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April 24, 2019

By Electronic and Certified Mail

The Honorable Peter King
United States Representative
302 Cannon House Office Building
Washington, D.C. 20515

Re: Banning of Constituents from Congressman Peter King Facebook Page

Dear Representative King:

On behalf of numerous constituents of yours, we write to demand that you cease your practice of banning from the "Congressman Peter King" Facebook page those who criticize you. Silencing these voices is an affront to the First Amendment and to the core values of our democracy. If you do not unban these constituents promptly, we intend to file a federal lawsuit to vindicate their rights.

Among the many people who report having been banned from the Congressman Peter King page are the following individuals:

- A Great River resident who was banned minutes after confronting you about deleting comments: "Why are so many posts disappearing? Last night it seemed like over half the people did not agree with what Congressman King had to say, now they are all gone . . . . Aren't Congressmen supposed to represent and listen to all his constituents even those that don't agree with him?"

- A Brightwaters resident who was banned shortly after commenting, "I am really surprised that comments asking about your upcoming votes keep getting deleted. It is either that you don't want to explain it to non-press members or you want all the comments on your post to appear positive. I'm not sure what is worse, but it is incredibly disappointing you won't engage with anyone unless they're complimenting you."

- A Seaford resident who was banned the day after commenting, "Your vote yesterday was unthinkably irresponsible and does not begin to account for the thousands of constituents in your district who rely upon many of the services and provisions provided for them by the ACA, which the AHCA would strip…."

- A West Islip resident who was banned after commenting, "Just listened to the phone town hall. Lots of personal issues and chitchat. Lots of important national issues not addressed due to time limits. We need a live town hall like those held by Suozzi and Rice."

- A Massapequa resident who was banned the day after commenting, "Since you don't have the guts to face your constituents in a real town hall, I was on your virtual town hall conference call. During it, you asserted that the NY Times lies on its front page. Like the person who currently inhabits the highest office in this land, you make assertions without providing any backup. Your constituents deserve to hear from you just which stories the NY Times has published you believe are untrue, and then the Times can respond. If you aren't able to provide any such facts, the Times deserves an apology."

- Another West Islip resident who was banned less than an hour after commenting, "We will accept, embrace, and give the same level of support to the President-elect as you have shown to the Muslim-American community. Mr. King, you are a disgrace. As a constituent, I am embarrassed to call you my Congressman. You do not represent my values or those of many, millions in fact, who do not and will not endorse the ignorance and hate espoused by you or this Administration."

- An Amityville resident who was banned within hours of commenting on a post in which Rep. King congratulated Rex Tillerson on his confirmation as Secretary of State. The resident posted a link showing Exxon Mobil's contribution to federal candidates, including Rep. King, and commented, "Money talks, anyone wondering why [t]he Congressman is not expressing any concern or doubt need look no further."

In recent media statements, you have asked why you should allow comments criticizing you, like those described in this letter, on your own Facebook page.[1] The answer to that question is simple: because the Constitution requires nothing less.

Like a traditional town hall hosted by any elected official, the Congressman Peter King Facebook page is an important avenue for communication between you and the constituents you represent. Like ejecting them from that town hall, banning users from your Facebook page stifles their ability to weigh in on your work on their behalf. It limits their participation in our democratic process, striking at the heart of the First Amendment's guarantee.

Recently, you claimed to operate the Congressman Peter King page solely for your campaign, not your public office.[2] But you have wrapped the page in the trappings of your office, using it as a tool of governance and benefiting from it as an elected official. Having reaped the benefits of the page's official status, you cannot now ignore those benefits to avoid your obligations under the Constitution.

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[1] David M. Schwartz, *DuWayne Gregory hits Peter King over Facebook deletions*, NEWSDAY, Jan. 29, 2017, http://www.newsday.com/long-island/politics/duwayne-gregory-hits-peter-king-over-facebook-deletions-1.13024515.

[2] Colin Moynihan, *If Trump Can Block Critics on Twitter, Your Local Politician May Do It, Too*, N.Y. TIMES, Apr. 3, 2019, http://www.nytimes.com/2019/04/03/nyregion/trump-twitter-block-lawsuit.html.

Silencing constituents for criticizing you is, to borrow language from the Supreme Court, "censorship in its purest form" that "threatens the continued vitality of free speech." In light of this, it is essential that you promptly unban all those whom you have banned for their critical comments (which we understand to include at least 70 people).

We ask that you inform us promptly of your response to this letter. If we have not heard from your office by Friday, May 3, we intend to move forward with a lawsuit.

Sincerely,

Christopher Dunn
Legal Director

Antony Gemmell
Staff Attorney

Melissa Pettit
Legal Fellow