



**THE CENSORSHIP-INDUSTRIAL COMPLEX: HOW TOP BIDEN WHITE HOUSE
OFFICIALS COERCED BIG TECH TO CENSOR AMERICANS, TRUE
INFORMATION, AND CRITICS OF THE BIDEN ADMINISTRATION**

Interim Staff Report of the
Committee on the Judiciary
and the
Select Subcommittee on the Weaponization of the Federal Government
U.S. House of Representatives



May 1, 2024

EXECUTIVE SUMMARY

“Just got off [an] hour long call with [Senior Advisor to President Biden] Andy Slavitt. . . . [H]e was outraged – not too strong of a word to describe his reaction – that we did not remove this post. . . . I countered that removing content like that would represent a significant incursion into traditional boundaries of free expression in the US but he replied that the post was directly comparing Covid vaccines to asbestos poisoning in a way which demonstrably inhibits confidence in Covid vaccines amongst those the Biden Administration is trying to reach.”

– Sir Nick Clegg, Meta’s President of Global Affairs, former Deputy Prime Minister of the United Kingdom, describing his efforts to explain the boundaries of the First Amendment to the Biden White House in April 2021.¹

This interim report details the monthslong campaign by the Biden White House to coerce large companies, namely Meta (parent company of Facebook), Alphabet (parent company of YouTube), and Amazon, to censor books, videos, posts, and other content online. By the end of 2021, Facebook, YouTube, and Amazon changed their content moderation policies in ways that were directly responsive to criticism from the Biden Administration.

While the Biden White House’s pressure campaign largely succeeded, its effects were devastating. By suppressing free speech and intentionally distorting public debate in the modern town square, ideas and policies were no longer fairly tested and debated on their merits. Instead, policymakers implemented a series of public health measures that proved to be disastrous for the country. From unnecessary extended school closures to unconstitutional vaccine mandates that forced workers to take a newly developed vaccine or risk losing their jobs, the Biden Administration and other officials needlessly imposed harm and suffering on Americans across the country.

Ongoing litigation and the publication of the Twitter Files following Elon Musk’s acquisition of the company began to provide some insight into the behind-the-scenes efforts of the Biden White House to censor political opponents and disfavored views. For example, on just the third day of the Biden Administration, the White House emailed Twitter (now X) personnel to demand that a tweet by Robert F. Kennedy, Jr. be “removed ASAP.”² The directive was not limited to just Kennedy; in the same email, the Biden White House asked Twitter to also “keep an eye out for tweets that fall in this same genre.”³

But the most important documents to understanding the Biden White House’s censorship efforts have proven to be internal emails from the companies on the receiving end of White House threats and coercion. After issuing dozens of subpoenas to Big Tech, government agencies, and relevant third parties, the Committee on the Judiciary and Select Subcommittee on the Weaponization of the Federal Government began to obtain tens of thousands of documents

¹ See Internal email from Nick Clegg to Facebook personnel (Apr. 18, 2021, 9:07 PM) ; see Ex. 29.

² Missouri v. Biden, 3:22-cv-01213, (W.D. La. Jan. 11, 2023) ECF No. 174-1 (Ex. A).

³ *Id.*

illustrating the details of the Biden White House’s pressure campaign. Obtaining key internal company communications—often including the highest levels of company leadership—took additional escalatory measures from the Committee and Select Subcommittee, including threats to hold Meta CEO Mark Zuckerberg in contempt of Congress.⁴

Now, having obtained and reviewed tens of thousands of emails and other relevant nonpublic documents, the Committee and Select Subcommittee can provide a more complete picture of how and the extent to which the Biden White House coerced companies to suppress free speech.

- **Big Tech Changed Their Content Moderation Policies Because of Biden White House Pressure.** The Biden White House pressure campaign largely succeeded in 2021. In the weeks and months following the start of the White House pressure campaign, Facebook, YouTube, and Amazon all changed their content moderation policies. The White House pressured companies to censor information that did not violate their content moderation policies at the time. The best evidence to assess *why* content moderation policies were changed is to review relevant email correspondence and other documents at the time of the policy change. Indeed, both Facebook and Amazon referred to the Biden White House’s efforts as “pressure.”⁵ Here is a subset of key documents first obtained by the Committee and Select Subcommittee pursuant to subpoena:
 - In March 2021, an Amazon employee emailed others within the company about the reason for the Amazon bookstore’s new content moderation policy change: “[T]he impetus for this request is criticism from the Biden Administration about sensitive books we’re giving prominent placement to.”⁶
 - In March 2021, just one day prior to a scheduled call with the White House, an Amazon employee explained how changes to Amazon’s bookstore policies were being applied “due to criticism from the Biden people.”⁷
 - In July 2021, when Facebook executive Nick Clegg asked a Facebook employee why the company censored the man-made theory of the SARS-CoV-2 virus, the employee responded: “Because we were under pressure from the [Biden] administration and others to do more. . . . We shouldn’t have done it.”⁸

⁴ See, e.g., Ryan Tracy, *Mark Zuckerberg Could Be Held in Contempt of Congress: What to Know*, WALL ST. J. (Apr. 27, 2023); see also STAFF OF THE H. JUDICIARY COMM. & THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T, THE WEAPONIZATION OF ‘DISINFORMATION’ PSEUDO-EXPERTS AND BUREAUCRATS: HOW THE FEDERAL GOVERNMENT PARTNERED WITH UNIVERSITIES TO CENSOR AMERICANS’ FREE SPEECH, at 2, 86–87 (Nov. 6, 2023) (on file with the Comm.) (the Committee threatened contempt after Stanford initially refused to provide critical documents and information responsive to the Committee’s subpoena).

⁵ See, e.g., Internal email from Facebook personnel to Mark Zuckerberg (June 6, 2021, 2:24 PM); see Ex. 37. Internal email between Amazon personnel (Mar. 12, 2021, 2:47 PM); see Ex. 135.

⁶ Internal email between Amazon employees (Mar. 4, 2021, 2:18 PM); see Ex. 131.

⁷ Internal email between Amazon employees (Mar. 8, 2021, 8:28 AM); see Ex. 132.

⁸ Internal email from Facebook personnel to Nick Clegg (July 14, 2021, 7:44 PM); see Ex. 52.

- In August 2021, an internal Facebook email explained why the company was developing, and ultimately implementing, new content moderation policies: “[Facebook’s] Leadership asked Misinfo Policy . . . to brainstorm some additional policy levers we can pull to be more aggressive against . . . misinformation. This is stemming from the continued criticism of our approach from the [Biden] administration.”⁹
- In September 2021, after receiving months of criticism for not censoring non-violative content, YouTube shared with the Biden White House a new “policy proposal” to censor more content criticizing the safety and efficacy of vaccines, asking for “any feedback” the White House could provide before the policy had been finalized.¹⁰ The White House gushed: “at first blush, seems like a great step.”¹¹
- **The Biden White House’s Censorship Campaign Targeted True Information, Satire, and Other Content that Did Not Violate the Platforms’ Policies.** Contrary to their claims of wanting to combat alleged so-called “misinformation” and foreign disinformation, the Biden Administration pressured the companies to censor true information, satire, memes, opinions, and Americans’ personal experiences.
 - For example, internal July 2021 Facebook emails obtained by the Committee and Select Subcommittee show that Facebook understood that the Biden White House’s position as wanting “negative information on or opinions about the vaccine” removed as well as “humorous or satirical content that suggests the vaccine isn’t safe.”¹²
 - The same set of emails also noted that “The Surgeon General wants us to remove true information about side effects.”¹³
- **The Biden White House’s Censorship Campaign had a Chilling Effect on Other Speech.** In February 2021, Facebook increased its censorship of several topics—including those related to the origin of the SARS-CoV-2 virus—as part of a general response to the Biden White House’s pressure to “do more.”¹⁴ After a few months it became clear that the Biden White House’s focus was on alleged vaccine misinformation. In May 2021, Facebook stopped removing content about the lab leak theory, which even parts of the Biden Administration consider true today.¹⁵ Zuckerberg privately told top Facebook officials that “[t]his seems like a good reminder that when we compromise our

⁹ Internal email between Facebook personnel (Aug. 2, 2021, 5:39 PM); *see* Ex. 70.

¹⁰ Email from Google & YouTube personnel to Rob Flaherty (Sep. 21, 2021, 1:52 PM); *see* Ex. 114.

¹¹ Email from Rob Flaherty to YouTube & Google personnel (Sep. 29, 2021, 9:23 AM); *see* Ex. 114.

¹² Internal email from Facebook personnel to Nick Clegg (July 21, 2021, 8:35 PM); *see* Ex. 63.

¹³ *Id.*

¹⁴ Internal email between Facebook personnel and Mark Zuckerberg (June 4, 2021, 2:24 PM); *see* Ex. 37; (“In February 2021, in response to public pressure and tense conversations with the new [Biden] Administration, we started removing” the “Wuhan lab leak theory.”).

¹⁵ *See, e.g.,* Hannah Rabinowitz, *FBI Director Wray acknowledges bureau assessment that Covid-19 likely resulted from lab incident*, CNN (Mar. 1, 2023); *see also* Jeremy Herb & Natasha Bertrand, *US Energy Department assesses Covid-19 likely resulted from lab leak, furthering US intel divide over virus origin*, CNN (Feb. 27, 2023).

standards due to pressure from an administration in either direction, we'll often regret it later.”¹⁶

- **The White House had Leverage Because the Companies had Other Policy Concerns Involving the Biden Administration.**
 - In July 2021, Clegg emailed others in the company that “[g]iven the bigger fish we have to fry with the [Biden] Administration,” Facebook should try to think creatively about “how we can be responsive to [the Administration’s] concerns.”¹⁷
 - In April 2021, YouTube’s Public Policy team emailed YouTube’s Product team that having the Product team brief the Biden White House would be “hugely beneficial” because the company was “seek[ing] to work closely with [the Biden] administration on multiple policy fronts.”¹⁸
- **The Biden White House Pushed Censorship of Books, Not Just Social Media.** The Biden White House pressure campaign was not limited to just social media companies, but also the world’s biggest online bookstore, Amazon.¹⁹

The parallels for the three companies are striking. In each case, the companies identified the Biden White House’s censorship requests as “pressure” or noted a fear that things could “spiral[] out of control.”²⁰ And while there is a difference in how long and in what ways each company succumbed to the White House’s pressure, by September 2021, Facebook, YouTube, and Amazon had each adopted new content moderation policies that removed or reduced viewpoints and content disfavored by the Biden White House.²¹

The Facebook Files. In February 2021, Facebook increased its censorship of anti-vaccine content as well as the lab leak theory of the origin of the virus because of “tense conversations with the new [Biden] Administration” and as part of an effort to be responsive to the Biden White House’s exhortations to “do more” to combat alleged misinformation.²² After a few months, Facebook realized the White House cared more about censoring anti-vaccine content and so the company lifted its censorship of the lab-leak theory. In response, Zuckerberg said the mistake served as a reminder to not “compromise our standards due to pressure from an administration.”²³

¹⁶ Internal email from Mark Zuckerberg to Facebook personnel (June 6, 2021, 10:31 AM); *see* Ex. 37.

¹⁷ Internal email from Nick Clegg to Facebook personnel (July 22, 2021, 12:20 AM); *see* Ex. 64.

¹⁸ Internal email between YouTube personnel (Apr. 29, 2021, 4:38 PM); *see* Ex. 109.

¹⁹ Internal email between Amazon personnel (March 9, 2021, 11:59 AM); *see* Ex. 134.

²⁰ *See, e.g.*, Internal email from Facebook personnel to Nick Clegg (July 14, 2021, 7:44 PM) (on file with the Comm.); Internal email between Amazon personnel (March 12, 2021, 2:47 PM); *see* Ex. 135; Internal email between YouTube & Google personnel (Apr. 22, 2021, 7:06 PM); *see* Ex. 107.

