19

(June 26, 2018), effectively endorsing a key premise of the district court's analysis. Further, the action we propose here would obviate the need for litigation in the district court while defendants' appeal is pending in the Second Circuit.

As the administrators of the account, defendants should be able to determine readily which Twitter users have been blocked from @realDonaldTrump. For your convenience, however, we are attaching to this letter a list of individuals who have informed us that they have been blocked from the account, along with information we have collected about the tweets that apparently provoked defendants to block them.¹

Thank you in advance for your prompt response.

Sincerely,



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Katherine Fallow
Carrie DeCell
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¹ To be clear, we do not currently represent any of these individuals. They have indicated to us, however, that they are comfortable with our sharing with you the information contained in the attached spreadsheet. The spreadsheet lists each individual's name, Twitter handle, and, where available, the date of blocking and information about the tweet(s) that the individual believes led to the blocking.

	Name	Twitter Handle	Date Blocked	Link to Tweet that Preceded the Block
1	Adam Best	@adamcbest	5/28/17	https://twitter.com/adamcbest/status/86684583086785026
2	Alex Kotch	@alekkotch	7/9/17	https://twitter.com/alekkotch/status/884215736540987392 https://twitter.com/alekkotch/status/884218553104306176 https://twitter.com/alekkotch/status/884220047866119586
3	Ali Abunimah	@AliAbunimah	6/16/17	https://twitter.com/AliAbunimah/status/875698339299418112
4	Amanda Guinzburg	@Guinz	6/4/17	https://twitter.com/Guinz/status/871382529785384960
5	Andy Ostrov	@AndyOstrov	5/20/17	https://twitter.com/AndyOstrov/status/877115084971159553
6	Bess Kalb	@bessbell	5/28/17	https://twitter.com/bessbell/status/868981568424992768
7	Brian Krassenstein	@Krassenstein	7/19/17	https://twitter.com/krassenstein/status/887655280019783680 https://twitter.com/psych_hype/status/891262037128605696?s=21 https://twitter.com/psych_hype/status/891277211596185602?s=21
8	Bryan Harnsberger, Psy.D	@psych_hype	7/29/17	https://twitter.com/psych_hype/status/891277211596185602?s=21
9	Craig Patrino	@cigratrino		
10	Danielle (Dani) Bostick	@danibostick		https://twitter.com/danibostick/status/886423079316049920?s=19
11	Danny Zuker	@DannyZuker	2013	
12	David Hogg	@Stareagle	6/11/17	https://twitter.com/stareagle/status/873151671693713410
13	David McAfee	@theofficialporp	8/25/17	https://twitter.com/theofficialporp/status/900354936772212807?s=21
14	David Nussbaum	@theNuzzy	7/15/17	https://twitter.com/thenuzzy/status/886321542992248832?s=21
15	David Roth	@david_j_roth	6/11/14	https://twitter.com/david_j_roth/status/476214490988810240
16	Ed Krassenstein	@Edkrassen	5/31/17	https://twitter.com/EdKrassen/status/870077719006109697
17	Emanuel Zbeda	@therealezway	6/7/17	https://twitter.com/therealezway/status/872421005553172480 https://twitter.com/therealezway/status/872422984304164865
18	Faisal Edroos	@faisaledroos	6/1/17	https://mobile.twitter.com/faisaledroos/status/870242066911051776
19	J.D. Durkin	@jiveDurkey	7/2/17	https://twitter.com/jiveDurkey/status/881663642156060674
20	Jeffrey Guterman	@JeffreyGuterman	8/30/17	https://twitter.com/JeffreyGuterman/status/902882048913936384
21	Joe Harris	@joeharris	6/25/17	https://twitter.com/joeharris/status/878716367276576768 https://twitter.com/joeharris/status/878716573783117824 https://twitter.com/joeharris/status/878716892978044928
22	Jon Wolfsthal	@jwolfsthal	7/20/17	
23	Jordan Thompson	@jordansdiamonds	5/29/17	
24	Jordan Uhl	@jordanuhl	6/13/17	https://twitter.com/JordanUhl/status/873237955703451650
25	Jules Suzdalisev	@amplifirenews_@jules_su	5/31/17	https://twitter.com/amplifirenews_/status/874315355069571077 https://twitter.com/jules_su/status/869875933980762112
26	Laura Packard	@lpackard	9/19/17 or 9/20/17	https://twitter.com/lpackard/status/910357621059792896 https://twitter.com/lpackard/status/910353188187987973
27	Lauren Wolfe	@Wolfe321	6/7/17	https://twitter.com/Wolfe321/status/871456459518771201
28	Lesley Abravanel	@LesleyAbravanel	9/17/17	https://twitter.com/lesleyabravanel/status/909178927788195840
29	Liz Plank	@feministabulous	7/22/17	
30	Matthew Dicks	@matthewdicks	7/11/17	https://twitter.com/MathewDicks/status/884727315808309249
31	Michael Lewis	@MSLSpeaks	10/30/15	https://twitter.com/MSLSpeaks/status/660077859080380416
32	Mike Denison	@mikd33	6/6/17	https://twitter.com/mikd33/status/8720647941316648967?s=21
33	Neil Makhija	@NeilMakhija	6/23/17	https://twitter.com/neilmakhija/status/87841443139957637137?s=21
34	Nikolas Smith	@4NIKKOLAS	9/23/17	https://twitter.com/4NIKKOLAS/status/911656025660387329
35	Robert J. Szczerba	@RJSzczerba	6/1/17	https://twitter.com/RJSzczerba/status/870446205997862913
36	Rosanne Apel	@NIKluk	8/5/17	

37	Talia Jane	@itsa_talia	6/1/17	
38	Tara Dublin	@taradublinrocks	First blocked 8/29/15, then unblocked and reblocked	https://twitter.com/taradublinrocks/status/637772819632275456
39	Thor Benson	@thor_benson	7/19/17	https://twitter.com/taradublinrocks/status/637869414709227520
40	Tom Coates	@tomcoates	6/1/17	https://twitter.com/thor_benson/status/887863111037837312
41	Zach Schonfeld	@zzzaaacchh	6/15/17	https://twitter.com/tomcoates/status/870150279982858240
				https://twitter.com/zzzaaacchh/status/875321645854019590