



Via Email

October 17, 2018

The Honorable Alan D. Clemmons
Chairman, House Rules Committee
519C Blatt Bldg.
Columbia, 29201

Re: Your Blocking of University of South Carolina Student on Twitter

Dear Representative Clemmons,

I write on behalf of University of South Carolina student Dana Al-Hasan, who has been blocked from your Twitter account, @RepAlanClemmons, because she raised concerns and asked questions about your then-recent trip to Israel. This Twitter account operates as a designated public forum for First Amendment purposes. Accordingly, the viewpoint-based blocking of our client is unconstitutional. We ask that you unblock Ms. Al-Hasan in addition to others who you have blocked because of their viewpoint supporting Palestinian rights.

Here are the facts:

I. The Facts

a. The @RepAlanClemmons account.

You established your Twitter account in December 2008 and use your Twitter account largely as a channel to communicate with the public about bills, foreign policy positions and other official decisions.

You present your account to the public as one you operate in your official capacity. The Twitter page associated with the account is registered to Alan Clemmons “SCHouse of Reps. Husband, father, Christian, Israel supporter & 2A advocate. Chair of House Rules Comm & National I-73 Assoc.” The handle starts with “Rep” a shorthand for “Representative.”

The @RepAlanClemmons is accessible to the public at large without regard to political affiliation or any other limiting criteria. You have not “protected” your tweets, and anyone who wants to follow your account can do so. You have not issued any rule or statement purporting to limit (by form or subject matter) the speech of those who reply to your tweets. The only users who cannot follow @RepAlanClemmons are those whom you have blocked.

b. You blocked Al-Hasan from @RepAlanClemmons.



Dana Al-Hasan is a doctoral student in the Department of Epidemiology and Biostatistics at the University of South Carolina. Ms. Al-Hasan operates the Twitter account @cuote32. She began following @RepAlanClemmons in approximately December 2017.

On February 3, 2018, you blocked Al-Hasan from your Twitter account. At 9:46 a.m. that morning, you tweeted, “Jerusalem was awash with early morning light when I awoke this morning. I feel fortunate to return to the Holy City & honored to deliver Monday’s keynote address on legal mechanisms to combat anti-Semitism to the Israel Bar Association’s International Lawyer’s Conference.”¹ On the same thread, another Twitter user, @katherinn_e_ asked you, at 10:06 a.m., “Um who’s paying for this? I hope we aren’t.”²

Al-Hasan replied to the thread at 11:23 a.m., stating: “I really think this question needs to be answered!”³ Al-Hasan also asked: “Are you going to discuss Palestinians stipulated UN rights that Israel continues to refuse and deny?”⁴

At 12:31 p.m., you responded to the first question, stating: “What a debasing question... of course no taxpayer funds were used for my travel.”⁵

At 1:06 pm. Al-Hasan replied, in two tweets:

How arrogant to think such a question is debasing. It's our right to know. In fact, I'd like to see some receipts ! Most people do not even know that 3.8 billion of our hard earned money is given to Israel every year, bring our tax dollars home!

Instead, we can use our own money to fund our schools and work towards health equity among south Carolinians and everyone in the US. SC unfortunately faces many health issues that merit attention. This is what we deserve of our legislators. Not taking trips to Israel...⁶

At 1:13 p.m., @katherinn_e_ tweeted on the same thread that she had been blocked from your account.⁷ Al-Hasan asked how a Twitter user knows if she has been blocked.⁸ At 1:24 p.m. she tweeted: “@RepAlanClemmons did you block @katherinn_e_ from your official account? I would hope that a legislator, or anyone, would not resort to childish behavior. We're simply

¹ Alan Clemmons (@RepAlanClemmons), Twitter (Feb. 3, 2018, 9:46 AM), <https://twitter.com/RepAlanClemmons/status/959800316819640320>.

² *Id.*

³ *Id.*

⁴ Dana Al-Hasan (@cuote32), Twitter (Feb. 3, 2018, 11:23 AM), <https://twitter.com/cuote32/status/959824578167091201>.