²¹ Internal email between Amazon personnel (March 8, 2021, 8:28 AM); *see* Ex. 131; Internal email between Facebook personnel and Mark Zuckerberg (June 4, 2021, 2:24 PM); *see* Ex. 37; Email from Google & YouTube personnel to Rob Flaherty (Sep. 21, 2021, 1:52 PM) ; *see* Ex. 131.

²² Internal email from Facebook personnel to Mark Zuckerberg (June 6, 2021, 2:24 PM); *see* Ex. 37.; internal email from Facebook personnel to Nick Clegg (July 14, 2021, 7:44 PM); *see* Ex. 52.

²³ Internal email from Facebook personnel to Mark Zuckerberg (June 6, 2021, 2:24 PM); *see* Ex. 37.

But Facebook continued to face continued pressure from the Biden Administration to censor content questioning vaccines, including true information, satire, memes, and other lawful content that is constitutionally protected and not violative of Facebook’s content moderation policies. In July 2021, tensions hit a fever pitch, with President Biden publicly accusing Facebook of “killing people.”²⁴ Noting that they had “bigger fish to fry” with the Biden Administration, such as issues related to “data flows,” senior Facebook officials decided in August 2021 to enact new content moderation policies that would censor more anti-vaccine content.²⁵ An

internal August 2021 email states plainly that the decision “stemm[ed] from the continued criticism of our approach from the [Biden] administration.”²⁶



²⁴ Nandita Bose & Elizabeth Culliford, *Biden says Facebook, others ‘killing people’ by carrying COVID misinformation*, REUTERS, (July 16, 2021).

²⁵ Internal email from Nick Clegg to Facebook personnel (July 22, 2021, 12:20 AM); *see* Ex. 64.

²⁶ Internal email between Facebook personnel (Aug. 2, 2021, 5:39 AM); *see* Ex. 70.

The YouTube Files. In the spring of 2021, the Biden White House increased pressure on YouTube to remove and reduce alleged misinformation, including “borderline content”—i.e., content that did not violate YouTube’s policies.²⁷ Internally, YouTube asked its Product team to brief the White House directly because the company feared the situation could “potentially spiral[] out of control.”²⁸ Throughout the summer, the White House continued to press YouTube about its policies and enforcement, sometimes asking why particular videos were not removed or otherwise demoted.²⁹ In September 2021, as YouTube prepared to finalize a new policy “proposal” to censor content that questioned the safety or efficacy of vaccines, YouTube emailed the White House in advance for its “feedback.”³⁰ After the policy was announced, the White House privately praised the expanded censorship as a “great step.”³¹



²⁷ See, e.g., Email from Rob Flaherty to YouTube & Google personnel (Apr. 12, 2021, 3:01 PM); see Ex. 100; Internal email between YouTube & Google personnel (Apr. 13, 2021, 6:08 AM); see Ex. 101; see also *Reduce: How does YouTube reduce the spread of harmful misinformation*, YouTube Content Policies & Community Guidelines, <https://www.youtube.com/howyoutubeworks/our-commitments/managing-harmful-content/#reduce>.

²⁸ Internal email between YouTube & Google personnel (Apr. 22, 2021, 10:38 PM); see Ex. 107.

²⁹ Email from Rob Flaherty to YouTube & Google personnel (July 20, 2021, 10:57 AM); see Ex. 112; see also Daniel Dale (@ddale8), X (July 19, 2021, 10:32 PM), <https://twitter.com/ddale8/status/1417130268859772929>

³⁰ Email from Google & YouTube personnel to Rob Flaherty (Sep. 21, 2021, 1:52 PM); see Ex. 114.

³¹ Email from Rob Flaherty to YouTube & Google personnel (Sep. 29, 2021, 9:23 AM); see Ex. 114.

The Amazon Files. On March 2, 2021, the Biden White House emailed the Vice President of Public Policy at Amazon, asking to have a discussion regarding the “high levels of propaganda and misinformation and disinformation at Amazon.”³² To support their allegations, multiple members of the Biden White House ran keyword searches on Amazon for “vaccines” and emailed screenshots of the search results page to Amazon, noting that just adding a CDC warning would be insufficient to adequately censor the books.³³ Immediately after the initial email outreach from the White House, Amazon internally accelerated its consideration of implementing a new policy that would disfavor anti-vaccine books.³⁴ Internal talking points prepared by Amazon included the question: “Is the [Biden] Admin asking us to remove books, or are they more concerned about search results/order (or both)?”³⁵ On March 9, just one week after the initial outreach from White House official Andy Slavitt and the same day as the company’s scheduled meeting with the White House, Amazon implemented a new policy that added the “Do Not Promote” label for anti-vaccine books.³⁶



³² Jim Jordan (@Jim_Jordan), X (Feb. 5, 2024, 5:44 PM), https://x.com/Jim_Jordan/status/1754637209586606319.

³³ Email from Zach Butterworth to Amazon personnel (Mar. 2, 2021, 2:53 PM); *see* Ex. 125.

³⁴ Internal email between Amazon personnel (Mar. 4, 2021, 11:48 AM); *see* Ex. 131.

³⁵ Internal email between Amazon personnel (Mar. 9, 2021, 11:59 AM); *see* Ex. 134.

³⁶ *Id.*; Transcribed Interview of Amazon’s Vice President of Public Policy, H. Judiciary Comm. (Apr. 16, 2024), (on file with the Comm.).

* * *

The First Amendment prohibits the government from “*abridging* the freedom of speech.”³⁷ Thus, “any law or government policy that reduces that freedom on the [social media] platforms . . . violates the First Amendment.”³⁸ To inform potential legislation, the Committee and Select Subcommittee have been investigating the Executive Branch’s collusion with third-party intermediaries to censor speech. The Committee and Select Subcommittee have uncovered other serious violations of the First Amendment throughout the Executive Branch during the Biden Administration.³⁹

The Committee and the Select Subcommittee are responsible for investigating “violation[s] of the civil liberties of citizens of the United States.”⁴⁰ In accordance with this mandate, this interim staff report on the Biden White House’s violations of the First Amendment and other unconstitutional activities continues to fulfill the obligation to identify and report on the weaponization of the federal government against American citizens. The Committee’s and Select Subcommittee’s investigation remains ongoing. The Biden White House still has not adequately complied with a request for relevant documents, and more fact-finding is necessary. In order to better inform the Committee’s legislative efforts, the Committee and Select Subcommittee will continue to investigate how the Executive Branch worked with social media platforms and other intermediaries to censor disfavored viewpoints in violation of the U.S. Constitution.

³⁷ U.S. Const. amend. I (emphasis added).

³⁸ Philip Hamburger, *How the Government Justifies Its Social-Media Censorship*, WALL ST. J. (June 9, 2023); see *Smith v. California*, 361 U.S. 147, 157 (1959) (Black, J., concurring) (“Certainly the First Amendment’s language leaves no room for inference that abridgments of speech and press can be made just because they are slight.”).

³⁹ See, e.g., Ryan Tracy, *FTC Twitter Investigation Sought Elon Musk’s Internal Communications, Journalist Names*, WALL ST. J. (Mar. 8, 2023); STAFF OF SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., *FIGHTING THE WEAPONIZATION OF THE INTERNAL REVENUE SERVICE: THE END OF ABUSIVE UNANNOUNCED FIELD VISITS* (Comm. Print, 2023).

⁴⁰ H. Res. 12 § 1(b)(E).

Table of Contents

Executive Summary	1
Table of Contents	9
I. The Facebook Files	10
A. February 2021: Biden White House Begins Its Pressure Campaign; Facebook Preemptively Increases Censorship Around the Origin of the Virus.....	11
B. February-March 2021: Biden White House Begins to Pressure Facebook to Censor More Anti-Vaccine Content	14
C. April 2021: Biden White House Escalates Pressure on Facebook to Censor More Anti- Vaccine Content.....	22
D. July 2021: Biden White House Pressure Campaign Reaches a Fever Pitch.....	34
E. August 2021: Facebook Relents to the White House Pressure and Changes Its Content Moderation Policies	46
F. 2022: Facebook Continues to Censor Vaccine Hesitancy and the Lab-Leak Theory, and Provide Updates to the Biden White House	51
II. The YouTube Files	52
A. April-May 2021: White House Increases Its Pressure Campaign on YouTube to Censor Non-Violative Content.....	52
B. July 2021: White House Continues Pressure and Flags Examples that Do Not Violate YouTube’s Policies at the Time.....	59
C. September 2021: YouTube Changes Its Content Moderation Policies, Seeking Feedback from the Biden White House on Proposed Changes.....	64
D. 2022: YouTube Continues to Engage with the White House on Misinformation Policies Not Related to COVID-19	66
III. The Amazon Files	67
A. March 2, 2021: Biden White House Criticizes Amazon For Not Censoring Books	67
B. March 2-8, 2021: Amazon Internally Debates How to Handle Biden White House “Pressure”	73
C. March 9, 2021: Amazon Changes Books Policy Because of White House Pressure	84
IV. Epilogue: The Devastating Consequences After Suppressing Free Speech	89
V. Appendix.....	91

I. THE FACEBOOK FILES

“We are facing continued pressure from external stakeholders, including the [Biden] White House . . . to *remove* more COVID-19 vaccine discouraging content. For example, we recently shared with the White House a list of the top 100 vaccine-related posts on FB in the U.S. for the week of 4/5-4/11. While authoritative information dominated the list, the White House was concerned that the #3 post was a vaccine discouraging humorous meme, and they called on us to delete the meme.”⁴¹

– Draft email for Facebook CEO Mark Zuckerberg and COO Sheryl Sandberg, “seeking guidance” on “whether to take more aggressive action against certain vaccine discouraging content” (April 27, 2021, 11:58 AM).

The Facebook Files illustrate the dangers of government coercion against free expression. In response to “tense conversations with the new [Biden] Administration” and pressure “to do more,” Facebook began censoring in February 2021 not just anti-vaccine content, but also claims that the SARS-CoV-2 virus was manmade.⁴² By May 2021, Facebook understood that the Biden White House wanted anti-vaccine content censored and decided to lift its censorship of the lab-leak theory. In response, CEO Mark Zuckerberg said the mistake should serve as a reminder to not “compromise our standards due to pressure from an administration.”⁴³ More importantly, the overly expansive censorship effort shows one of the ways government coercion has a chilling effect: Facebook did not know exactly what to censor to appease the Biden White House and, consequently, censored even more.

The Facebook Files also show continued pressure from the Biden Administration eventually reached its breaking point with President Biden publicly accusing Facebook of “killing people.”⁴⁴ Although Facebook disagreed with the Administration’s push for Facebook to censor “true information,” “negative information on or opinions about the vaccine,” and “humorous or satirical content,” the company finally relented and expanded its content moderation policies in August 2021.⁴⁵ Internal Facebook emails show that the decision “stemm[ed] from the continued criticism of our [Facebook’s] approach from the [Biden] administration.”⁴⁶ After months of pressure, top Facebook executives, including Mark Zuckerberg, Sheryl Sandberg, and Nick Clegg decided that Facebook had “bigger fish to fry” with the Biden Administration, such as issues related to “data flows,” and defending free expression on the companies’ platforms was not worth drawing the ire of the powerful office in the world.⁴⁷

⁴¹ Internal email from Facebook personnel to Mark Zuckerberg and Sheryl Sandberg (Apr. 27, 2021, 11:58 AM); *see* Ex. 31.

⁴² Internal email from Facebook personnel to Mark Zuckerberg (June 6, 2021, 2:24 PM); *see* Ex. 37.

