

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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December 14, 2022

Mr. Mark Zuckerberg
Chief Executive Officer
Meta Platforms
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Zuckerberg:

Big Tech is out to get conservatives, and is increasingly willing to undermine First Amendment values by complying with the Biden Administration's directives that suppress freedom of speech online. This approach undermines fundamental American principles and allows powerful government actors to silence political opponents and stifle opposing viewpoints. Publicly available information suggests that your companies' treatment of certain speakers and content may stem from government directives or guidance designed to suppress dissenting views.¹ Therefore, we write to request more information about the nature and extent of your companies' collusion with the Biden Administration.

Big Tech's role in shaping national and international public discourse today is well-known. In some cases, Big Tech's "heavy-handed censorship" has been "use[d] to silence prominent voices" and to "stifle views that disagree with the prevailing progressive consensus."² Because of Big Tech's wide reach, it can serve as a powerful and effective partisan arm of the "woke speech police."³ Although the full extent of Big Tech's collusion with the Biden Administration is unknown, there are prominent examples and strong indications of Big Tech censorship following directives or pressure from executive branch entities.⁴ These examples raise serious concerns about how and why tech companies suppress, silence, or reduce the reach of

¹ See, e.g., Ben Geman, *Top Biden aide prods big tech to crack down on climate change misinformation*, AXIOS (June 9, 2022); *Federal government using social-media giants to censor Americans*, N.Y. POST (Sept. 6, 2021); Brad Dress, *Surgeon general demands data on COVID-19 misinformation from major tech firms*, THE HILL (Mar. 3, 2022); WAFB Staff, *La., Mo. Request depositions and add 47 defendants to lawsuit against federal government for alleged collusion with social media companies*, WAFB (Oct. 10, 2022); Ken Klippenstein & Lee Fang, *Truth Cops*, THE INTERCEPT (Oct. 31, 2022); cf. Alex Berenson, *My Lawsuit Will Shine a Light on Twitter Censorship*, WALL ST. J. (May 15, 2022); Vivek Ramaswamy & Jed Rubenfeld, *Twitter Becomes a Tool of Government Censorship*, WALL ST. J. (Aug. 17, 2022); *The White House and Twitter Censorship*, WALL ST. J. (Aug. 12, 2022).

² See, e.g., *Elon Musk's Hopeful Twitter Feed*, WALL ST. J. (Apr. 5, 2022).

³ See *id.*

⁴ See, e.g., note 1, *supra*.

certain political speech and speakers.⁵ The collusion of Big Tech and Big Government to advance censorship undeniably undermines liberty and jeopardizes our country's First Amendment values and protections.⁶

Republicans on the House Judiciary Committee are investigating Big Tech's commitment to freedom of speech online and the Biden Administration's collusion with Big Tech to censor, silence, or reduce the reach of certain information and viewpoints. Congress has an important interest in protecting and advancing fundamental free speech principles, including by examining how private actors coordinate with the government to suppress First Amendment-protected speech. As Congress continues to examine how to best protect Americans' fundamental freedoms, please provide the following information:

1. All documents and communications from January 1, 2020, to the present between or among any employee or contractor of your companies and any individual affiliated with the Executive Branch of the United States Government referring or relating to the moderation, deletion, suppression, restricting, or reduced circulation of content.
2. All documents and communications from January 1, 2020, to the present referring or relating to any public or private communications or statements from the Executive Branch of the United States Government concerning the moderation, deletion, suppression, restricting, or reduced circulation of content.
3. A list of the individuals, along with their current and prior titles, who are or have been responsible in any way for developing your companies' policies referring or relating to the moderation, deletion, suppression, restricting, or reduced circulation of content.
4. A list of the individuals, along with their current and prior titles, who are or have been responsible in any way for applying or executing your companies' policies referring or relating to the moderation, deletion, suppression, restricting, or reduced circulation of content.

