

RECEIVED

FEDERAL ELECTION COMMISSION

OCTOBER 21, 2020 6:29 PM

OFFICE OF GENERAL COUNSEL

Lisa J. Stevenson
Office of General Counsel
Federal Election Commission
1050 First Street,
NE Washington, D.C. 20463

MUR 7829

ORIGINAL MAILED

Re: Complaint Against Twitter, Inc. Regarding In-Kind Corporate Contributions to Biden and Trump for President

Dear Counsel:

This letter constitutes a formal complaint filed under 52 U.S.C. § 30109(a)(1) of the Federal Election Campaign Act (“FECA”) on behalf of myself, an unaffiliated individual and amateur journalist. A DOJ complaint was filed online last week (28383-QXW), but no one has contacted me from the agency nor from Twitter Inc. and so I appeal to you. Prior to sending this letter, I have called Twitter, Inc., appealed its suspension online, left a voicemail for general counsel, and submitted a certified letter (a copy of which is attached).

BACKGROUND

Last night, I tried logging into my account @matthewrafat and am still effectively locked out due to the request for a mobile number after a comment—a reference to a quote by Malcolm X, one of America’s most well-known civil rights leaders, was deemed to constitute hateful conduct. The message I receive when trying to log into my account is below:

Enter your phone number

Enter your mobile phone number to receive a text message with a confirmation code. You’ll use the code to verify this is really your number.

Until October 9, 2020, I was never required to enter or submit a mobile number in order to reach my followers or the public. I have already submitted my passport page to Twitter previously in order to request a “blue check” verification, which was denied. Though I do not have many followers, depending on the time of year, my tweets receive about 200,000 impressions per month, sometimes more, sometimes less.

More importantly, I have been a long-time active commentator on local and national politics and write from the perspective of a third party supporter, i.e., promoting the attempts of any minor party to gain at least 5% of the national vote. I have maintained the same position since at least 2016. My blog, which I link to often, is named after one of Hunter Thompson's books. Since I do NOT receive or request any advertising, the inability to use social media platforms to promote independent political commentary substantially harms the ability of third party supporters within USA to reach an audience and thus benefits both the Democrats and the Republicans (aka the "Republicrats"). My blog is titled, "Quiet Highway: Saga of a Gentleman," after Thompson's The Proud Highway: Saga of a Desperate Southern Gentleman and can be found at willworkforjustice.blogspot.com

My comments are mostly data-driven and have even incorporated data from the FEC's own website and other objective sources not covered in mainstream media. Due to the dearth of third-party supporters in the United States, **shutting down my social media account based on clearly pretextual reasons constitutes in-kind support of both the Democratic Party and the Republican Party.**

At first, Twitter did NOT lock my account, requesting that I re-enter after 12 hours. However, I did not wait 12 hours and appealed immediately. Upon appeal, Twitter locked my account due to classifying the following tweet as hateful conduct:

"@davidminpdx Uncle Tom. In one of Malcolm X's speeches, he calls the Chinese Revolution a Revolution against Uncle Tom Chinese."

Here we must note that @davidminpdx was specifically soliciting suggestions in a thread on colonialism. The quote is from 1963 and available in books at many USA middle and high school libraries, as well as of course college libraries:

The Chinese Revolution — they wanted land. They threw the British out, along with the Uncle Tom Chinese. Yeah, they did. They set a good example. When I was in prison, I read an article — don't be shocked when I say I was in prison. You're still in prison. That's what America means: prison. When I was in prison, I read an article in Life magazine showing a little Chinese girl, nine years old; her father was on his hands and knees and she was pulling the trigger 'cause he was an Uncle Tom Chinaman, When they had the revolution over there, they took a whole generation of Uncle Toms — just wiped them out. And within ten years that little girl become a full-grown woman. No more Toms in China. And today it's one of the toughest, roughest, most feared countries on this earth — by the white man. 'Cause there are no Uncle Toms over there.

LEGAL AUTHORITY AND ARGUMENT

Based upon information and belief, as set forth below and in the attached materials, I believe that Twitter, Inc. has violated FECA and the Commission's Regulations by making corporate in-kind contributions to Biden for President ("Biden"), the principal campaign committee for former Vice President Joe Biden, and to President Donald Trump's re-election campaign ("Trump").