⁴³ Internal email between Facebook personnel (August 2, 2021, 5:39 PM); *see* Ex. 29.

⁴⁴ *See* Nandita Bose & Elizabeth Culliford, *Biden says Facebook, others ‘killing people’ by carrying COVID misinformation*, REUTERS (July 16, 2021).

⁴⁵ Internal email from Facebook personnel to Nick Clegg (July 21, 2021, 8:35 PM); *see* Ex. 63.

⁴⁶ Internal email between Facebook personnel (August 2, 2021, 5:39 PM); *see* Ex. 29.

⁴⁷ Email from Nick Clegg to Facebook personnel (July 22, 2021, 12:20 AM); *see* Ex. 64; House Judiciary Committee’s Transcribed Interview of Nick Clegg (Mar. 1, 2024), at 81 (on file with the Comm.)

A. February 2021: Biden White House Begins Its Pressure Campaign; Facebook Preemptively Increases Censorship Around the Origin of the Virus

The Biden White House’s censorship efforts started in the very first days of the new Administration.⁴⁸ The Biden campaign had previewed for months that removing content disfavored by the left would be a top priority.⁴⁹ Social media platforms, including Facebook, took notice and began expanding their content moderation policies after the new Administration took office.

In Facebook’s February 8, 2021, public statement announcing a change to its content moderation policies, the company noted that it would “remove” several new claims on its platforms, including claims that “COVID-19 is man-made.”⁵⁰ That same day, Facebook emailed the Biden White House to alert it that Facebook would be “expanding [its] efforts to remove false claims on Facebook and Instagram about COVID-19, COVID-19 vaccines, and vaccines in general.”⁵¹

Facebook ultimately expanded its censorship of the lab leak theory from February to May 2021.⁵² Internal Facebook emails from late May and early June to top senior Facebook executives, including Facebook CEO Mark Zuckerberg, explain *why* Facebook changed its policies in the early days of the Biden Administration to remove claims supporting the lab leak theory. Most notably, a June 6, 2021 email to Zuckerberg explained that Facebook made these changes in response to “tense conversations with the new [Biden] Administration.”⁵³

⁴⁸ Internal email between Facebook personnel (August 2, 2021, 5:39 PM); *see* Ex. 29.

⁴⁹ *See, e.g.*, Transcript of Joe Biden’s Dec. 16, 2019 Interview with The New York Times editorial board, N.Y. TIMES, (Jan. 17, 2020), available at <https://www.nytimes.com/interactive/2020/01/17/opinion/joe-biden-nytimes-interview.html>; *Our Open Letter to Facebook*, BIDEN FOR PRESIDENT (June 11, 2020), available at <https://joebiden.com/2020/06/11/our-open-letter-to-facebook/>; *see also* Chandelis Duster, *Kamala Harris says Trump’s Twitter account should be suspended*, CNN (Sept. 30, 2019).

⁵⁰ *An Update on Our Work to Keep People Informed and Limit Misinformation About COVID-19*, META (Feb. 8, 2021).

⁵¹ Email from Facebook personnel to White House staff (Feb. 8, 2021, 10:37 AM); *see* Ex. 64.

⁵² Internal email from Facebook personnel to Mark Zuckerberg (June 4, 2021, 2:24 PM); *see* Ex. 37.

⁵³ *Id.*

From: [REDACTED]@fb.com>
Sent: Friday, June 4, 2021 2:24:20 PM
To: Mark Zuckerberg <[REDACTED]@fb.com>
Cc: Nick Clegg <[REDACTED]@fb.com>; Joel Kaplan <[REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>
Subject: Covid misinformation: Wuhan lab leak theory

Mark:

On the question of our decision to remove claims related to the origin of COVID -- in May 2020, we decided to leverage existing work from 3PFCs (because they were overwhelmed by Covid misinfo) by FB claim-matching for claims that multiple 3PFCs had labeled as false instead of requiring the 3PFCs to find and manually add their fact-checks to any content making the claims. There were five claims that met the standard, including the claim that Covid is "man-made, manufactured, bioengineered, a bioweapon, or created by an individual government or country," which includes claims that the virus was modified through gain of function research and leaked from a lab. Between May 2020 and February 2021, we reduced distribution for content making the five claims, applied a label, and linked to the debunking article.

In February 2021, in response to continued public pressure and tense conversations with the new Administration, we started removing the five Covid claims that had been repeatedly debunked by 3PFCs and the eight claims that we had identified (in partnership with WHO, CDC, and other public health authorities) before Covid as widely debunked vaccine misinformation. You asked us at the time to review the decision later in the year to determine if we should revert to reduce & inform.

The June 6 email notes that Zuckerberg had asked his team "to review the decision later in the year to determine if we should revert to reduce & inform."⁵⁴ Ultimately, on May 26, 2021, Facebook announced that it would stop removing posts claiming that the virus was man-made "given the renewed debate on the topic" indicating that the "issue [was] no longer settled."⁵⁵ The June 6 email to Zuckerberg admitted that having to reverse course following months of censoring this claim was "ultimately a bad outcome" and that the company was working to "revert all repeatedly fact-checked claims from a 'remove' penalty to a 'reduce & inform' penalty."⁵⁶

Last month, two of the 3PFCs that rated the "man-made" claim as false changed their fact-checks. Politifact publicly rescinded its original fact-check. Factcheck.org updated its fact-check to acknowledge uncertainty. As this claim was no longer had multiple false fact-checks, we removed it from our list of claims that we were removing.

While we believe we made appropriate decisions based on the information we had at the time, we also think this is ultimately a bad outcome, so we are working to revert all repeatedly fact-checked claims from a "remove" penalty to a "reduce & inform" penalty.

In response, Mark Zuckerberg replied, "This seems like a good reminder that when we compromise our standards due to pressure from an administration in either direction, we'll often regret it later."⁵⁷

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Internal email from Mark Zuckerberg to Facebook personnel (June 6, 2021, 10:31 AM); *see* Ex. 37.

From: Mark Zuckerberg [REDACTED]@fb.com>

Sent: Sunday, June 6, 2021 10:31 AM

To: [REDACTED]

Cc: Nick Clegg; Joel Kaplan; [REDACTED]

Subject: Re: Covid misinformation: Wuhan lab leak theory

Thanks for the context. This seems like a good reminder that when we compromise our standards due to pressure from an administration in either direction, we'll often regret it later.

One member of Facebook's Trust & Safety team—the team responsible for content moderation—forwarded Zuckerberg's response, noting that being able to reference Zuckerberg's message (and that he was the one to have said it) should help the team push back against other Facebook teams that may try to pressure Trust & Safety going forward.⁵⁸ This hope was short lived, however,. Within two months of this email, Facebook would again succumb to outside pressure, changing its content moderation policies because of “continued criticism of [Facebook's] approach from the [Biden] administration.”⁵⁹

On Jun 6, 2021, at 1:39 PM, [REDACTED]@fb.com> wrote:

Please don't share this email further but feel very comfortable referencing this message (and that Mark said it) if internal teams are pressuring us going forward.

From: Mark Zuckerberg [REDACTED]@fb.com>

Sent: Sunday, June 6, 2021 10:31 AM

To: [REDACTED]

Cc: Nick Clegg; Joel Kaplan; [REDACTED]

Subject: Re: Covid misinformation: Wuhan lab leak theory

Thanks for the context. This seems like a good reminder that when we compromise our standards due to pressure from an administration in either direction, we'll often regret it later.

In Internal emails in July 2021—when Facebook was facing immense White House pressure to change its content moderation policies again—Clegg asked his team for a reminder of why Facebook removed “claims that Covid is man made”?⁶⁰

⁵⁸ Internal email from Facebook personnel to Mark Zuckerberg (June 4, 2021, 2:24 PM); *see* Ex. 37.

⁵⁹ Internal email between Facebook personnel (August 2, 2021, 5:39 PM); *see* Ex. 29.

⁶⁰ Internal email from Nick Clegg to Facebook personnel (July 14, 2021, 11:41 AM); *see* Ex. 52.

From: Nick Clegg <[REDACTED]@fb.com>
Sent: Wednesday, July 14, 2021 11:41:56 AM
To: [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>
Cc: [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>
Subject: Re: Brief: 07.14.21 - Andy Slavitt Podcast

Can someone quickly remind me why we were removing – rather than demoting/labeling – claims that Covid is man made before May?

His team replied, “Because we were under pressure from the administration and others to do more and it was part of the ‘more’ package. [] We shouldn’t have done it.”⁶¹

From: [REDACTED]@fb.com>
Date: Wednesday, July 14, 2021 at 7:44 PM
To: Nick Clegg <[REDACTED]@fb.com>, [REDACTED]@fb.com>, [REDACTED]@fb.com>
Cc: [REDACTED]@fb.com>, [REDACTED]@fb.com>, [REDACTED]@fb.com>, [REDACTED]@fb.com>, [REDACTED]@fb.com>
Subject: Re: Brief: 07.14.21 - Andy Slavitt Podcast

Because we were under pressure from the administration and others to do more and it was part of the “more” package. We removed four claims that multiple fact checkers had labeled false even though we didn’t have a harm assessment. We shouldn’t have done it. We stopped removing the man made claim in May and now we’re moving the other three claims (covid is new/patented) from remove to reduce and inform.

Despite having regrets for how they handled censorship of the lab-leak theory, Facebook again would relent to the Biden White House’s pressure campaign later that summer.

B. February-March 2021: Biden White House Begins to Pressure Facebook to Censor More Anti-Vaccine Content

Engagements between the White House and Facebook picked up in earnest by early February. After Facebook’s February 8, 2021, public announcement about censoring anti-vaccine content and the lab-leak theory, Rob Flaherty, who then served as the White House’s Digital Director, emailed Facebook, questioning whether the company would actually follow through on its censorship promises as articulated in the announcement.⁶²

⁶¹ Internal email from Facebook personnel to Nick Clegg (July 14, 2021, 7:44 PM); *see* Ex. 52.

⁶² Emails from Rob Flaherty to Facebook personnel (Feb. 8 – 9, 2021); *see* Ex. 4.

From: Flaherty, Robert EOP/WHO
Sent: Monday, February 8, 2021 1:37 PM
To: [REDACTED]@fb.com>; Rowe, Courtney M. EOP/WHO <[REDACTED]@who.eop.gov>;
Humphrey, Clarke EOP/WHO <[REDACTED]@who.eop.gov>
Cc: [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]
<[REDACTED]@fb.com>
Subject: RE: COVID-19 Outreach to communities worldwide

[REDACTED] Thanks.

This line, of course, stands out:

that repeatedly share these debunked claims may be removed altogether.

Can you share more about your framework here? May, of course, is very different than “will.” Is there a strike policy, ala Youtube? Does the severity of the claims matter?

And as far as your removal of claims, do you have data on the actual number of claims-related posts you’ve removed? Do you have a sense of how many are being flagged versus how many are being removed? Are there actions (downranking, etc) that sit before removal? How are you handling things that are dubious, but not provably false?

Thanks

Facebook provided the White House with some initial materials and set a meeting for February 23, 2021.⁶³ During the meeting, the White House provided “tough feedback,” asking for information on alleged misinformation trends, statistics on the removal of content, and information on what Facebook was not removing.⁶⁴

The next day, Facebook emailed the Biden White House to follow up on the White House’s “request for COVID-19 misinfo themes” that Facebook was seeing on its platform.⁶⁵ Facebook told the White House that it was “removing these claims from our platforms,” including posts comparing COVID-19 to the flu.⁶⁶

Following up on your request for COVID-19 misinfo themes we are seeing. All the below claims violate our [updated Covid and vaccine misinformation policies](#) that we announced earlier this month, and we are removing these claims from our platforms:

Theme 1: Vaccine Toxicity: Claims that the vaccine contains aborted fetal tissue, has microchips embedded in it, toxic levels of aluminum, etc.

