

ONE HUNDRED EIGHTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

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[judiciary.house.gov](http://judiciary.house.gov)

April 9, 2024

Mr. Robert Flaherty  
c/o Brandon L. Arnold  
Kramer Levin  
2000 K St. NW, 4th Floor  
Washington, D.C. 20006

Dear Mr. Flaherty:

The Committee on the Judiciary is continuing to conduct its investigation into how and to what extent the Executive Branch has coerced and colluded with companies and other intermediaries to censor speech.<sup>1</sup> To develop effective legislation, such as 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, the Committee must first understand the nature of this collusion and coercion.

As one of the primary liaisons between the Executive Office of the President (EOP) and social media companies, you are uniquely positioned to advance the Committee's oversight.<sup>2</sup> On June 23, 2023, and again on September 29, 2023, the Committee requested that you voluntarily appear for a transcribed interview for this purpose.<sup>3</sup> After you failed to comply with our voluntary requests, the Committee issued a subpoena to compel your testimony at a deposition.<sup>4</sup> Despite being provided numerous accommodations from the Committee, you failed to appear for your deposition scheduled for February 12, 2024.<sup>5</sup> Since your testimony is critical to the Committee's oversight efforts, we now respectfully request your testimony at a hearing before the Select Subcommittee on the Weaponization of the Federal Government.

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<sup>1</sup> See Ryan Tracy, Facebook Bowed to White House Pressure, Removed Covid Posts, WALL ST. J. (July 28, 2023); Rep. Jim Jordan (@Jim\_Jordan), TWITTER (July 27, 2023, 12:03 PM), [https://twitter.com/Jim\\_Jordan/status/1684595375875760128](https://twitter.com/Jim_Jordan/status/1684595375875760128).

<sup>2</sup> See, e.g., Rep. Jim Jordan (@Jim\_Jordan), TWITTER (July 27, 2023, 12:03 PM), [https://twitter.com/Jim\\_Jordan/status/1684595375875760128](https://twitter.com/Jim_Jordan/status/1684595375875760128); Rep. Jim Jordan (@Jim\_Jordan), TWITTER (July 28, 2023, 12:03 PM), [https://twitter.com/Jim\\_Jordan/status/1684957660515328001](https://twitter.com/Jim_Jordan/status/1684957660515328001).

<sup>3</sup> Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Robert Flaherty (June 23, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Robert Flaherty (Sept. 29, 2023).

<sup>4</sup> Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Robert Flaherty (Nov. 30, 2023) (attaching Subpoena).

<sup>5</sup> House Judiciary Committee's Deposition of Robert Flaherty (Feb. 12, 2024), at 3.

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As detailed in previous correspondence to you and your counsel, the Committee has obtained documents that demonstrate the central role you played in communicating the Biden White House's censorship efforts to social media companies, including the White House's demands to censor true information, memes, satire, and other constitutionally protected forms of expression.<sup>6</sup> As one of the Biden White House's primary representatives responsible for interfacing with large social media companies, you likely have knowledge about the White House officials responsible for leading the Biden censorship regime as well as information regarding the intent behind various messages you and others sent to social media companies.<sup>7</sup> For example, internal Facebook documents obtained by the Committee illustrate your specific role in threatening high-ranking Facebook executives to censor Americans' speech, including critics of the Biden Administration.<sup>8</sup> These internal notes reveal that you sought to have Facebook "kick people off" the platform, change its newsfeed algorithm, and "play ball" with the Biden Administration's censorship demands.<sup>9</sup>

Accordingly, we write to respectfully request your testimony at a hearing before the Select Subcommittee on the Weaponization of the Federal Government of the Committee on the Judiciary titled, "Hearing on the Weaponization of the Federal Government," on May 1, 2024, at 10:00 a.m. in room 2141 of the Rayburn House Office Building. The enclosed Witness Instruction Sheet provides information for witnesses appearing before the Committee. Please note the procedures for submitting written testimony at least two business days prior to the hearing. Please confirm your appearance before the Committee as soon as possible, but no later than 5:00 p.m. on April 16, 2024. If you have any questions, please contact Committee staff at (202) 225-6906. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized and cursive.

Jim Jordan  
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

The Honorable Stacey Plaskett, Ranking Member, Select Subcommittee on the  
Weaponization of the Federal Government

Enclosures

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<sup>6</sup> See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Robert Flaherty (June 23, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Robert Flaherty (Sept. 29, 2023); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Robert Flaherty (Nov. 30, 2023) (Attaching Subpoena).

<sup>7</sup> See, e.g., Rep. Jim Jordan (@Jim\_Jordan), TWITTER (July 27, 2023, 12:03 PM), [https://twitter.com/Jim\\_Jordan/status/1684595375875760128](https://twitter.com/Jim_Jordan/status/1684595375875760128); Rep. Jim Jordan (@Jim\_Jordan), TWITTER (July 28, 2023, 12:03 PM), [https://twitter.com/Jim\\_Jordan/status/1684957660515328001](https://twitter.com/Jim_Jordan/status/1684957660515328001).

