

United States Senate

May 29, 2020

The Honorable William P. Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

The Honorable Steven. T. Mnuchin
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Avenue NW
Washington, D.C. 20220

Attorney General Barr and Secretary Mnuchin,

I write to urge you to open an investigation into Twitter, Inc. (Twitter) for possible criminal violations of the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. §§ 1701 et seq.) and sanctionable activities prohibited by Executive Order 13876 (E.O. 13876).

On February 6, 2020, I sent a letter (see attached) to Twitter CEO Jack Dorsey informing him that Twitter and its principals face criminal liability and sanctions exposure for providing social media accounts to Iranian persons designated as Specially Designated Nationals (SDNs) by the Department of the Treasury's Office of Foreign Assets Control (OFAC) pursuant to E.O. 13876. You were copied on that letter, as were President Trump and the U.S. Attorney for the Northern District of California Anderson.

The letter spelled out in detail how Twitter is in violation of IEEPA. It explained that the President invoked his powers under IEEPA to issue E.O. 13876, which prohibits "the making of any contribution or provision of... goods[] or services" to persons designated pursuant to that order. It then cited two specific and active Twitter accounts belonging to individuals designated pursuant to E.O. 13876 – Ali Khamenei (@khamenei_ir), the Supreme Leader of the Islamic Republic, and Javad Zarif (@JZarif), the Iranian Foreign Minister – and called on Twitter to come into compliance with United States law by ceasing to provide services to these individuals.

To this day, Twitter continues to provide services to these covered individuals, and, in an April 3, 2020 response letter (see attached), attempted to justify this decision with two untenable arguments.

First and foremost, Twitter argues that its corporate values require it to provide these accounts. Twitter stated that it will not eliminate these accounts because "to deny our service to [Iran's] leaders at a time like this would be antithetical to the purpose of our company," and because Twitter's "goal is to elevate and amplify authoritative health information as far as possible." The position cannot be aligned with Iranian policy as it actually exists or with how designated Iranian officials use Twitter. Iranian officials ban Iranian citizens from accessing Twitter. In early April, Khamenei and Zarif used their Twitter accounts to post anti-American disinformation and conspiracy theories, not authoritative health information. They use their accounts provided by Twitter to threaten and taunt their enemies real and imagined. In any event, Twitter's corporate values and grave misapprehension of the threat that Khamenei and Zarif pose are irrelevant. An American person's disagreement with IEEPA or E.O. 13876 is no excuse for noncompliance.

Second, Twitter incorrectly argues that its actions do not violate IEEPA because “[m]aking the Twitter platform available for use . . . as a tool of communication[] is broadly exempted from OFAC prohibitions.” This is false, and Twitter should know that is false, because our letter explained in no uncertain terms why this broad exemption does not apply to Khamenei and Zarif’s accounts. The General License D-1 (GL D-1) to which Twitter implicitly refers creates an exception for services and software incident to Internet-based communication. But it expressly “does not authorize” the services “to any person whose property and interests in property are blocked pursuant to any part of 31 C.F.R. chapter V, other than persons whose property and interests in property are blocked solely pursuant to Executive Order 13599 as the Government of Iran[.]” Khamenei and Zarif are designated pursuant to E.O. 13876 and so the exception does not apply.

I wrote to Twitter before writing to you because I believe that the primary goal of IEEPA and sanctions law should be to change the behavior of designated individuals and regimes, not American companies. But when a company willfully and openly violates the law after receiving formal notice that it is unlawfully supporting designated individuals, the federal government should take action. That is why IEEPA includes criminal penalties of up to \$1 million in fines and imprisonment for up to 20 years for willful violations. It is also why E.O. 13876 authorizes sanctions against “any person” who is determined to have “provided technological support for, or goods or services to” such designated persons.

The cohesion and legitimacy of our laws rest on their equal application to all citizens and entities, no matter how large or how powerful. The Department of Treasury and the Department of Justice should investigate what appears to be Twitter’s blatant and willful violation of IEEPA and E.O. 13876 by providing services to Khamenei, Zarif, and other designated Iranian entities, and, to the extent appropriate, enforce any violation through sanctions and by seeking civil and criminal penalties.

Sincerely,



Ted Cruz
United States Senator

cc: The Honorable Donald J. Trump, President of the United States
The Honorable Mike Pompeo, Secretary of State
The Honorable Christopher A. Wray Director of the Federal Bureau of Investigation
David L. Anderson, U.S. Attorney for the Northern District of California
Cyrus R. Vance Jr., District Attorney of New York County, New York