Theme 2: False Claims About Side Effects of Vaccine: Claims that vaccines will cause autism, the vaccine changes DNA, causes infertility, etc.

Theme 3: Comparing the Covid Vaccine to the Flu Vaccine: That you are more likely to die after the COVID vaccine than after the flu vaccine.

Theme 4: Downplaying Severity of COVID-19: Claims that COVID-19 is a hoax, not any worse than the flu, etc.

Flaherty replied, asking for more information about the prevalence of these claims and Facebook’s effectiveness in censoring them, stating, “Awesome. This is helpful. Can you give us a sense of volume on these, and some metrics around the scale of removal for each? Can you

⁶³ Email from Facebook personnel to Rob Flaherty (Feb. 9, 2021, 5:57 PM); *see* Ex. 4; Emails between White House staff and Facebook personnel (Feb. 18 – Mar. 1, 2021); *see* Ex. 5; Internal Facebook read out of a call with the White House and HHS (Feb. 23, 2021, 10:04 AM); *see* Ex. 6.

⁶⁴ Internal email between Facebook personnel (Feb. 28, 2021, 8:07 AM); *see* Ex. 8.

⁶⁵ Email from Facebook personnel to White House staff (Feb. 24, 2021, 7:54 PM); *see* Ex. 7.

⁶⁶ *Id.*

also give us a sense of misinformation that might be falling outside of your removal policies? Goes without saying, just because it's on your list for removal hasn't historically meant that it was removed, so I want to get a sense of the state of play here!"⁶⁷

On Feb 24, 2021, at 8:41 PM, Flaherty, Robert EOP/WHO <[REDACTED]@who.eop.gov> wrote:

Awesome. This is helpful. Can you give us a sense of volume on these, and some metrics around the scale of removal for each?

Can you also give us a sense of misinformation that might be falling outside of your removal policies?

Goes without saying, just because it's on your list for removal hasn't historically meant that it was removed, so I want to get a sense of the state of play here!

Thanks, all.

In response, on February 28, 2021, Facebook's Public Policy team circulated an internal memo to Facebook leadership, with the subject line, "FOR DECISION: White House Request on Covid Vaccine Misinfo Themes and Prevalence," seeking "guidance" on "what information [they] could share in a Covid misinformation briefing with the White House scheduled" for March 1.⁶⁸ In the memo, the Public Policy team explained how Facebook had already shared a list of recent themes that Facebook was removing, referenced Flaherty's question about metrics around the "volume" and "scale of removal for each," and further noted that the Biden White House had "a strong perception that [Facebook was] not doing enough, and we want to respond to their clear requests when we can."⁶⁹ The Public Policy team believed that "sharing some breakdown for prevalence of these four themes will help to build credibility with this hostile audience."⁷⁰

On March 1, 2021, Facebook provided a briefing to the Biden White House on what the company was doing to combat COVID-related "misinformation" on its platform.⁷¹ Internal Facebook documents reveal that, during the briefing, Facebook "shared [its] most recent enforcement numbers [against misinformation] and committed to sharing this out monthly."⁷² Facebook also told Andy Slavitt, then-Senior Advisor for the White House's COVID-19 Response Team, that Facebook was "in a lockdown on Covid misinfo," which is a "term that internal teams use to describe a defined time that they use to focus on a problem – in this case understanding what additional steps they would take on misinfo."⁷³ Apparently, when Facebook mentioned that it was in a "lockdown to sprint on efforts to focus on misinfo and vaccine hesitancy," it "piqued" Slavitt's "interest," causing him to ask "follow up questions," such as "how close are you to being done? 10%? 50%?" but Facebook "did not have a good answer."⁷⁴ While two Facebook employees noted later that "it should not have been mentioned, and asked

⁶⁷ Email from Rob Flaherty to Facebook personnel (Feb. 24, 2021, 8:41 PM); *see* Ex. 7.

⁶⁸ Internal email between Facebook personnel (Feb. 28, 2021, 8:07 AM); *see* Ex. 8.

⁶⁹ *Id.*

⁷⁰ *Id.*; *see also* Email from Rob Flaherty to Facebook personnel (Feb. 24, 2021, 8:41 PM); *see* Ex. 7.

⁷¹ Brief: Call with White House Senior Advisor on Covid-19, at 3; *see* Ex. 13.

⁷² *Id.* at 5.

⁷³ *Id.*

⁷⁴ *Id.*, at 1, 2, & 6.

[Facebook’s Public Policy team] to walk back the statement about the lockdown and not mention it again,” by that point, it was too late: Slavitt was already “frustrated and took this inability to answer as stonewalling / hiding.”⁷⁵

Following the meeting, Facebook circulated an internal recap of the call, stating that there was “clear frustration that we aren’t able to provide more data that demonstrates our work in this area.”⁷⁶ The email then listed three “Specific Asks from the White House,” including for Facebook to provide details on its “lockdown” and “claim level data” on Facebook’s misinformation enforcement.⁷⁷ Facebook also noted that it “expect[ed] the White House [] to establish a cross-industry social media task force with the goal of setting a baseline on Covid misinformation and enforcement [] within the next two weeks.”⁷⁸

On March 2, a Facebook employee emailed internally, noting that he had received an email from the Head of the White House Office of Public Engagement “last night with feedback that the White House was frustrated by yesterday’s meeting, particularly around the information [Facebook was] providing on [its] enforcement efforts.”⁷⁹ The employee also added, “we are hearing from Senior WH leadership that they are running out of patience with us on this subject, and it may cost us an opportunity to work with them constructively.”⁸⁰ Another employee replied, “It looks like this is getting out of hand :/. Do you have a good sense of what the WH wants? Would it make sense [] to come up with some creative solutions?”⁸¹

Facebook would meet again with the Biden White House on March 12, 2021, to discuss how it was approaching “borderline content,” that is, content that *did not violate* its policies.⁸²

Our second briefing was focused on borderline content on 3/12--this session was more productive but Andy did not attend. Prior to this meeting we sent the CMU Covid Symptom Survey (executive summary sent to you as a PDF) - which we believe answers many of the questions that they have. We were hoping for the next follow up to be a deep dive on this report.

On March 12, 2021, Facebook provided another briefing to Flaherty, explaining about how it was “approaching borderline COVID-related content” i.e., COVID-related content that *did not violate* its policies.⁸³ Facebook walked through its policies and enforcement practices for violative and borderline content.⁸⁴ But call notes reveal that throughout the meeting, Flaherty continued to ask about the removal and reduction of content above all else.⁸⁵

⁷⁵ *Id.*, at 2 & 6.

⁷⁶ Internal email between Facebook personnel (Mar. 1, 2021, 6:27 PM); *see* Ex. 9.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ Internal email between Facebook personnel (Mar. 2, 2021, 9:18 AM); *see* Ex. 9.

⁸⁰ *Id.*, at 2.

⁸¹ Internal email between Facebook personnel (Mar. 2, 2021, 10:35 AM); *see* Ex. 9.

⁸² Brief: Call with White House Senior Advisor on Covid-19, at 2; *see* Ex. 6.

⁸³ Brief: Call with White House Senior Advisor on Covid-19, at 2; *see* Ex. 6.

⁸⁴ *Id.*

⁸⁵ *Id.* (emphasis added).

3/12 White House Meeting Notes

██████: know we only have 30 minutes, want to jump in. We scheduled this time to start a discussion to get you familiar with how we're thinking about approaching borderline COVID-related content. Want to have ██████ and ██████ who run our proactive work on misinformation. You may remember ██████ from the work we did around the election. I'm going to turn it over to ██████ to kick off. We welcome your questions at any time. If we have follow up, happy to schedule subsequent meetings.

Rob: Certainly helpful – my question is in terms of reduction – what scale of reduction is happening. Big, big question I have is how big of a problem do you have here? What is the volume of content that falls in these categories on a daily basis? How much is demoted but still available? We see that FB is a high news source for vaccine skeptics.

Rob: Can I ask about downranking, efficacy of it. What does it look like before after intervention.

Internal Facebook documents reveal that Facebook believed the March 12 meeting was “productive,” but tensions quickly escalated again just a few days later. Following a critical *Washington Post* article about vaccine misinformation, the White House started to berate Facebook’s Public Policy team. On March 15, the White House emailed Facebook’s Public Policy team a link to the *Washington Post* article with the subject line “You are hiding the ball.”⁸⁶

From: Flaherty, Rob EOP/WHO <██████████@who.eop.gov>
Date: Sunday, March 14, 2021 at 11:13 PM
To: ██████████@fb.com>
Cc: Slavitt, Andrew M. EOP/WHO <██████████@who.eop.gov>
Subject: You are hiding the ball

<https://www.washingtonpost.com/technology/2021/03/14/facebook-vaccine-hesistancy-qanon>

Sent from my iPhone

Slavitt also chimed into add that he “fe[lt] like relative to others, interactions with Facebook are not straightforward and the problems are worse.”⁸⁷ He then added the vague threat: “Internally we have been considering our options on what to do about it.”⁸⁸

⁸⁶ Email from Rob Flaherty to Facebook personnel (Mar. 14, 2021, 11:13 PM); see Ex. 10. See also Elizabeth Dwoskin, *Massive Facebook study on users’ doubt in vaccines finds a small group appears to play a big role in pushing the skepticism*, THE WASH. POST (Mar. 14, 2021).

⁸⁷ Email from Andy Slavitt to Facebook personnel (Mar. 15, 2021, 7:11 PM); see Ex. 11.

⁸⁸ *Id.*

From: Slavitt, Andrew M. EOP/WHO <[REDACTED]@who.eop.gov>
Date: Monday, March 15, 2021 at 7:11 PM
To: [REDACTED] <[REDACTED]@fb.com>
Cc: Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>
Subject: Re: [EXTERNAL] Re: You are hiding the ball

[REDACTED]

I appreciate being copied on the note. It would nice to establish trust. I do feel like relative to others, interactions with Facebook are not straightforward and the problems are worse— like you are trying to meet a minimum hurdle instead of trying to solve the problem and we have to ask you precise questions and even then we get highly scrubbed party line answers. We have urgency and don't sense it from you all. 100% of the questions I asked have never been answered and weeks have gone by.

Internally we have been considering our options on what to do about it.

Regards,

Andy

Facebook immediately understood the seriousness of the threat. In an internal email on March 16, Facebook's Public Policy team flagged for Nick Clegg, Facebook's President of Global Affairs, that the Biden White House was accusing Facebook of "hiding the ball," lacking an adequate "sense of urgency" and that these concerns were "being discussed within the broader White House."⁸⁹

This resulted in some back and forth email correspondence with [REDACTED] where Andy and Rob Flaherty (White House Digital Director) explained that they felt Facebook is "hiding the ball," does not have a sense of urgency around these issues, and isn't answering their questions. They also offered it is being discussed within the broader White House. Last correspondence was an email from [REDACTED] on 3/16 in the evening; and then Andy reached out to Nick directly for a meeting. Full email correspondence is below.

Also March 16, Slavitt emailed Clegg directly to let him know that Slavitt was working with the most senior staff in the Biden White House, including Jeff Zients, today the White House's Chief and at the time serving as COVID-19 Response Coordinator."⁹⁰

```
>> On 3/16/21, 6:41 PM, "Slavitt, Andrew M. EOP/WHO" <[REDACTED]@who.eop.gov> wrote:  
>> Nick  
>>  
>> Andy Slavitt. I'm working on the White House COVID team with Jeff Zients. If you have a  
few minutes this week I would love to connect. Thanks very much.  
>>  
>> Andy
```

Following Slavitt's outreach, Facebook drafted an internal brief for Clegg to prepare him for the upcoming call with Slavitt scheduled for March 19, 2021.⁹¹ The brief recommended that Clegg reiterate to Slavitt that "experts have told us that removal is not always the answer," while

⁸⁹ Brief: Call with White House Senior Advisor on Covid-19, at 2; *see* Ex. 13 (emphasis added).