<sup>8</sup> Rep. Jim Jordan (@Jim\_Jordan), Twitter (Aug. 3, 2023, 11:00 AM), [https://twitter.com/Jim\\_Jordan/status/1687116316073930752](https://twitter.com/Jim_Jordan/status/1687116316073930752).

<sup>9</sup> *Id.*

**Witness Instruction Sheet**  
**Non-governmental Witnesses**

1. Witnesses should provide their testimony, biography, and “Truth in Testimony” disclosure and certification form via e-mail to [REDACTED], Chief Clerk, at [REDACTED] no later than 10:00 a.m. two business days prior to the hearing.
2. Witnesses must complete the attached “Truth in Testimony” disclosure and certification. Additional pages may be attached to the form if needed. Witnesses must also include a biography, resume, or curriculum vitae. This disclosure and biographical information are required by House Rules. (House Rule XI, clause 2(g)(5))
3. Written testimony, biography, and “Truth in Testimony” disclosure and certification form will be made publicly available and will be posted on the Committee’s website and U.S. House of Representatives Document Repository. It is therefore recommended that personally identifiable information such as addresses and phone numbers not be included in the biographical information.
4. At the hearing, each witness will be asked to summarize his or her written testimony in five minutes or less in order to maximize the time available for discussion and questions. Full written testimony will be entered into the hearing record and may extend to any reasonable length.
5. Witnesses with disabilities should contact Committee staff to arrange any necessary accommodations.

For inquiries regarding these rules and procedures, please contact the Committee on the Judiciary at (202) 225-6906.

# Truth in Testimony Disclosure Form

In accordance with Rule XI, clause 2(g)(5)\* of the *Rules of the House of Representatives*, witnesses are asked to disclose the following information. Please complete this form electronically by filling in the provided blanks.

**Committee:** \_\_\_\_\_

**Subcommittee:** \_\_\_\_\_

**Hearing Date:** \_\_\_\_\_

**Hearing** :

**Witness Name:** \_\_\_\_\_

**Position/Title:** \_\_\_\_\_

**Witness Type:**  Governmental  Non-governmental

**Are you representing yourself or an organization?**  Self  Organization

**If you are representing an organization, please list what entity or entities you are representing:**

## **FOR WITNESSES APPEARING IN A NON-GOVERNMENTAL CAPACITY**

**Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.**

**Are you a fiduciary—including, but not limited to, a director, officer, advisor, or resident agent—of any organization or entity that has an interest in the subject matter of the hearing? If so, please list the name of the organization(s) or entities.**

**Please list any federal grants or contracts (including subgrants or subcontracts) related to the hearing's subject matter that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the source and amount of each grant or contract.**

**Please list any contracts, grants, or payments originating with a foreign government and related to the hearing's subject that you or the organization(s) you represent have received in the past thirty-six months from the date of the hearing. Include the amount and country of origin of each contract or payment.**

**Please complete the following fields. If necessary, attach additional sheet(s) to provide more information.**

- I have attached a written statement of proposed testimony.
- I have attached my curriculum vitae or biography.

\* Rule XI, clause 2(g)(5), of the U.S. House of Representatives provides:

(5)(A) Each committee shall, to the greatest extent practicable, require witnesses who appear before it to submit in advance written statements of proposed testimony and to limit their initial presentations to the committee to brief summaries thereof.

(B) In the case of a witness appearing in a non-governmental capacity, a written statement of proposed testimony shall include— (i) a curriculum vitae; (ii) a disclosure of any Federal grants or contracts, or contracts, grants, or payments originating with a foreign government, received during the past 36 months by the witness or by an entity represented by the witness and related to the subject matter of the hearing; and (iii) a disclosure of whether the witness is a fiduciary (including, but not limited to, a director, officer, advisor, or resident agent) of any organization or entity that has an interest in the subject matter of the hearing.

(C) The disclosure referred to in subdivision (B)(ii) shall include— (i) the amount and source of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) related to the subject matter of the hearing; and (ii) the amount and country of origin of any payment or contract related to the subject matter of the hearing originating with a foreign government.

(D) Such statements, with appropriate redactions to protect the privacy or security of the witness, shall be made publicly available in electronic form 24 hours before the witness appears to the extent practicable, but not later than one day after the witness appears.

**False Statements Certification**

Knowingly providing material false information to this committee/subcommittee, or knowingly concealing material information from this committee/subcommittee, is a crime (18 U.S.C. § 1001). This form will be made part of the hearing record.

\_\_\_\_\_  
Witness signature

\_\_\_\_\_  
Date