

EMBARGOED
UNTIL DEC. 22, 2022
12:00 pm EST



GOVERNMENT
ACCOUNTABILITY
PROJECT

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By Email

United States House of Representatives
Committee on Energy and Commerce
Committee on Oversight and Reform
Washington, DC 20515

United States Senate
Committee on Commerce, Science and
Transportation
Committee on Homeland Security and
Government Affairs
Washington, DC 20510

December 22, 2022

Re: Steve Herman

To Whom It May Concern:

We, Government Accountability Project, represent Steve Herman, the Voice of America's Chief National Correspondent, whose Twitter account was permanently suspended on December 15, 2021 and remains suspended. This letter is provided to summarize Twitter's and Elon Musk's abuse of authority.

To begin, we recognize that, as a private corporation, Twitter is not subject to the same obligations as public entities. Nonetheless, it and Mr. Musk's treatment of Mr. Herman and other journalists has been and is shocking. Members of Congress have expressed their concern. For example, on December 16, Senator Cardin tweeted:

Elon Musk's takedown of prominent journalists this week includes Steve Herman, of the Voice of America, as well as colleagues at CNN, NYT and WaPo. This is not only wrong for the American press, it is bad for truth-telling around the world.¹

Until very recently, Mr. Herman was a frequent Twitter user. In a typical week, he posted hundreds of tweets reporting on current events. His Twitter page shows that he now has 116,400

¹ <https://twitter.com/SenatorCardin/status/1603853686568275968>.

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followers.² His Twitter page also shows his last tweet was on Thursday December 15, 2022, at 9:16 pm.³

The journalists' suspensions have produced a firestorm of criticism. Mr. Musk has noticed because he tweeted, at 12:18 am on December 17, that "the people have spoken" and that the suspensions would be "lifted now."⁴

But the lifting has not applied to Mr. Herman. Twitter told him he will be reinstated *provided* he removes three tweets. The three, attached as Exhibit 1, were posted minutes before 9:16 pm on December 15. They contain links to @Elonjet on Facebook, Mastodon and to what was @Elonjet's Twitter page which Mr. Musk has banned. Twitter informed Mr. Herman, attached as Exhibit 2, that he could appeal internally -- which Mr. Herman immediately did. Twitter's response was "while we review your appeal, you'll be unable to access your Twitter account." As matters now stand, Mr. Herman cannot access his account.

Plainly, Mr. Musk has abused his authority by acting arbitrarily and capriciously. Mr. Musk tweeted his "reasoning" for the banning and suspensions on December 14.

Any account doxxing real-time location info of anyone will be suspended, as it is a physical safety violation. This includes posting links to sites with real-time location info. Posting locations someone traveled to on a slightly delayed basis isn't a safety problem, so is ok.⁵

This is absurd. "To dox" is defined as to publicly identify or publish *private information* about (someone) especially as a form of punishment or revenge."⁶ There was and is nothing private about Mr. Musk's "real time location." As one of, if not the richest person in the world his every move is the subject of significant attention.

Elonjet is a public social media site set up by a 20-year-old college student that uses *public* data obtained on *public* websites to report on the location and heading of Mr. Musk's private jet, a 2015 Gulfstream G650. Elonjet reports that its information comes from, among other sources, the ADS-B Exchange co-op – the "world's largest source of unfiltered flight data" – which tracks via public domain data thousands of aircraft at a time.⁷ For instance, using that data on

² <https://twitter.com/W7VOA>.

³ <https://twitter.com/W7VOA/status/1603574847514333185>.

⁴ <https://twitter.com/elonmusk/status/1603982891179839488>.

⁵ <https://twitter.com/elonmusk/status/1603181423787380737>.

⁶ <https://www.merriam-webster.com/dictionary/dox>.

⁷ <https://www.adsbexchange.com/>.

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December 19, 2022, Elonjet's Facebook page posted that the G650 took off from Doha, Qatar (where Mr. Musk is pictured watching the World Cup Final), landed in London and then took off enroute to Austin, Texas.⁸

Mr. Musk plainly knows this. That he nonetheless bans Elonjet and suspends anyone who posts links to Elonjet is another fit of pique. "Pique" is defined as "a transient feeling of wounded vanity."⁹ Wounded vanity should not influence the running of any organization, let alone Twitter.

Mr. Herman is affected here. He is told to choose between either involuntarily removing three innocuous tweets or apparently never tweeting again. Not surprisingly, Mr. Herman -- the embodiment of a free press -- refuses to bend.

And sadly, Mr. Herman is not alone. Reportedly, Twitter demanded from at least *five* additional journalists removal of tweets as a condition of reinstatement. The five are: Matt Binder of Mashable; Drew Harwell of The Washington Post; Micah Lee of the Intercept; Ryan Mac of The New York Times; and Donie O'Sullivan of CNN.¹⁰ All have apparently refused.

* * *

All of this is disturbing. For no rational reason, Twitter and Mr. Musk wrongly muzzled and continue to muzzle Voice of America's reporter and at least five other journalists. We ask you to continue to review this mistreatment and, if you believe warranted, investigate further.

Very truly yours,

/s/

David Z. Seide

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⁸ <https://www.facebook.com/ElonJet/>.

⁹ <https://www.merriam-webster.com/dictionary/pique>.

¹⁰ The Intercept, *Elon Musk Is Still Silencing the Journalists He Banned From Twitter* (Dec. 20, 2022), available at <https://theintercept.com/2022/12/20/elon-musk-twitter-banned-journalists/>.



Steve Herman
@W7VOA

It's: facebook dot com slash ElonJet
slash <https://t.co/RgylezLx5x>

Dec 15, 2022, 9:09 PM



Steve Herman
@W7VOA

And @ElonJet can also be followed on
#Facebook. But if you try to link to it
on #Twitter, you'll get this pop-up.
<https://t.co/u9mFkxZr2c>

Dec 15, 2022, 9:07 PM



Steve Herman
@W7VOA

The banned @ElonJet account is busy
on #Mastodon:
@elonjet@mastodon.social
<https://t.co/hGMgA4pQYd>

EXHIBIT 2



Hello,

We've received your appeal request.

Our support team will take a look at the information you provided for your appeal. We will respond via email as soon as possible. Please note that while we review your appeal, you'll be unable to access your Twitter account.

If you would prefer, you may instead choose to [cancel your appeal request](#) and resolve the violations by proceeding to Twitter and following the on-screen instructions to restore your account to full functionality.

Thanks,
Twitter