⁹⁰ Email from Andy Slavitt to Nick Clegg (Mar. 16, 2021, 6:41 PM); *see* Ex. 12.

⁹¹ Brief: Call with White House Senior Advisor on Covid-19; *see* Ex. 13.

emphasizing that Facebook had already “made unprecedented updates to [its] policies and enforcement tooling and [was] removing more content that [it thought] could lead to harm” in addition to “reducing the spread of content” that wasn’t violating Facebook’s policies but that Facebook thought “could lead to hesitancy.”⁹² The brief added, “We have had ongoing conversations for the last year with the Biden campaign, transition, and now Administration around our approach to misinformation.”⁹³

CONTEXT

- We have had ongoing conversations for the last year with the Biden campaign, transition, and now Administration around our approach to misinformation. While the campaign was focused mainly on enforcement of our misinfo policies, the White House is now focused on “the scope of the problem” of vaccine hesitancy content. They have told us in meetings that they are simply trying to understand what we are seeing as the scope of the problem so they can respond effectively.

Later, the brief made the White House’s position even more clear: “They don’t care that much about our approach to amplifying authoritative info. When [one Facebook employee] mentioned [Facebook’s] Covid Information Center, Rob [Flaherty] audibly laughed. They feel the growing overabundance of misinfo outweighs and outpaces passive hub type offerings/product offerings.”⁹⁴ In other words, while Facebook tried to avoid the topic of censorship, focusing on ways Facebook was promoting pro-vaccine content, the Biden White House continually redirected its attention squarely at censoring anti-vaccine content, believing that was the only effective way to convince the American people to get vaccinated.

Authoritative info

- They don’t care that much about our approach to amplifying authoritative info. When ██████ mentioned the Covid Information Center, Rob audibly laughed. They feel the growing overabundance of misinfo outweighs and outpaces passive hub type offerings/product offerings.

Following the March 19, call, Clegg emailed Slavitt, providing his cell phone number and stating, “Plse don’t hesitate to get in touch as/when needed - it was great to make initial contact, and I cannot stress enough the urgency and importance which we attach to this from the top of the company downwards.”⁹⁵ On March 19, Slavitt replied, “Thanks for the call,” and provided his personal cell phone number as well, adding “Look forward to follow up.”⁹⁶

On March 21, Facebook’s Public Policy team followed up with Flaherty and Slavitt stating that it would work to develop and share additional data on “the most viral COVID vaccine-related content” on Facebook and would be implementing “additional changes that were approved late last week” to “reduc[e] the virality of content discouraging vaccines that does not contain actionable misinformation,” which, Facebook noted, “is often-true content.”⁹⁷ The next day, the Flaherty replied, asking Facebook a barrage of questions, including, “what interventions

⁹² *Id.*, at 1-2.

⁹³ *Id.*, at 2.

⁹⁴ *Id.*, at 6.

⁹⁵ Email from Nick Clegg to Andy Slavitt (Mar. 19, 2021, 3:24 PM); *see* Ex. 12.

⁹⁶ Email from Andy Slavitt to Nick Clegg (Mar. 19, 2021, 6:28 PM); *see* Ex. 12.

⁹⁷ Email from Facebook personnel to White House staff (Mar. 21, 2021, 11:25 PM); *see* Ex. 15.

are being taken on ‘skepticism?’” adding that Slavitt was willing to talk to Clegg “a couple times per week if its [sic] necessary to get all of this.”⁹⁸

On March 24, 2021, the Center for Countering Digital Hate (CCDH), a United Kingdom-based non-profit, published a “report” that claimed that Robert F. Kennedy Jr. and eleven other individuals were responsible for 73% of all “anti-vaccine” content on Facebook.⁹⁹ In the report, CCDH strongly encouraged social media companies to remove all accounts associated with these twelve individuals, which CCDH dubbed the “Disinformation Dozen,” and the accounts of their associated organizations, entirely from their platforms.¹⁰⁰ By March 31, 2021, Facebook had determined that “most of the accounts” associated with the CCDH’s Disinfo Dozen did *not* violate its policies and would not come down under its content moderation policies.¹⁰¹

Meanwhile, on March 26, 2021, Facebook had another call with Flaherty.¹⁰² According to internal notes taken by Facebook to memorialize the call, Facebook again walked the White House through data on how Facebook enforced its policies. Flaherty continued to press for more information regarding removal as well as “tangible examples.”¹⁰³ The call notes state that Flaherty also asked whether Facebook was doing enough to reduce traffic from sites like the *New York Post*: “I’m curious – NY Post churning out articles every day about people dying. What is supposed to happen to that from Policy perspective. Does that article get a reduction, labels?”¹⁰⁴ Facebook reiterated its three-pronged approach: remove, reduce, inform.

Rob – that makes sense. Fascinating. I’m curious – NY Post churning out articles every day about people dying. What is supposed to happen to that from Policy perspective. Does that article get a reduction, labels?

In response, Flaherty stated that rather than “inform – intellectually *my bias is to kick people off*” Facebook, while recognizing “targeting” “people that engage with antivax content” may be the “path of most impact.”¹⁰⁵ Ultimately, Facebook ended the meeting by agreeing to meet regularly with the Biden White House on these issues.¹⁰⁶

⁹⁸ Email from Facebook personnel to White House staff (Mar. 22, 2021, 4:51 PM); *see* Ex. 15.

⁹⁹ *The Disinformation Dozen: Why Platforms Must Act on Twelve Leading Online Anti-Vaxxers*, CENTER FOR COUNTERING DIGITAL HATE (Mar. 24, 2021), <https://counterhate.com/wp-content/uploads/2022/05/210324-The-Disinformation-Dozen.pdf>.

¹⁰⁰ *Id.* In its report, CCDH labeled the following twelve individuals as the “Disinformation Dozen”: 1. Joseph Mercola 2. Robert F. Kennedy, Jr. 3. Ty and Charlene Bollinger 4. Sherri Tenpenny 5. Rizza Islam 6. Rashid Buttar 7. Erin Elizabeth 8. Sayer Ji 9. Kelly Brogan 10. Christiane Northrup 11. Ben Tapper 12. Kevin Jenkins.

¹⁰¹ Internal email between Facebook personnel (Mar. 31, 2021, 7:35 PM); *see* Ex. 20.

¹⁰² Facebook notes from call with White House staff (Mar. 26, 2021); *see* Ex. 6.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.* (emphasis added).

¹⁰⁶ *Id.*

Rob – I can go over 12:30 if you can. My question on inform – intellectually my bias is to kick people off. Inform, intellectually, maybe path of most impact. How are you measuring impact when you do inform? Is there secret sauce targeting that we can use? Stanford has suggested building targeting tools of people that engage with antivax content.

Two days later, on March 28, Facebook emailed Flaherty, thanking him for meeting and following up on questions that Flaherty had about Facebook’s efforts to censor vaccine related content on WhatsApp.¹⁰⁷ On March 30, Flaherty replied, questioning whether Facebook had censorship on WhatsApp “under control.”¹⁰⁸

Meanwhile, on March 29, 2021, Clegg emailed Slavitt directly, stating he was told the meeting with “Rob Flaherty on Friday [March 26] went well. Do tell me if you hear otherwise”¹⁰⁹ On March 29, Slavitt replied, “I heard the same. Which is really nice given that things are starting to heat up on the topic. So thank you. Look forward to the follow up.”¹¹⁰

C. April 2021: Biden White House Escalates Pressure on Facebook to Censor More Anti-Vaccine Content

Facebook met with the Biden White House again on April 5, 2021.¹¹¹ Internal Facebook call notes reveal that, during the meeting, President Biden’s head of strategic communications and public engagement for COVID-19 response, Courtney Rowe, mocked rural Americans’ ability to determine what is true and what is not, allegedly stating, “If someone in rural Arkansas sees something on FB, it’s the truth.”¹¹² In the meeting, Facebook pointed out that it was “[s]eeing a trend in memes and satire making fun of individuals that don’t want to get vaccine.”¹¹³ Near the end of the meeting, Facebook noted that it would start providing the Biden White House with “the major themes that we’re seeing each week,” from “[f]lat out, adversarial misinfo” to “vaccine hesitant content.”¹¹⁴ Two days later, an internal Facebook email stated that the team “may be asked to do even further policy development on vaccine hesitant entities” to “address the perceived ‘gaps.’”¹¹⁵

Courtney: Would be great to follow up with [REDACTED] Love that broken down by region and demographics. But equally important, how do we work with you all to push back on it. If someone in rural Arkansas sees something on FB, it’s the truth.

¹⁰⁷ Email from Facebook personnel to Rob Flaherty (Mar. 28, 2021, 5:51 PM); *see* Ex. 16.

¹⁰⁸ Email from Rob Flaherty to Facebook personnel (Mar. 28, 2021, 8:51 PM); *see* Ex. 17.

¹⁰⁹ Email from Nick Clegg to Andy Slavitt (Mar. 29, 2021, 1:40 AM); *see* Ex. 12.

¹¹⁰ Email from Andy Slavitt to Nick Clegg (Mar. 29, 2021, 4:17 AM); *see* Ex. 12.

¹¹¹ Facebook notes from call with White House staff (Apr. 5, 2021) (on file with the Comm.); *see* Ex. 6.

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ Internal email between Facebook personnel (Apr. 7, 2021, 2:35 PM); *see* Ex. 20.

Accusations from the CCDH’s Disinformation Dozen report also were proving to be a challenge, even though some of the entities “were completely benign” according to Facebook’s internal assessment.¹¹⁶ At the time, Facebook understood that vaccine hesitancy is not the same as misinformation.¹¹⁷

From: [REDACTED] </O=THEFACEBOOK/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS /CN=801D8F2FAB0F4236A38CD9150799E9DE [REDACTED]>
To: [REDACTED]
Sent: 4/7/2021 5:44:31 PM
Subject: Re: Top Entities / Enforcement

Thanks for the heads up; I obviously agree with all of this. There is an underlying assumption that all of these entities are bad (and some of them are, I’m sure) but even some of the 38 Disinfo Dozen entities were completely benign. To really push farther than what we have already done would likely be out of the misinfo realm, since vaccine hesitancy is often or mostly not misinfo. A few ideas that come to mind:

- Major change to DVDE: Only require 1 CS strike and lower the amount of B2V required
- DVDE but without any CS strike requirement
- Make B2V part of the Community Standards

The last one is the nuclear option but also the one most likely to have a meaningful impact.

On April 9, 2021, Facebook emailed the Biden White House, explaining the ways in which it was already working to limit the virality of certain vaccine-related content on its WhatsApp platform.¹¹⁸ Facebook also emphasized that Facebook would continue “to design further product features that limit virality [of COVID and vaccine-related information] on WhatsApp.”¹¹⁹ Later that day, Flaherty replied, “In the electoral context, you tested and deployed an algorithmic shift that promoted quality news and information about the election. This was reported in the New York Times and also readily apparent to anyone with cursory social listening tools. You only did this, however, after an election that you helped increase skepticism in, and an insurrection which was plotted, in large part, on your platform. And then you turned it back off. *I want some assurances, based in data, that you are not doing the same thing again here.*”¹²⁰ Facebook replied that the company understood.¹²¹

On April 13, 2021, Nick Clegg emailed Andy Slavitt following news that Centers for Disease Control and Prevention (CDC) and Food and Drug Administration (FDA) recommended that states pause using the Johnson & Johnson vaccine, stating, “Re the J+J news, we’re keen to amplify any messaging you want us to project about what this means for people – it obviously has the risk of exacerbating vaccine hesitancy, so we’re keen to get ahead of the knock-on effect. Don’t hesitate to tell me – or via your teams – how we can help to provide clarity/reassurance via Facebook.”¹²² Facebook’s Public Policy team also forwarded Clegg’s email to Flaherty and Courtney Rowe, noting that Facebook wanted “to make sure we are amplifying the right messages.”¹²³ In response, on April 13, Flaherty asked Facebook staff for a “commitment from

¹¹⁶ Internal email between Facebook personnel (Apr. 7, 2021, 5:44 PM); *see* Ex. 20.