Less than 24 hours prior to being locked out and reported for allegedly "hateful conduct," I live blogged the VP debate. On the Christian Science Monitor's Twitter page, I also posted a link to a critical blog post on Joe Biden around the same time period though perhaps earlier than 24 hours. (<https://willworkforjustice.blogspot.com/2020/06/joe-biden-americas-golden-retriever.html>) On information and belief—since I cannot get into my account to verify the exact time periods—shortly thereafter, my account was suspended on the basis of a tweet that occurred earlier than both the critical post on Joe Biden as well as the live blogging of the VP debate. In other words, it appears someone partial to either the Biden or Trump campaign went hunting for a reason to suspend my account in order to prevent independent political commentary and to mitigate competition from independent sources re: the VP debate.

My situation is not an isolated one. According to the RNC's complaint to the FEC, "On October 14, 2020, the New York Post published the first of several articles revealing emails discovered on Hunter Biden's computer which appear to portray corruption by Joe Biden and his son... In response, Respondent has taken unprecedented actions to suppress the articles from being shared on its platform."

I will copy the RNC's legal authorities herein though other federal statutes may also apply. "Federal campaign finance law strictly prohibits corporations from making contributions to federal candidates. 52 U.S.C. § 30118(a); 11 C.F.R § 114.2(b). The term 'contribution' is defined in relevant part to mean 'anything of value made by any person for the purpose of influencing an election,' and includes in-kind contributions such as services. 11 C.F.R. §§ 100.52(a) & 100.52(d)(1)."

Twitter's pretextual suspension of my Twitter account and sudden requirement for my mobile number—which is inapplicable due to my use of Twitter on my laptop, not a mobile app--provides a thing of value to the Biden campaign. (Note: I have been severely hearing impaired since birth and am wary of giving out a mobile number to anyone due to not having a mobile amplifier.)

In suspending my account and requiring new PII from me, Twitter is acting as Biden's and Trump's media operative, taking proactive steps to shield both candidates from negative news coverage by muzzling independent voices. The cost to the American public is nothing less than the integrity of the national election. **Given the almost total lack of publicity given to the Green Party and to the Libertarian Party by mainstream media sources, suspending accounts of independent political commentators constitutes partisanship, especially when those commentators have provided ample evidence of identification and where the account name matches the legal name of the commentator.**

I respectfully request that the Commission:

1. Conduct an immediate investigation into Twitter's illegal in-kind contributions to the Biden/Trump campaigns;
2. Find reason to believe that Respondent has violated 52 U.S.C. § 30118(a); 11 C.F.R § 114.2(b);
3. Re-state my Twitter @matthewrafat account (email: _____) without any penalty of record of being associated with "hateful conduct"; and
4. Require Twitter to create a format whereby accounts posting substantial data-driven political posts, especially when supporting a 5% threshold in presidential elections, are given separate categories of evaluation, preferably through a legal team.

Sincerely,

Matthew Rafat
(landline)

Campbell, CA 95008-3804
Twitter: @matthewrafat (associated with _____)
willworkforjustice.blogspot.com

October 9, 2020

Vijaya Venkata Gadde
c/o Twitter, Inc.
1355 Market St
Ste 900
San Francisco, CA 94103
(415) 448-7358

I am writing to confirm I left you a voicemail today informing you my Twitter account was suspended for quoting Malcolm X, a civil rights leader, and I cannot re-enter my account because Twitter's process requires a mobile phone number even for people who are hearing-impaired like me and thus primarily use landlines with amplification. In addition to a potential ADA violation, Twitter may also be implicated in blocking independent political commentary because my account was reported and suspended only after I live tweeted the VP debate and not near the time I posted the so-called "hateful" comment.

Twitter's procedures are particularly egregious because there is no question I am a real user and not a bot. You are receiving this mail from a US-based address; you now have a US-based landline (which is more secure than a mobile number) where you can reach me; and I earlier sent a copy of my passport to Twitter for "blue check" verification (which was rejected). Incredibly, even where Twitter solicited government-approved ID and received such ID, your algorithms are capable of censoring real users rather than bots. Such online incompetence is occurring at the same time your engineers and executives know a large percentage of your users are bots or "sock puppets." The tweet that violated Twitter's "rules against hateful conduct" is below:

@davidminpdx Uncle Tom. In one of Malcolm X's speeches, he calls Chinese Revolution a Revolution against Uncle Tom Chinese.

Whether from an objective, reasonable, strict scrutiny, or rational basis view, the context of the Malcolm X quote in no way intended to injure or harm anyone because it was in response to a user soliciting terms to describe sympathizers with foreign colonizers. The reference to Malcolm X's usage of a term is particularly apt because Malcolm X was an expert on colonization. Thus, despite proclaiming support for Black Lives Matter and diversity, your algorithms and human contractors/employees are doing the exact opposite. Given the timing of the suspension, if brought before Congress, you and thus Twitter will not be able to deny prior knowledge of 2020 election interference as well as hypocrisy on the issue of BLM.