⁵ See, e.g., *Press Briefing by Press Secretary Jen Psaki*, THE WHITE HOUSE (Apr. 25, 2022); Ian Hanchett, *Mayorkas: We're Working with Platforms on 'How They Can Better Use' Their Terms to 'Prevent Harm' from Misinformation*, BREITBART (Aug. 2, 2021); Maggie Miller, *Cyber agency beefing up disinformation, misinformation team*, THE HILL (Nov. 10, 2021); Alexander Hall, *Biden climate advisor demands tech companies censor 'disinformation' to promote 'benefits of clean energy'*, FOX NEWS (June 14, 2022); Press Release, *NCLA Takes on U.S. Surgeon General's Censoring of Alleged Covid-19 "Misinformation" on Twitter*, NEW CIVIL LIBERTIES ALLIANCE (Mar. 25, 2022); Greg Piper, *CDC told Big Tech to censor COVID claims now debated by mainstream scientists, documents show*, JUST THE NEWS (July 28, 2022); *The White House and Twitter Censorship*, WALL ST. J. (Aug. 12, 2022); Press Release, *Missouri, Louisiana AGs File Suit Against President Biden, Top Admin Officials for Allegedly Colluding with Social Media Giants to Censor and Suppress Free Speech* (May 5, 2022); Joseph A. Wulfsohn, *White House asked Twitter why Alex Berenson wasn't banned from the platform, lawsuit reveals*, FOX NEWS (Aug. 12, 2022); Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, et al., to Mark Zuckerberg, CEO, Meta Platforms Inc. (Sept. 1, 2022); Letter from Ranking Member Jim Jordan, et al., to Mr. Parag Agrawal, CEO of Twitter (Mar. 31, 2022).

⁶ See, e.g., Vivek Ramaswamy & Jed Rubenfeld, *Twitter Becomes a Tool of Government Censorship*, WALL ST. J. (Aug. 17, 2022); cf. *Biden v. Knight First Amend. Inst. At Columbia Univ.*, 141 S. Ct. 1220, 1226 (2021).

5. A list of the individuals, along with their current and prior titles, who may have communicated with the Executive Branch of the United States Government regarding your companies' decisions or policies referring or relating to the moderation, deletion, suppression, restricting, or reduced circulation of content.
6. A list of any third-party groups, companies, or individuals that your companies have cooperated with, consulted with, or relied on, formally or informally, in making decisions or policies referring or relating to the moderation, deletion, suppression, restricting, or reduced circulation of content. This list should include but is not limited to any fact-checking entities; other technology firms or social media platforms; advertisers or potential advertisers; financial services firms or payment processors; proxy advisory firms; and investors or investment firms.
7. All documents and communications referring or relating to any third-party groups, companies, or individuals that your companies have cooperated with, consulted with, or relied on, formally or informally, in making decisions or policies relating to the moderation, deletion, suppression, restricting, or reduced circulation of content. This request includes but is not limited to:
 - a. All documents and communications referring or relating to the terms of any agreement between your companies and any third-party groups, companies, or individuals that your companies have cooperated with, consulted with, or relied on, formally or informally, in making decisions or policies relating to the moderation, deletion, suppression, restricting, or reduced circulation of content.
 - b. All documents and communications referring or relating to any compensation—monetary or otherwise—that your companies provided to or received from any third-party groups, companies, or individuals that your companies have cooperated with, consulted with, or relied on, formally or informally, in making decisions or policies relating to the moderation, deletion, suppression, restricting, or reduced circulation of content.

Please produce all documents and information as soon as possible but no later than 5:00 p.m. on December 29, 2022. In addition, please treat these discovery obligations as ongoing and applicable to any information generated after receipt of this letter.

In addition, House Republicans have written a number of prior letters to you in attempts to obtain relevant information. You have not provided responses that have satisfied our concerns or produced the requested documents or information. Committee Republicans will continue to pursue these matters, including into the 118th Congress if necessary. Accordingly, we reiterate our outstanding requests, which are itemized in the attached appendix and incorporated herein. Please provide complete information, documents, and responses requested as soon as possible but no later than 5:00 p.m. on December 29, 2022.

Mr. Mark Zuckerberg

December 14, 2022

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Furthermore, this letter serves as a formal request to preserve all existing and future records and materials relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Jordan". The signature is fluid and cursive, with a large initial "J".

