

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

April 9, 2024

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Garland:

The Committee on the Judiciary is conducting oversight of how and to what extent the Executive Branch has coerced or colluded with companies and other intermediaries to censor lawful speech.¹ As a part of this oversight, on August 17, 2023, the Committee issued a subpoena to you for documents related to, among other things, the Department of Justice's (DOJ) communications with social media companies.² On March 20, 2024, an FBI spokesperson confirmed that the FBI's Foreign Influence Task Force (FITF) has recently resumed communicating with major social media and technology companies regarding alleged foreign influence campaigns and how they may affect U.S. elections.³ This letter is to inform you that all documents and communications relating to ongoing discussions between the DOJ or FBI and social media and technology companies fall within the scope of the Committee's subpoena.

Given the FITF's improper role in communicating with social media and technology companies during the 2020 presidential election, the resumption of meetings between the FITF and Big Tech before the 2024 presidential election is deeply troubling.⁴ These meetings stopped after the U.S. District Court for the Western District of Louisiana issued a preliminary injunction against the FBI that prohibited them from coercing or significantly encouraging social media companies to censor content, which was largely affirmed by a unanimous panel of the U.S. Court

¹ See Ryan Tracy, *Facebook Bowed to White House Pressure, Removed Covid Posts*, WALL ST. J. (July 28, 2023).

² Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Merrick B. Garland, Atty. Gen., Dep't of Justice (Aug. 17, 2023) (attaching subpoena).

³ See Kevin Collier and Ken Dilanian, *FBI Resumes Outreach to Social Media Companies Over Foreign Propaganda*, NBC NEWS (Mar. 20, 2024).

⁴ See Brief for Jim Jordan, et. al, as Amicus Curiae, *Murthy v. Missouri*, No. 23-411 (filed Feb. 15, 2024); see also Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Christopher A. Wray, Dir., Fed. Bureau of Investigation (July 20, 2023).

of Appeals for the Fifth Circuit.⁵ But following the Supreme Court's recent stay of the injunction,⁶ the FITF "resumed outreach" with social media companies.⁷ According to an FBI spokesperson, the purpose of this outreach is "to facilitate sharing information about foreign malign influence with social media companies."⁸

The communications and documentation pertaining to the FBI's ongoing communications with social media and technology companies are covered by the August 17, 2023, subpoena. The subpoena is "continuing in nature."⁹ Therefore, all documents and communications relating to the FBI's new outreach efforts to social media and technology companies and FITF meetings are responsive to the Committee's subpoena as they refer or relate to how DOJ or the FBI is coordinating with third parties to moderate content online.¹⁰

Accordingly, the following categories of documents are responsive to the subpoena:

- All records, notes, and other documents of interactions between or among the FITF or the FBI's San Francisco Field Office and social media and technology companies, including but not limited to Meta, X (formerly Twitter), Alphabet, Microsoft, Apple, Reddit, and Yahoo.
- All communications and documents between or among the DOJ or FBI and social media and technology companies relating to information sharing as it relates to alleged foreign influence or election integrity.
- All internal communications and documents relating to information sharing with social media and technology companies as it relates to alleged foreign influence or election integrity.

⁵ Kevin Collier and Ken Dilanian, *FBI Resumes Outreach to Social Media Companies Over Foreign Propaganda*, NBC NEWS (Mar. 20, 2024); *Missouri v. Biden*, 83 F.4th 350 (5th Cir. 2023).

⁶ *See* *Murthy v. Missouri*, No. 23A243 (23-411), 601 U.S. ___, (Oct. 13, 2023) (granting application for stay); *but see* *Murthy v. Missouri* 601 U.S. ___ (Oct. 20, 2023) (Alito, J., dissenting) ("At this time in the history of our country, what the Court has done, I fear, will be seen by some as giving the Government a green light to use heavy-handed tactics to skew the presentation of views on the medium that increasingly dominates the dissemination of news. That is most unfortunate.").

⁷ *See* Kevin Collier and Ken Dilanian, *FBI Resumes Outreach to Social Media Companies Over Foreign Propaganda*, NBC NEWS (Mar. 20, 2024).

⁸ *Id.*

⁹ *See* n.2, Subpoena, *Instructions*, 14.

¹⁰ *See, e.g., id.*, Schedule A, 1(a), (b).

The Honorable Merrick B. Garland

April 9, 2024

Page 3

Please produce these documents as soon as possible, but no later than two weeks after each DOJ or FBI meeting with social media and technology companies takes place. You may begin producing documents on a rolling basis to ensure the Committee can consider this information as promptly as possible. If you have any questions about this request, please contact Committee staff at (202) 225-6906. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized and cursive, with the first name "Jim" and last name "Jordan" clearly legible.

Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member