¹¹⁷ *Id.*

¹¹⁸ Email from Facebook personnel to Rob Flaherty (Apr. 9, 2021, 11:15 AM); *see* Ex. 21.

¹¹⁹ *Id.*

¹²⁰ Email from Rob Flaherty to Facebook personnel (Apr. 9, 2021, 2:56 PM); *see* Ex. 22 (emphasis added).

¹²¹ Email from Facebook personnel to Rob Flaherty (Apr. 10, 2021, 2:33 PM); *see* Ex. 22 (emphasis added).

¹²² Email from Nick Clegg to Andy Slavitt (Apr. 13, 2021, 9:18 AM); *see* Ex. 12.

¹²³ Email from Facebook personnel to White House staff (Apr. 13, 2021, 12:21 PM); *see* Ex. 24.

[Facebook] to make sure that a favorable review reaches as many people as the pause, either through hard product interventions or algorithmic amplification.”¹²⁴

The Biden White House Pressured Facebook to Censor Critics of the Biden Administration, Including Tucker Carlson, Tomi Lahren, and Other Conservative Media

On April 14, 2021, Facebook had a call with the Biden White House.¹²⁵ Prior to the call, Slavitt emailed Clegg about a video that journalist Tucker Carlson had released the night before questioning whether COVID vaccines were safe and effective, stating, “Number one on Facebook. Sigh. Big reveal call with FB and WH today. No progress since we spoke. Sigh.”¹²⁶

Internal meeting notes reveal that Facebook understood that the White House wanted “empirical information regarding success of interventions”—that is, data on the effectiveness of Facebook’s censorship.¹²⁷ Indeed, in the meeting, Flaherty explained to Facebook that, “We have to explain to President [Biden], Ron [Klain, White House Chief of Staff], people, why there is misinfo on the internet, bigger problem than FB.”¹²⁸

Rob: Three things. We have to explain to President, Ron, people, why there is misinfo on the internet, bigger problem than FB. Where issues are, what interventions are, how well they are working, for products, want to engage in things that you know to be effective. I don’t even care about specific methodology, you have better, richer data than we’ll ever have. What are the things driving hesitancy on your platform? What is it? How big is the problem? When you are intervening, how are you measuring success? I say these things because candidly there is not a lot of trust towards FB, I need to know what theory of the case is, where we can be most effective. I am, personally, nervous, reported that there are interventions that have been done in other contexts, like NEQ score, that have been pulled back. Want to make sure that you’re not finding things that are effective that you aren’t doing.

At one point in the meeting, Flaherty asked Facebook about the “material impact” of “chang[ing] the algorithm so that people were more likely to see NYT, WSJ, any authoritative news source over Daily Wire, Tomi Lahren, polarizing people.”¹²⁹

Rob: If you were to change the algorithm so that people were more likely to see NYT, WSJ, any authoritative news source over Daily Wire, Tomi Lahren, polarizing people. You wouldn’t have a mechanism to check the material impact?

During the meeting, Facebook also explained how it was “actively pushing to remove” the Disinformation Dozen from its platform.¹³⁰ But later in the meeting, Flaherty began to grow

¹²⁴ Email from Rob Flaherty to Facebook personnel (Apr. 14, 2021, 1:33 PM); *see* Ex. 24.

¹²⁵ Email from Nick Clegg to Rob Flaherty (Apr. 14, 2021, 10:52 AM); *see* Ex. 24.

¹²⁶ Email from Andy Slavitt to Facebook personnel (Apr. 14, 10:01 AM); *see* Ex. 28 (emphasis added); *see* Tucker Carlson Tonight, FACEBOOK (Apr. 13, 2021), <https://www.facebook.com/watch/?v=1145773552514245>.

¹²⁷ Facebook notes from call with White House staff (Apr. 14, 2021); *see* Ex. 6.

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

impatient, stating, “I feel like we’re running around in circles. [] This feels like we’re chasing our tails. If you don’t want to give information, just say that. I don’t want to feel like I’m going to a dog and pony show. My dream is for FB to play ball. It’s about will we get out of this f***king mess.”¹³¹

Rob: I feel like we’re running around in circles. Some partners give us lots of information, some partners tell us to fuck right off. This feels like we’re chasing our tails. If you don’t want to give information, just say that. I don’t want to feel like I’m going to a dog and pony show. My dream for FB to play ball. It’s about will we get out of this fucking mess. I’m not doubting that you are sincerely trying to solve this problem in good faith. I’m doubting that you are telling us everything or that you Lindsay aren’t getting the resources you need to tackle this. Of 1% of vaccine info, this is what’s concerning, this is who is seeing it, this is what we’re doing.

Following the meeting, on April 14, 2021, Flaherty, copying Slavitt, emailed Facebook demanding to why Facebook had allowed videos by Tomi Lahren and Tucker Carlson to become the top posts about vaccines on Facebook for two consecutive days, adding, “This is exactly why I want to know what ‘Reduction’ actually looks like – if ‘reduction’ means ‘pumping our most vaccine hesitant audience with tucker Carlson saying it doesn’t work’ then . . . I’m not sure it’s reduction!”¹³²

From: Flaherty, Rob EOP/WHO <[REDACTED]@who.eop.gov>
Sent: Wednesday, April 14, 2021 1:10:41 PM
To: [REDACTED]@fb.com>
Cc: Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>
Subject: tucker

Since we’ve been on the phone – the top post about vaccines today is tucker Carlson saying they don’t work. Yesterday was Tomi Lahren saying she won’t take one. This is exactly why I want to know what “Reduction” actually looks like – if “reduction” means “pumping our most vaccine hesitant audience with tucker Carlson saying it doesn’t work” then...I’m not sure it’s reduction!

Rob Flaherty
Director of Digital Strategy
The White House
Cell: [REDACTED]

That evening, Nick Clegg sent a follow-up email to Andy Slavitt, stating, “Hi Andy - have looked into this some more. I realize it may be of limited comfort at this moment, but this was not the most popular post about vaccines on Facebook today. Our data is slightly lagging, and we’ll get back to you with more detail on this specific post tomorrow. Right now, it appears that it probably was among the top 100 most-viewed vaccine posts. I’m including a few examples of posts that were more popular today at the end of this note,” which just happened to be posts by CNN, ABC, NBC, the New York Times, the CDC, CBS, and Heather Cox Richardson, an outspoken proponent of Joe Biden.¹³³ Clegg continued, “Regardless of

¹³¹ *Id.* (emphasis and asterisks added).

¹³² Email from Rob Flaherty to Facebook personnel (Apr. 14, 2021, 1:10 PM); see Ex. 25.

¹³³ Email from Nick Clegg to Andy Slavitt (Apr. 14, 2021, 10:51 PM); see Ex. 28; see David Smith, ‘An end of American democracy’: Heather Cox Richardson on Trump’s historic threat, THE GUARDIAN (Oct. 7, 2023).

popularity, *the Tucker Carlson video does not qualify for removal under our policies*. Following the government's decision yesterday, we are allowing claims that the Johnson and Johnson vaccine causes blood clots, but we still do not allow categorical claims that it or other vaccines are unsafe or ineffective. *That said, the video is being labeled with a pointer to authoritative COVID information, it's not being recommended to people, and it is being demoted.*¹³⁴ Facebook staff then forwarded Clegg's email to Flaherty.¹³⁵

From: Nick Clegg <[REDACTED]@fb.com>
Date: Wednesday, April 14, 2021 at 10:51 PM
To: Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>
Cc: [REDACTED]@fb.com>
Subject: Re: Tucker Carlson anti-vax message.

Hi Andy - have looked into this some more.

I realize it may be of limited comfort at this moment, but this was not the most popular post about vaccines on Facebook today. Our data is slightly lagging, and we'll get back to you with more detail on this specific post tomorrow. Right now, it appears that it probably was among the top 100 most-viewed vaccine posts. I'm including a few examples of posts that were more popular today at the end of this note.

Regardless of popularity, the Tucker Carlson video does not qualify for removal under our policies. Following the government's decision yesterday, we are allowing claims that the Johnson and Johnson vaccine causes blood clots, but we still do not allow categorical claims that it or other vaccines are unsafe or ineffective.

That said, the video is being labeled with a pointer to authoritative COVID information, it's not being recommended to people, and it is being demoted.

The team is working on the follow ups from the meeting this morning, including more details on most viewed/ranked content on Facebook and [REDACTED] will be in touch shortly on that - I'm v keen that we follow up as we'd agreed, and I can assure you the teams here are on it.

Given the timeline that was provided today for further decision about the J&J vaccine, it would be great to get your guidance about what affirmative messages we should amplify right now. Consistent with the message we heard at the press conferences, we're currently emphasizing the safety and efficacy of the Moderna and Pfizer vaccines in the Covid Information Center.

Popular Vaccine-Related Content on Facebook Today:

CNN: ><https://www.cnn.com/2021/04/13/health/blood-clots-johnson-johnson-vaccine-wellness/index.html><
ABC: ><https://www.facebook.com/10160902498218812><
NBC: ><https://www.nbcnews.com/health/health-news/what-do-if-you-got-johnson-johnson-vaccine-n1263927><
NY Times: ><https://www.nytimes.com/2021/04/13/us/politics/johnson-johnson-vaccine-blood-clots-fda-cdc.html><
CDC: ><https://www.facebook.com/10159031890151026><
CBS: ><https://www.facebook.com/10159467409732010><
Heather Cox Richardson: ><https://www.facebook.com/297363371758902><

All v best

Nick

In his reply later that evening, Flaherty stated, “I guess this is a good example of your rules in practice then — and a chance to dive in on questions as they’re applied. How was this not violative? The second half of the segment is raising conspiracy theories about the government hiding that all vaccines aren’t effective. It’s not about just J&J. What exactly is the rule for removal vs demoting? Moreover: you say reduced and demoted. What does that mean?”

¹³⁴ *Id.*

¹³⁵ Email from Facebook personnel to Rob Flaherty (Apr. 14, 2021, 8:11 PM); *see* Ex. 26.

There’s 40,000 shares on the video. Who is seeing it now? How many? How effective is that? And we’ve gone a million rounds on this in other contexts so pardon what may seem like deja vu — but on what basis is ‘visit the covid-19 information center for vaccine resources’ the best thing to tag to a video that says the vaccine doesn’t work? Not for nothing but last time we did this dance, it ended in an insurrection.”¹³⁶

On Apr 14, 2021, at 11:29 PM, Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov> wrote:

I guess this is a good example of your rules in practice then — and a chance to dive in on questions as they’re applied.

How was this not violative? The second half of the segment is raising conspiracy theories about the government hiding that all vaccines aren’t effective. It’s not about just J&J. What exactly is the rule for removal vs demoting?

Moreover: you say reduced and demoted. What does that mean? There’s 40,000 shares on the video. Who is seeing it now? How many? How effective is that?

And we’ve gone a million rounds on this in other contexts so pardon what may seem like deja vu — but on what basis is “visit the covid-19 information center for vaccine resources” the best thing to tag to a video that says the vaccine doesn’t work?

Not for nothing but last time we did this dance, it ended in an insurrection.