Jim Jordan
Ranking Member

cc: The Honorable Jerrold L. Nadler, Chairman

Appendix: Outstanding Requests

October 14, 2020:

1. Explain the steps that Facebook is taking to “reduc[e] its distribution [of the *New York Post* article] on [its] platform.”
2. Explain why Facebook has decided to reduce the dissemination of the *New York Post* article on its platform and what factors Facebook considered in this decision.
3. Explain which employee(s) of Facebook make the decision to reduce the dissemination of the *New York Post* article on its platform.
4. Explain whether any Facebook employee has had any communication with any individual affiliated with the Biden campaign or the Democrat National Committee about Facebook’s decision to reduce the dissemination of the *New York Post* article on its platform.
5. Explain how Facebook’s actions in reducing the dissemination of the *New York Post* article on its platform is not a publisher function for purposes of section 230 of the Communications Decency Act.
6. Explain whether Facebook intends to report its actions to the Federal Election Commission as an in-kind contribution to the Biden campaign.

June 9, 2021:

1. All documents and communications between or among Facebook employees and U.S. government employees—including Dr. Anthony Fauci and other employees of the National Institute of Allergy and Infectious Diseases (NIAID)—referring or relating to COVID-19, including about the origins of the virus, nature of the virus, treatment of or remedies for the virus, or government policies relating to the COVID-19 pandemic.
2. All documents and communications between or among Facebook employees referring or relating to Dr. Anthony Fauci, the NIAID, or the National Institutes of Health, including about the origins of the virus, nature of the virus, treatment of or remedies for the virus, or government policies relating to the COVID-19 pandemic.
3. All documents and communications between or among Facebook employees referring or relating to any request by any U.S. government official to censor or moderate content related to COVID-19.

4. An accounting of all content moderation decisions made by Facebook relating to information about COVID-19—including about the origins of the virus, nature of the virus, treatment of or remedies for the virus, and government policies relating to the COVID-19 pandemic—separately identifying each moderation decision induced or otherwise encouraged or approved by U.S. government employees or agencies.

July 22, 2021:

1. All documents and communications referring or relating to any federal employee encouraging, requesting, or directing Facebook to take any action regarding content on its platform referring or related to COVID-19 and/or vaccines; and
2. All documents and communications referring or relating to any internal deliberations, policies, or plans instituted by Facebook in response to any encouragement, request, or direction from any federal employee regarding content on Facebook's platform referring or related to COVID-19 and/or vaccines.

March 31, 2022:

1. All documents and communications between October 1, 2020, and the present referring or relating to Facebook's decision to reduce the dissemination of the *New York Post* article on its platform and what factors, including any "signals," Facebook considered in this decision.
2. All documents and communications between October 1, 2020, and the present referring or relating to Facebook's or its third-party partners' efforts to fact check the *New York Post* article.
3. All documents and communications between October 1, 2020, and the present between or among any employee or contractor of Facebook and any individual affiliated with the Biden campaign or the Democrat National Committee referring or relating to Facebook's decision to reduce the dissemination of the *New York Post* article on its platform.
4. All documents and communications between October 1, 2020, and the present between or among any employee or contractor of Facebook and any employee or contractor of any other social media company referring or relating to Facebook's decision to reduce the dissemination of the *New York Post* article on its platform.
5. All documents and communications between October 1, 2020, and the present between or among any employee or contractor of Facebook and any employee or contractor of any media organization referring or relating to Facebook's decision to reduce the dissemination of the *New York Post* article on its platform.

6. All documents and communications between October 1, 2020, and the present referring or relating to Facebook's decision to report, or not report, its actions to the Federal Election Commission as an in-kind contribution to the Biden campaign.
7. Identify which employee(s) of Facebook made the decision to reduce the dissemination of the *New York Post* article on its platform.
8. Explain how Facebook's actions in reducing the dissemination of the *New York Post* article on its platform is not a publisher function for purposes of section 230 of the Communications Decency Act.

September 1, 2022:

1. All documents and communications between October 1, 2020, and the present, between or among any employee or contractor of Facebook and any individual affiliated with the FBI referring or relating to the *New York Post*'s reporting about the Biden family.
2. All documents and communications between October 1, 2020, and the present, between or among any employee or contractor of Facebook and any individual affiliated with the Biden for President campaign or the Democratic National Committee referring or relating to the *New York Post*'s reporting about the Biden family.
3. All documents and communications between October 1, 2020, and the present, between or among any employee or contractor of Facebook and any individual affiliated with the FBI referring or relating to purported election misinformation in the 2020 presidential election.
4. All documents and communications between October 1, 2020, and the present, referring or relating to Facebook's plans to implement, or its actions based on, the FBI's message to be "on high alert" for election misinformation.