Sincerely,

Matthew Rafat
@matthewrafat

(landline)

Your account, @matthewrafat has been locked for violating the [Twitter Rules](#).

Specifically for:

Violating our rules against [hateful conduct](#).

You may not promote violence against, threaten, or harass other people on the basis of race, ethnicity, national origin, sexual orientation, gender, gender identity, religious affiliation, age, disability, or serious disease.



Mateo

@matthewrafat

@davidminpdx Uncle Tom. In one of Malcolm X's speeches, he calls the Chinese Revolution a Revolution against Uncle Tom Chinese.

Please note that repeated violations may lead to a permanent suspension of your account. Proceed to [Twitter now](#) to fix the issue with your account.

[Go to Twitter](#)

1. Violating our rules against hateful conduct

You may not promote violence against, threaten, or harass other people on the basis of race, ethnicity, national origin, sexual orientation, gender, gender identity, religious affiliation, age, disability, or serious disease.

**Mateo**[@matthewstaf](#)

@davidminpdx Uncle Tom. In one of Malcolm X's speeches, he calls the Chinese Revolution a Revolution against Uncle Tom Chinese.

12:42 PM - 6 Oct 2020

As a result, we've temporarily limited some of your account features. While in this state, you can still browse Twitter, but you're limited to only sending Direct Messages to your followers — no Tweets, Retweets, follows, or likes. [Learn more](#). Your account will be restored to full functionality in: 12 hours and 0 minutes.

< An update regarding your account AA



Hello,

Thank you for your patience as we reviewed your appeal request for account, @matthewrafat, regarding the following:



Mateo

@matthewrafat

@davidminpdx Uncle Tom. In one of Malcolm X's speeches, he calls the Chinese Revolution a Revolution against Uncle Tom Chinese.

[Violating our rules against hateful conduct](#)

Our support team has determined that a violation did take place, and therefore we will not overturn our decision.

You will not be able to access Twitter through your account due to violations of the [Twitter Rules](#), specifically our rules around:

- [Violating our rules against hateful conduct](#)

In order to restore account functionality, you can resolve the violations by logging into your account and completing the on-screen instructions.

Thanks,
Twitter



Delete



Archive



Move



Reply



More

1 **MATTHEW RAFAT (unaffiliated individual)**

2 Campbell, CA 95008-3804
3 Telephone: (landline)

4
5 FEDERAL ELECTION COMMISSION

6 IN AND FOR THE DISTRICT OF COLUMBIA

8 Case No. NOT ASSIGNED YET

9 **DECLARATION OF MATTHEW**
10 **RAFAT IN LIEU OF**
11 **NOTARIZATION REQUIREMENT**

12
13 I, MATTHEW RAFAT, hereby state and declare as follows:

14 1. I am an individual currently residing at , Campbell, California.

15 The facts stated herein are true of my own personal knowledge, except for those based on
16 information and belief, and as to those facts, I believe them to be true. If called as a witness, I
17 could and would competently testify to the following facts.

18 2. On October 19, 2020, I submitted a complaint and other attachments to
19 EnfComplaint@fec.gov from email , which is also the email associated with
20 my Twitter account.

21 3. On October 19, 2020, I also priority mailed hard copies of the complaint and an
22 attachment to the FEC in Washington, D.C. and was given USPS tracking number 9505 5118
23 0194 0293 3561 30.

1 4. On October 20, 2020, I called the FEC and was informed of a notarization
2 requirement. I was previously unaware of this notarization requirement. I am asking the FEC to
3 accept this e-signed declaration evidencing proof of service in lieu of the notarization
4 requirement on two grounds: a) California continues to restrict businesses, including notary
5 publics, due to COVID19; and b) the FEC's own materials encourage electronically submitted
6 and e-signed documents.

7 5. On October 20, 2020, the date of this declaration, I will send screenshots of
8 Twitter's restrictions of my @matthewrafat account to the FEC along with this declaration.
9 These screenshots were not submitted to the FEC previously but constitute true and accurate
10 photos of communications from Twitter, Inc. to the undersigned with respect to @matthewrafat,
11 the Twitter account involved in the FEC complaint.

12 6. If further information is needed, the FEC may call me at _____ and/or
13 email me at _____ or willworkforjustice@yahoo.com.
14

15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct.
17

18 Executed this 20th of October 2020, at Campbell, California.

19 
20
21
22
23

24 _____
Matthew Rafat
25
26
27
28



[Redacted] @davidmnpdx

MUR782900012

Hive mind: What is the name of colonized people who, in colonial societies, worked as petty bureaucrats for the oppressor-colonists? Is there a word/name for that?