Internal Facebook documents reveal that shortly thereafter Facebook employees exchanged emails, stating, “I find this kind of harassment from White House staff to be terribly galling, but useful to understand their perspective on us clearly.”¹³⁷

To: [REDACTED]@fb.com; Kevin Martin [REDACTED]@fb.com]
From: Joel Kaplan [REDACTED]
Sent: Thur 4/15/2021 7:28:14 AM (UTC-07:00)
Subject: Re: [EXTERNAL] FW: Tucker Carlson anti-vax message.

Open question whether it’s helpful or harmful for me to have to read them too. I find this kind of harassment from White House staff to be terribly galling, but useful to understand their perspective on us clearly . . .

Two days later, on April 16, 2021, Flaherty sent another email to Facebook staff, appearing to express his impatience with Facebook’s delay in response, stating, “These questions weren’t rhetorical.”¹³⁸

A few days later, on April 21, 2021, Facebook’s Public Policy team sent Flaherty a long email, replying to each of Flaherty’s questions, including explaining why Facebook only demoted Tucker Carlson’s post rather than remove it.¹³⁹ In response to Flaherty’s question, “How was the Tucker post not violative?” Facebook staff replied, “while we remove content that explicitly directs people not to get the vaccine, as well as content that contains explicit misrepresentations about vaccines, we reviewed this content in detail and it *does not violate*

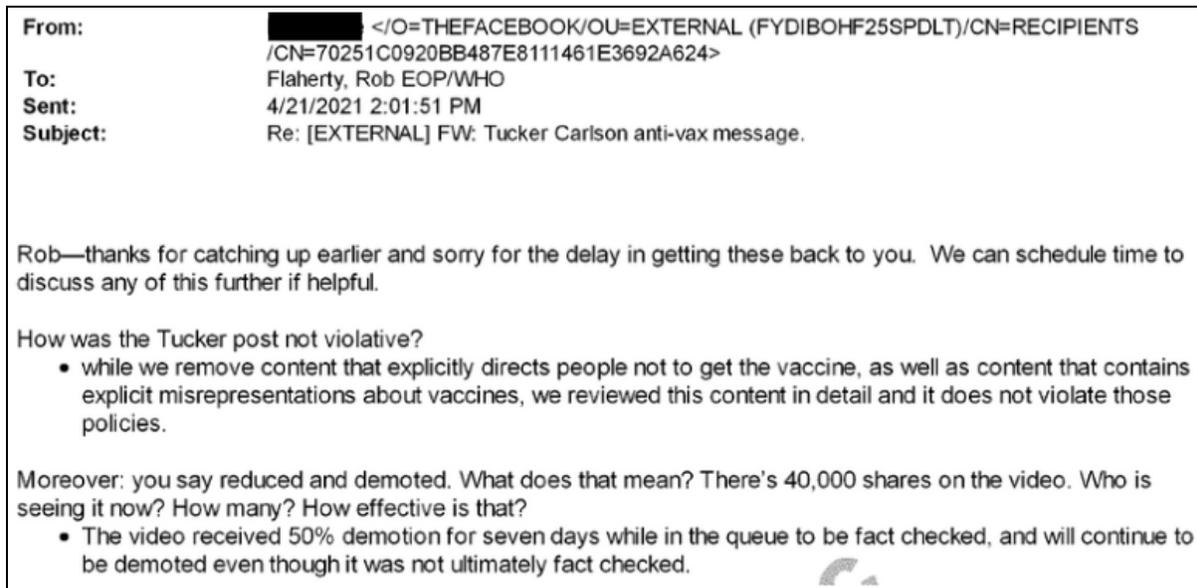
¹³⁶ Email from Rob Flaherty to Facebook personnel (Apr. 14, 2021, 11:59 PM); *see* Ex. 28. (emphasis added).

¹³⁷ Internal email between Facebook personnel (Apr. 15, 2021, 10:23 AM); *see* Ex. 74.

¹³⁸ Email from Rob Flaherty to Facebook personnel (Apr. 16, 2021, 4:37 PM); *see* Ex. 28.

¹³⁹ Email from Facebook personnel to Rob Flaherty (Apr. 21, 2021, 2:01 PM); *see* Ex.28.

those policies.”¹⁴⁰ In response to Flaherty’s question about what Facebook meant by “reduced and demoted” and how effective those measures were given that the video had already received “40,000 shares,” Facebook staff replied, “*The video received 50% demotion for seven days while in the queue to be fact checked, and will continue to be demoted even though it was not ultimately fact checked.*”¹⁴¹



The Biden White House Pressured Facebook to Censor A “Vaccine Discouraging” Meme

Clegg testified to the Committee that sometimes the White House would request, during a phone call with Facebook, that the platform remove specific pieces of content:

They would provide specific examples. And as part of a back-and-forth, we would definitely receive questions about, why did you not remove this content, why did you not remove that content? So it wasn't just a generic or general theoretical discussion. It was sometimes quite a granular discussion about specific posts.¹⁴²

Once such example of the Biden White House requesting specific content be removed from Facebook occurred in mid-April 2021. On April 16, 2021, Clegg emailed Slavitt to provide nonpublic information about the vaccine-related content that Facebook was seeing on its platform “as well as the interventions” it was “deploying to counter misinformation,” adding that the company did not normally share this type of data but “took [the Biden White House’s] cue the other day that it was important to get this to [the Biden White House] quickly even if not

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² House Judiciary Committee’s Transcribed Interview of Nick Clegg (Mar. 1, 2024), at 21-22 (on file with the Comm.).

polished.”¹⁴³ Clegg also noted that it did not yet have “a specific answer on the [Biden White House’s questions about the] Tucker Carlson post.”¹⁴⁴

On April 18, 2021, Clegg informed his team at Facebook that he just “got off [an] hour long call with Andy Slavitt,” in which Slavitt told Clegg that he had “attended a meeting of misinfo researchers (didn’t provide names) organized by Rob F [Flaherty] on Friday in which the consensus was that FB [Facebook] is a “disinformation factory”, and that YT [YouTube] has made significant advances to remove content leading to vaccine hesitancy whilst we [Facebook] have lagged behind.”¹⁴⁵ Clegg then informed his team that Slavitt “was outraged – not too strong a word to describe his reaction – that [Facebook] did not remove” a particular post—a Leonardo DiCaprio meme— “which was third most highly ranked post in the data set [Facebook] sent to him.”



¹⁴³ Email from Nick Clegg to Andy Slavitt (Apr. 16, 2021, 9:07 PM); *see* Ex. 30.

¹⁴⁴ *Id.*

¹⁴⁵ Email from Nick Clegg to Facebook personnel (Apr. 18, 2021, 9:07 PM); *see* Ex. 29.

Clegg “countered that removing content like that would represent a significant incursion into traditional boundaries of free expression in the US but he [Slavitt] replied that the post was directly comparing Covid vaccines to asbestos poisoning in a way which demonstrably inhibits confidence in Covid vaccines amongst those the Biden Administration is trying to reach.”¹⁴⁶ In other words, Slavitt disregarded Clegg’s warning that removing a meme about vaccine side effects would likely violate the First Amendment.¹⁴⁷ Clegg later testified to the Committee that about this call with Slavitt: “And it seemed to me obvious that if Big Tech platforms were to start acting against what was clearly satire, humor, facetiousness online, I mean, it would set a pretty significant precedent.”¹⁴⁸ Clegg concluded by telling his team that, “Given what is at stake here, it would be a good idea if we could regroup to take stock of where we are in our relations with the WH [White House], and our internal methods too.”¹⁴⁹

In testimony before the Committee, Clegg testified that “[the White House] certainly urged us to take down content and pointed out content which they felt should have been removed,” and that the White House’s requests for more to be removed were “a pretty persistent thing” and “at the heart of” most of the calls.¹⁵⁰

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ House Judiciary Committee’s Transcribed Interview of Nick Clegg (Mar. 1, 2024), at 30 (on file with the Comm.).

¹⁴⁹ Email from Nick Clegg to Facebook personnel (Apr. 18, 2021, 9:07 PM); *see* Ex. 29.

¹⁵⁰ House Judiciary Committee’s Transcribed Interview of Nick Clegg (Mar. 1, 2024), at 34, 65-66 (on file with the Comm.).

From: Nick Clegg [REDACTED]@fb.com>
Sent: Sunday, April 18, 2021 9:07:34 PM
To: [REDACTED]@fb.com>; [REDACTED]@fb.com>
Cc: Joel Kaplan [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>
Subject: A/C PRIV White House/Covid

Just got off hour long call with Andy Slavitt. There are some pretty serious – and sensitive (see last point) - issues we need to address. A summary:

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META-118HJC-0053332

- He was appreciative of the data we sent thru on Friday, and confirmed that Rob F had said that they had never received so much data from us before.

BUT:

- Andy attended a meeting of misinfo researchers (didn't provide names) organized by Rob F on Friday in which the consensus was that FB is a "disinformation factory", and that YT has made significant advances to remove content leading to vaccine hesitancy whilst we have lagged behind.
- Whilst appreciative of our emphasis on authoritative vaccine, the principal focus for Andy S and his team in the coming weeks is to reach the "hardest to reach" people who have a propensity to consume vaccine hesitant related content and who are not swayed by official/authoritative sources of content. Our systems, he believes – as confirmed by the researchers – feed vaccine hesitant related content to pockets of the population and that's the problem he wants our help to resolve.
- As an eg, he was outraged – not too strong a word to describe his reaction – that we did not remove this post which was third most highly ranked post in the data set we sent to him:
<https://www.facebook.com/td.mccomas/posts/4106421952731017> I countered that removing content like that would represent a significant incursion into traditional boundaries of free expression in the US but he replied that the post was directly comparing Covid vaccines to asbestos poisoning in a way which demonstrably inhibits confidence in Covid vaccines amongst those the Biden Administration is trying to reach. [It would be very helpful if someone could please check whether this content was also available on YT – Andy's assumption is that YT would never accept something like this]
- V worryingly, towards the end of the conversation, Andy told me in confidence – so please treat it as such – that internal FB employees are leaking to his team (I assume via Rob F) accounts of disobliging remarks made about both Andy and Rob by FB decision makers. Further, that those remarks are coupled with suggestions about how FB should "snow" the White House with info/data about authoritative Covid info in order not to share the most telling/helpful data about content which contributes to vaccine hesitancy. We then discussed the wider issue of trust – or the lack of it – between FB and the Biden team related to the events during the election and beyond, but needless to say I was shocked and embarrassed that somehow we are perceived to be behaving so unprofessionally.

We concluded that he would ask Rob F to share the data and policy recommendations from the researchers with us asap so that we could give a considered reply on further steps we may/may not be able to take. We agreed to speak again once that assessment has been made.

Given what is at stake here, it would also be a good idea if we could regroup to take stock of where we are in our relations with the WH, and our internal methods too.

In response, Facebook's Public Policy team raised the concern that Slavitt's "challenge [felt] very much like a crossroads for us with the [Biden] White House in these early days."¹⁵¹ Another member of Clegg's team, added, "Clearly we have a policy viewpoint gap with [the White House] we need to figure out perspectives on – what we believe violates and what they think does," adding that Facebook need to "get to a common ground on what [it was] doing on substance."¹⁵² Clegg then replied, agreeing that Facebook needed to "identify the gaps" between the White House's "views and [its] policies" and "see what further steps [it could] take."¹⁵³

¹⁵¹ Email from Facebook personnel to Nick Clegg (Apr. 18, 2021, 7:05 PM); see Ex. 29.

¹⁵² Email from Facebook personnel to Nick Clegg (Apr. 18, 2021, 7:30 PM); see Ex. 29.