⁵ Alan Clemmons (@RepAlanClemmons), Twitter (Feb. 3, 2018, 12:31 PM), <https://twitter.com/RepAlanClemmons/status/959800316819640320>.

⁶ Dana Al-Hasan (@cuote32), Twitter (Feb. 3, 2018, 1:06 PM), <https://twitter.com/cuote32/status/959851066052562944>.

⁷ Katherinn(e) (@katherinn_e_), Twitter (Feb. 3, 2018, 1:13 PM), https://twitter.com/katherinn_e_/status/959852478165594112.

⁸ *Id.*



bringing attention to Israel's discriminatory policies against Palestinians and your complicit role.”⁹

Later that day, Al-Hasan realized that her account, @cuote32, was also blocked from your account.¹⁰

Since being blocked from your account, Al-Hasan has been unable to see, reply, retweet or participate in comment threads associated with your tweets.

II. Blocking Ms. Al-Hasan Violates the First Amendment.

Your decision to block Ms. Al-Hasan violates the First Amendment and must immediately be reversed.

Recently a federal court – in a case involving President Donald Trump – ruled that government officials who communicate with their constituents through Twitter may not block users because of their views.¹¹ This is because the “interactive space” of such tweets – where anyone with a Twitter account can reply or retweet a tweet -- constitutes a designated public forum.¹²

As you are no doubt aware, the First Amendment prohibits government officials from excluding individuals from public forums on the basis of viewpoint.¹³ To do so violates a “fundamental principle of the First Amendment that the government may not punish or suppress speech based on disapproval of the ideas or perspectives the speech conveys.”¹⁴

Your account bears indicia of an official account, including the Twitter handle itself, @RepAlanClemmons, and the page registration which notes you are member of the “SCHouse of Reps” and that you serve as Chair for the House Rules Committee. Your tweets overwhelmingly concern your official duties and decisions – from bills you support, foreign policy positions official visits and other government business. You regularly interact with South Carolinans on Twitter with respect to your policy positions. It is clear that @RepAlanClemmons is being used for official purposes and is subject to the First Amendment.

It is also clear that Ms. Al-Hasan was blocked because she disagreed with your trip to Israel and U.S. military aid in support of Israel. She, along with another user critical of your

⁹ Dana Al-Hasan (@cuote32), Twitter (Feb. 3, 2018, 1:24 PM), <https://twitter.com/cuote32/status/959855084241907712>.

¹⁰ Dana Al-Hasan (@cuote32), Twitter (Feb. 4, 2018, 10:10 AM), <https://twitter.com/cuote32/status/960168748039761920>.

¹¹ *Knight First Amendment Inst. at Columbia Univ. v. Trump*, 2018 U.S. Dist. LEXIS 87432 (S.D.N.Y. May 23, 2018).

¹² *Id.* at *64.

¹³ *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819 (1995).

¹⁴ *Matal v. Tam*, 137 S. Ct. 1744, 1766 (2017).



Israel trip, received a message from Twitter minutes after expressing disagreement with this trip and U.S. military aid to Israel, of which you are a vigorous proponent.

Your blocking also imposes an unconstitutional viewpoint-based burden on Ms. Al-Hasan's right to access generally available government information. It also imposes an unconstitutional restriction on her First Amendment right "to petition the Government for a redress of grievances." U.S. Const. amdt. I.

The White House unblocked seven individuals who sued President Trump after a federal court ruled that the president's practice of blocking critics from his Twitter account violates the First Amendment.¹⁵

We ask that you immediately unblock @cuote32 and the accounts of others who you have blocked because of their support for Palestinian rights.

Sincerely,

A handwritten signature in black ink, appearing to read "Radhika Sainath".

Radhika Sainath
Senior Staff Attorney
Palestine Legal

¹⁵ Press release, Knight First Amendment Institute at Columbia University, President Trump Unblocks Twitter Critics and Files Notice of Appeal in Knight Institute Lawsuit (June 4, 2018) available at <https://knightcolumbia.org/news/president-trump-unblocks-twitter-critics-and-files-notice-appeal-knight-institute-lawsuit>.