

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

June 23, 2023

Mr. Robert Flaherty
via e-mail

Dear Mr. Flaherty:

The Committee on the Judiciary is conducting oversight of how and the extent to which the Executive Branch has coerced and colluded with tech companies and other intermediaries to censor speech.¹ Whether directly or indirectly, a government-approved or -facilitated censorship regime poses a grave threat to the First Amendment and Americans' civil liberties. Accordingly, as part of the Committee's constitutional oversight obligations, we write to request that you appear for a transcribed interview with the Committee.

The Committee must gain a greater understanding of the nature and extent of interactions between the Executive Office of the President (EOP) and technology and social media companies, including but not limited to Alphabet, Meta, and Twitter. Documents made public earlier this year demonstrate that in the course of your employment at the White House, you facilitated direct communications between EOP and large social media companies regarding the moderation of content related to topics such as COVID-19 and vaccines.² These direct and frequent communications with these companies included instructions and demands to remove certain content, which, in numerous instances, appear to have been followed by the social media companies.³

¹ See Ken Klippenstein & Lee Fang, *Truth Cops: Leaked Documents Outline DHS's Plans to Police Disinformation*, THE INTERCEPT (Oct. 31, 2022); Editorial Board, *The White House and Twitter Censorship*, WALL ST. J. (Aug. 12, 2022); Editorial Board, *How the Feds Coordinate with Facebook on Censorship*, WALL ST. J. (Sept. 9, 2022).

² Email from Rob Flaherty, White House Director of Digital Media, to Google employees (Apr. 21, 2021, 8:05 PM) [Hereinafter Flaherty Email to Google] (https://www.wsj.com/public/resources/documents/17289-0421.pdf?mod=article_inline).

³ Email from Rob Flaherty, White House Director of Digital Media, to Facebook employee (April 9, 2021, 2:56 PM) (https://www.wsj.com/public/resources/documents/17549-0409.pdf?mod=article_inline); Email from Rob Flaherty, White House Director of Digital Media, to Facebook employee (May 12, 2021, 2:52 PM) (https://www.wsj.com/public/resources/documents/18130-0510.pdf?mod=article_inline); *Berenson v. Biden, Jr.*, No. 1:23-cv-03048 (S.D.N.Y. filed Apr. 12, 2023) (<https://envisage.law/alex-berenson-v-president-joe-biden-et-al/>).

³ Compl. at 69–70, *Kennedy v. Biden*, No. 3:23-cv-00381 (W.D. La. filed May 5, 2022).

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Due to your personal and direct involvement in the executive branch's efforts to censor or remove certain viewpoints on social media, we believe that you are uniquely situated to advance our oversight and inform potential legislative reforms. Accordingly, we ask that you make yourself available for a transcribed interview with the Committee. Please contact Committee staff as soon as possible but by no later than 5:00 p.m. on July 7, 2023, to schedule your transcribed interview.

Pursuant to the Rules of the House of Representatives, the Committee on the Judiciary has jurisdiction to conduct oversight of matters concerning "civil liberties" to inform potential legislative reforms.⁴ These legislative reforms include the possible enactment of new statutory limits on the Executive Branch's ability to work with social media platforms and other companies to restrict the circulation of content and deplatform users. To develop effective legislation, the Committee must first understand how and the extent to which the Executive Branch coerced and colluded with companies and other intermediaries to censor speech. In addition, H. Res. 12 authorized the Committee's Select Subcommittee on the Weaponization of the Federal Government to investigate "issues related to the violation of the civil liberties of citizens of the United States."⁵

If you have any questions about this matter, please contact Committee staff at (202) 225-6906. If you are represented by private counsel, please ask your attorney to contact the Committee on your behalf. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

⁴ Rules of the House of Representatives R. X (2023).

⁵ H. Res. 12 § 1(b)(1).