8:15 AM · Oct 6, 2020 · Twitter Web App

12 Likes

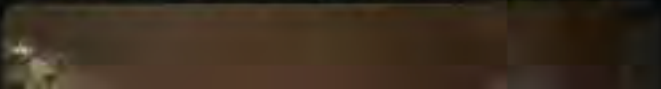


This Tweet is from an account that no longer exists. [Learn more](#)



[Redacted] @davidmnpdx · Oct 6

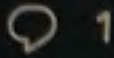
These kids don't work for their oppressor. They were targeted by the oppressor and had their lives destroyed. theintercept.com/2019/04/25/bro
... Preet Bharara on the other hand got an appointment at NYU law school.



MUR782900013



Kauai County Attorney Mauna Kea Trask explaining the County's interpretation of Kuleana lands, Royal [youtube.com](https://www.youtube.com)

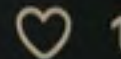


Show replies



[\[Redacted\]](#) @FrederickLittl3 · Oct 6

Replying to [@davidminpdx](#)
Subalterns.



More replies

This Tweet violated the Twitter Rules. [Learn more](#)

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

1 _____
 2 _____
 3 _____
 4 _____
 5 _____
 6 _____

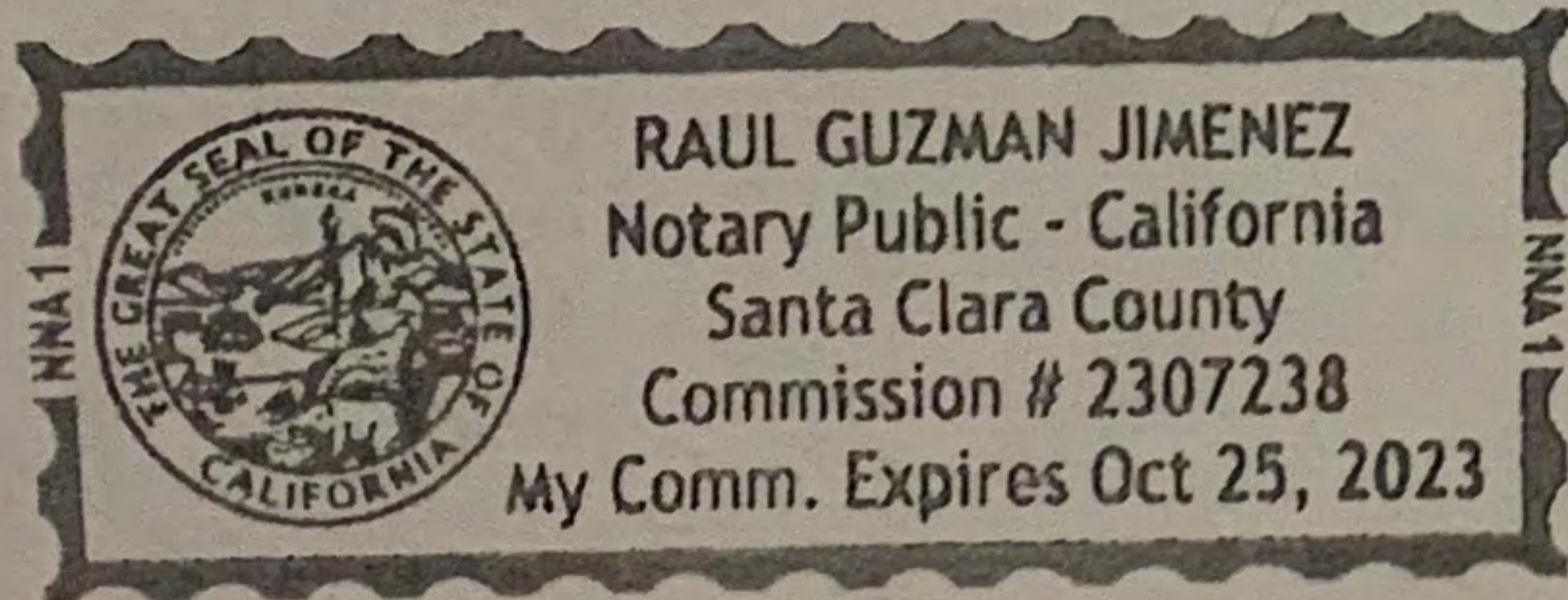
Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
 County of Santa Clara

