

September 8, 2023

Open Letter

To the Attorneys General and Banking Commissioners of the 50 U.S. States (via email):

Twitter Payments LLC, a subsidiary of X Corp., formerly known as Twitter (“Twitter”), has applied for money-transmitter licenses in all 50 states. We write to offer relevant information, which counsels in favor of heavy scrutiny of Twitter’s general fitness and character to hold such licenses.¹ More broadly, we request that state Attorneys General investigate Twitter’s conduct, as alleged in our complaint (the “Complaint,” attached as Exhibit A), pending before U.S. District Judge Edward M. Chen.

Twitter’s prior and current conduct deserves serious and careful investigation. We alleged in the Complaint that Twitter acted at the direction of the Kingdom of Saudi Arabia (“KSA”) in furtherance of KSA’s long-running campaign of transnational repression. That campaign has resulted in, among other atrocities, (a) the savage murder and dismemberment of Washington Post correspondent Jamal Khashoggi and (b) the arrest, torture, and imprisonment of Abdulrahman Al-Sadhan, a human rights worker and anonymous Twitter user, whose confidential user data—leaked by Twitter’s employees—precipitated and enabled this barbarity.

Al-Sadhan was not alone. The U.S. Department of Justice itself alleged that these same two Twitter employees (the “KSA Agents”) disclosed confidential user data for over 6,000 Saudi reform advocates to KSA. The victims included persons living or working in the United States.

The proof of Twitter’s intentional complicity, as we allege in the Complaint, is compelling. A summary of the allegations and evidence is attached hereto as Exhibit B. One of the KSA officials responsible for co-opting Twitter has been identified as a mastermind of the Khashoggi murder itself.²

Even after the FBI opened an investigation into the leaks of Twitter users’ data, and told Twitter as much, Twitter’s conduct has, in our opinion, only confirmed its allegiance with KSA’s malign objectives. Three actions bear mention.

- First, after the FBI approach, which forced Twitter to sever one of the KSA Agents (the other had previously left Twitter), then-CEO Jack Dorsey flew to Washington, met with Mohammed bin Salman, the Saudi Crown Prince and now-Deputy Prime Minister (who, according to U.S. Intelligence,

¹ For the states that apparently approved Twitter’s application for money-transmitter licenses already, we hope the information contained herein triggers reconsideration of those approvals.

² See <https://www.reuters.com/article/us-saudi-khashoggi-adviser-insight/how-the-man-behind-khashoggi-murder-ran-the-killing-via-skype-idUSKCN1MW2HA>

- ordered the Khashoggi murder), and gave his personal assurance that Twitter would train replacement “cadres.”³
- Second, as an interim measure to provide KSA with continued access to confidential user data for Saudi dissidents, Twitter began approving Saudi’s requests for information, including “emergency disclosures” (“EDR”), which are meant for situations that risk death or serious injury. Twitter allowed KSA to misuse these EDRs to identify political dissidents and then approved them in droves—in 2016, 85% of all information requests were approved, eclipsing approval rates for Canada and the United Kingdom.
 - Third, and more recently, Elon Musk—fully aware of KSA’s prior actions—invited KSA to convert its shares in Twitter into a financial stake during his private take-over of the platform. Once in charge, Mr. Musk reportedly contemplated additional steps to dissuade anonymous Twitter users, including through its “verification” program.⁴

For these reasons, we believe Twitter is unfit to hold money-transmitting licenses. But, regardless of each state’s decision on the licenses, we urge the Commissioners to use these applications to fully investigate Twitter’s prior conduct and its current financial and other entanglements with KSA.

For these same reasons, we also urge state Attorneys General to collaborate in an orderly but comprehensive investigation of the events alleged in the Complaint, as well as Twitter’s troubling and deep ties to KSA. While Twitter has protested that it was a “victim” of its employees’ misconduct, the evidence we found tells a much different story—one in which a financially troubled Twitter essentially sold its corporate soul to secure KSA’s investment in Twitter and to ensure Twitter remained available in KSA, one of Twitter’s largest markets (while countries such as Turkey banned it).

The stakes could not be more serious. As Mr. Musk surely knows, last week KSA sentenced a retired schoolteacher to death because he shared tweets critical of KSA with his *eight followers*. A 72-year-old U.S. citizen, Saad al-Ghambi, could have suffered the same fate but was “pardoned” only after the U.S. State Department brought pressure on KSA. Sadly, these are two of many, many examples of Saudi brutality and repression, which we believe has been fueled and enabled by Twitter itself. No amount of posturing or PR spin about Mr. Musk’s commitment to free speech can whitewash this reality.

³ See <https://www.middleeasteye.net/news/exclusive-twitter-ceo-met-mbs-six-months-after-saudi-spy-discovered>

⁴ Twitter’s safety practices have further declined since Mr. Musk’s takeover, which may have lead to the resignation of two successive heads of Twitter Trust and Safety since November. See also <https://www.aljazeera.com/news/2022/5/3/will-elon-musks-twitter-2-0-unmask-anonymous-dissidents>.

Before KSA potentially expands its reach into running money-transmitting entities in your states through Twitter, which will give it access to even more sensitive user data, your citizens need your vigilance.

Thank you for your time and consideration in this matter.

Sincerely,



Jim Walden
Avni P. Patel
Deanna Paul
Peter A. Devlin
Catherine Weiss
WALDEN MACHT & HARAN LLP
250 Vesey Street, 27th Floor
New York, NY 10281
(212) 335-2031

Attachments: Amended Complaint (Exhibit A), Summary of Relevant Portions of Complaint (Exhibit B)