Subscribed and sworn to (or affirmed) before me
 on this 21 day of October, 2020
 by Matthew Mehdi Rafat
 (1) _____
 (and (2) _____),
 Name(s) of Signer(s)



proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature [Handwritten Signature]
 Signature of Notary Public

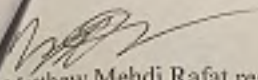
Seal
 Place Notary Seal Above

OPTIONAL

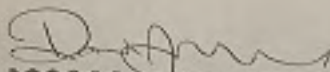
Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

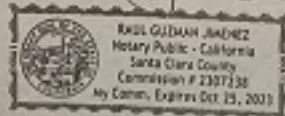
Description of Attached Document

Title or Type of Document: Complaint Document Date: 10/21/2020
 Number of Pages: 4 Signer(s) Other Than Named Above: _____


Matthew Mehdi Rafat residing at [REDACTED], Campbell, California 95008
has sworn under penalty of perjury that the contents of his complaint to the Federal
Election Commission are true to the best of his knowledge.

Subscribed and sworn to before me on this 21 day of October, 2020.







UNITED STATES
POSTAL SERVICE.

MUR782900016

WESTGATE
4285 PAYNE AVE
SAN JOSE, CA 95117-9998
(800)275-8777

10/24/2020

02:48 PM

Amount	Qty	Unit Price	Price
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Priority Mail® 2-Day 1 Window FR Env			\$7.75
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Washington, DC 20460

Flat Rate

Expected Delivery Date

Sat 10/24/2020

Tracking #:

9505 5115 2307 0295 4643 06

Insurance

Up to \$50.00 included

\$0.00

Total			\$7.75
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Grand Total:			\$7.75
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Credit Card Reprinted			\$7.75
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Card Name: AMEX

Account #: XXXXXXXXXX6000

Approval #: 865888

Transaction #: 039

AID: A000000025010801

chip

AL: AMERICAN EXPRESS

PIN: Not Required

October 9, 2020

Vijaya Venkata Gadde
c/o Twitter, Inc.
1355 Market St
Ste 900
San Francisco, CA 94103
(415) 448-7358

I am writing to confirm I left you a voicemail today informing you my Twitter account was suspended for quoting Malcolm X, a civil rights leader, and I cannot re-enter my account because Twitter's process requires a mobile phone number even for people who are hearing-impaired like me and thus primarily use landlines with amplification. In addition to a potential ADA violation, Twitter may also be implicated in blocking independent political commentary because my account was reported and suspended only after I live tweeted the VP debate and not near the time I posted the so-called "hateful" comment.

Twitter's procedures are particularly egregious because there is no question I am a real user and not a bot. You are receiving this mail from a US-based address; you now have a US-based landline (which is more secure than a mobile number) where you can reach me; and I earlier sent a copy of my passport to Twitter for "blue check" verification (which was rejected). Incredibly, even where Twitter solicited government-approved ID and received such ID, your algorithms are capable of censoring real users rather than bots. Such online incompetence is occurring at the same time your engineers and executives know a large percentage of your users are bots or "sock puppets." The tweet that violated Twitter's "rules against hateful conduct" is below:

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Sincerely,

Matthew Rafat
@matthewrafat

(landline)

SUPPLEMENT

From: [Matthew R.](#)
To: [Enforcement Complaints](#)
Cc: [ogccela](#)
Subject: Minor Amendment to Complaint Submitted Notarized and Sent by Priority Mail on October 21, 2020
Date: Thursday, October 22, 2020 3:26:49 PM
Attachments: [FEC_Oct_19.pdf](#)
[Twitter_Oct_9.pdf](#)
[IMG_2220.png](#)
[PoS_FEC.pdf](#)

October 22, 2020

I have one minor correction to make to the complaint. On page 1, I state, "Until October 9, 2020, I was never required to enter or submit a mobile number in order to reach my followers or the public."

Change to "Until October 9, 2020, I was never required to enter or submit a mobile number in order to reach my followers or the public WHILE IN THE USA."

I am adding the qualifier out of an abundance of caution.

If Twitter argues it is within its rights to require a mobile number to re-access an account due to security reasons, note that it is requiring the additional information only after deeming my account as participating in "hateful conduct." This would be akin to private security in a public event/forum arresting a guest based on clearly false charges right before a major political event--thus barring him from reporting or participating--then saying the guest may re-enter, but only if they consent to a strip search, i.e., an invasive request. (In this case, the additional request also improperly links the guest to "hateful conduct.")

Sincerely,
Matthew Rafat