¹⁵³ *Id.*

From: [REDACTED]@fb.com>
Sent: Sunday, April 18, 2021 7:05 PM
To: Nick Clegg [REDACTED]@fb.com>; [REDACTED]@fb.com>
Cc: Joel Kaplan [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>
Subject: Re: A/C PRIV White House/Covid

Thanks Nick. This is obviously very disheartening to read. Rob made an offhand comment about conversations with “other people from Facebook” during a recent conversation, this is clearly what he was referencing. Because of his history in the digital campaign world, it’s not surprising that he’d have relationships with some of our employees. It’s disheartening and unfortunately no longer surprising to read that our colleagues would portray our conversations this way. I haven’t been part of any conversation that includes disparaging remarks made about Andy, or about any strategy to snow the White House — the only disparaging remarks I’ve heard people make on our calls have been in reference to the disrespectful tone Rob uses with employees at Facebook.

All of that said—Andy’s challenge feels very much like a crossroads for us with the White House in these early days.

From: [REDACTED]@fb.com>
Date: Sunday, April 18, 2021 at 7:30 PM
To: [REDACTED]@fb.com>, Nick Clegg [REDACTED]@fb.com>, [REDACTED]@fb.com>
Cc: Joel Kaplan [REDACTED]@fb.com>, [REDACTED]@fb.com>, [REDACTED]@fb.com>, [REDACTED]@fb.com>
Subject: RE: A/C PRIV White House/Covid

AC PRIV:

As frustrating as these fake leaks and innuendo are (and they are!), my thoughts are that we should not let that distract us from the real issues here, which are the substance. Clearly we have a policy viewpoint gap with them we need to figure out perspectives on – what we believe violates and what they think does... and the belief that YT is doing better than us, which I find so hard to believe. Probably best to spend our effort here and not get sucked into this other thread.

At the end of the day, unless we get to a common ground on what we’re doing on substance, the rest doesn’t really matter.

To: [REDACTED]fb.com]; [REDACTED]@fb.com]; [REDACTED]@fb.com]
Cc: Joel Kaplan [REDACTED]@fb.com]; [REDACTED]@fb.com]; [REDACTED]@fb.com]; [REDACTED]@fb.com]; [REDACTED]@fb.com]; [REDACTED]@fb.com]
From: Nick Clegg[O=THEFACEBOOK/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=NCLEGG6E]
Sent: Mon 4/19/2021 9:40:45 AM (UTC-07:00)
Subject: Re: A/C PRIV White House/Covid

Yep that is of course right: identify the gaps in their views and our policies (incl via feedback from the researchers they’ve been listening to); identify whether there really are such significant gaps between our approach and YT’s; see what further steps we can take.

N

On April 23, 2021, Clegg followed up with Slavitt to address the Biden White House’s “wider questions about whether [Facebook was] drawing the lines re what is removed and/or demoted in the right place,” noting that it was “looking at options” and would “reach out again as/when” it had “worked up new proposals.”¹⁵⁴

The same day, Flaherty sent Facebook staff an email with the subject line “Research Suggestions” that included a document entitled “Facebook COVID-19 Vaccine Misinformation Brief” that Flaherty stated was “circulating around” the White House “and informing thinking.”¹⁵⁵ Flaherty cautioned Facebook, “Don’t read this as White House endorsement of

¹⁵⁴ Email from Nick Clegg to Andy Slavitt (Apr. 23, 2021, 3:50 PM); see Ex. 30.

¹⁵⁵ Email from Rob Flaherty to Facebook personnel (Apr. 23, 2021, 2:27 PM); see Ex. 30.

these suggestions (or, also, as the upper bound of what our thoughts on this might be). But – spirit of transparency – this is circulating around the [White House] building and informing thinking.”¹⁵⁶ The document had two major headings: “Facebook plays a major role in the spread of COVID vaccine misinformation” and “Facebook’s policy and enforcement gaps enable misinformation’s spread.”¹⁵⁷ Under each heading, the document listed multiple bullet points detailing perceived problems with Facebook’s COVID-related censorship efforts, including “Non-English mis/disinformation circulating without moderation (Spanish, Arabic, Chinese, among others)” and how people censored on one Facebook account may still be able to speak freely on another account or “another Facebook owned platform like Instagram.”¹⁵⁸

On April 27, 2021, Clegg emailed Slavitt, noting that Facebook had “received the recommendations/observations from the research organizations you met re covid misinfo etc this afternoon – the teams are now looking at them carefully, and I’ll get back to you once that’s done.”¹⁵⁹

Following Clegg’s call with Slavitt on April 18, Facebook employees began preparing a draft memo to Mark Zuckerberg about the “continued pressure” from the Biden White House to remove “more COVID-19 vaccine discouraging content,” and to remove “entities that are seen to be contributing to a large amount of vaccine misinformation content,” i.e., the Disinfo Dozen, even though the Facebook employees did “not believe we currently have a clear path for removal.”¹⁶⁰

On April 28, 2021, a Facebook employee circulated the draft memo for Facebook CEO Mark Zuckerberg and COO Sheryl Sandberg, writing: “We are facing continued pressure from external stakeholders, including the [Biden] White House . . . to *remove* more COVID-19 vaccine discouraging content. For example, we recently shared with the White House a list of the top 100 vaccine-related posts on FB [Facebook] in the U.S. for the week of 4/5-4/11. While authoritative information dominated the list, the White House was concerned that the #3 post was a vaccine discouraging humorous meme, and they called on us to delete the meme. We didn’t appropriately catch-and-demote this meme (and it shouldn’t be removed as it’s humorous/satirical and arguably true). Still, this incident prompted us to take another hard look at our approach and to **seek your guidance on whether to take more aggressive action against certain vaccine discouraging content.**”¹⁶¹

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ Email from Nick Clegg to Andy Slavitt (Apr. 27, 2021, 12:11 AM); *see* Ex. 20.

¹⁶⁰ Internal emails between Facebook personnel (Apr. 2021); *see* Ex. 31.

¹⁶¹ Internal email between Facebook personnel (Apr. 28, 2021, 4:27 PM); *see* Ex. 31. (emphasis in original).

Subject: [For Decision] Vaccine discouraging content

Mark, Sheryl:

We are facing continued pressure from external stakeholders, including the White House and the press, to *remove* more COVID-19 vaccine discouraging content. For example, we recently shared with the White House a list of the top 100 vaccine-related posts on FB in the U.S. for the week of 4/5-4/11. While authoritative information dominated the list, the White House was concerned that the #3 post was a vaccine discouraging humorous meme, and they called on us to delete the meme. We didn't appropriately catch-and-demote this meme (and it shouldn't be removed as it's humorous/satirical and arguably true). Still, this incident prompted us to take another hard look at our approach and to **seek your guidance on whether to take more aggressive action against certain vaccine discouraging content.**

Options included:

- 25% demotion (which was the current plan)
- 50% or stronger demotion (they said maybe even 80%) if 50% “isn't sufficient to keep such content out of top vaccine posts”
- Remove the content¹⁶²

We also continue to see pressure from partners and policymakers, including the White House, to remove entities that are seen to be contributing to a large amount of vaccine misinformation content (commonly referred to as the “disinformation dozen” which CCDH asserts are responsible for 73% of vaccine misinformation on Facebook). These “disinformation dozen” are linked to 34 accounts across Facebook and Instagram. We have reviewed these entities and determined that 6 accounts violate our policies and will be removed. We continue to review these entities on our platforms, but the remaining accounts do not currently violate our policies - including our Dedicated Vaccine Discouraging Entities (DVDE) policy. We believe that these entities understand our policy lines clearly and are careful not to post content that goes beyond these, but rather direct followers and group members to off platform entities where they share more overt vaccine misinformation. We also believe that some of the more high profile entities changed their behavior since our larger takedowns earlier this year, and have stopped posting vaccine misinformation (e.g., RFK's Jr.'s Page). We continue to monitor these entities on platform, and are reviewing the off platform activities as well, but do not believe we currently have a clear path for removal of these.

D. July 2021: Biden White House Pressure Campaign Reaches a Fever Pitch

The pace of communications between Facebook and the White House slowed somewhat during May and June of 2021.¹⁶³ On May 26, 2021, Facebook stopped censoring lab-leak theory.¹⁶⁴ In early July, top Facebook officials, including Clegg, engaged directly with the Surgeon General's Office about alleged misinformation.¹⁶⁵ But the situation began to rapidly change in mid-July.

On July 14, 2021, the Eric Waldo of the Surgeon General's office informed Facebook that Surgeon General Vivek Murthy would be releasing an “Advisory” the following day “about

¹⁶² *Id.*

¹⁶³ See generally May and June email chains between Facebook personnel and White House staff; see Ex. 32, 37, 40, 41, 43, 44, 45, & 46.

¹⁶⁴ Internal email from Facebook personnel to Mark Zuckerberg (June 6, 2021, 2:24 PM); see Ex. 37.

¹⁶⁵ See, e.g., Email from Surgeon General's office personnel to Facebook personnel (July 6, 2021, 9:47 AM); see Ex. 50.

the importance of addressing health misinformation” and expected to regularly connect with Facebook “about this and more” in the future.¹⁶⁶ In a follow-up email on the same day, the Surgeon General’s Office informed Facebook that “the Advisory notes that technology companies and social media organizations have a role to play in product and policy design to help slow the spread of health misinformation.”¹⁶⁷

July 15, 2021: Surgeon General’s Advisory released

On July 15, 2021, the Surgeon General’s office emailed Facebook, highlighting the Advisory and Surgeon General Vivek Murthy’s statements that “American lives are at risk” unless social media companies “do more to address the spread [of misinformation] on their platforms.”¹⁶⁸ The same day, then-White House press secretary Jen Psaki held a joint press briefing with Surgeon General Murthy and criticized “Facebook specifically for [its] handling of COVID misinformation and listed four steps” the White House believed Facebook should be taking, citing CCDH’s claim that “12 people”—that is, the so-called Disinformation Dozen—were “producing 65 percent of anti-vaccine misinformation on social media platforms” and noting that it was “important to take faster action against harmful posts.”¹⁶⁹

Following these statements, Facebook scrambled to determine whether the so-called Disinformation Dozen had been “totally removed” from its platforms, with one employee noting that “The White House made a statement about these accounts and now leadership is interested in what the status is, we’d like to do this now if at all possible.”¹⁷⁰ (Following its review, Facebook “identified 39 accounts that are owned by, or appear to be linked to, the Disinfo Dozen,” of which 15 had been disabled, four were “experiencing feature blocks,” 10 were in “non-rec status,” and the remaining accounts had not posted “sufficient violating content” recently to be disabled or incur penalties.)¹⁷¹ Meanwhile, other Facebook employees emailed internally, noting that the Biden Administration’s definition of “misinformation” was “completely unclear,” and that it “seems like when the vaccination campaign isn’t going as hoped, it’s convenient for them to blame us.”¹⁷² Another added that the Biden White House’s response seemed like “a political battle . . . not fully grounded in facts, and it’s frustrating.”¹⁷³

¹⁶⁶ Email from Eric Waldo to Nick Clegg and other Facebook personnel (July 14, 2021, 5:21 PM); *see* Ex. 50.

¹⁶⁷ *Id.*

¹⁶⁸ Email from Eric Waldo to Nick Clegg and other Facebook personnel (July 15, 2021, 9:08 AM); *see* Ex. 50.

¹⁶⁹ Internal email from Facebook personnel to Nick Clegg (July 15, 2021, 4:21 PM); *see* Ex. 54; Press Briefing by Press Secretary Jen Psaki and Surgeon General Dr. Vivek H. Murthy, July 15, 2021, THE WHITE HOUSE.

¹⁷⁰ Internal text thread between Facebook personnel (July 15, 2021); *see* Ex. 75.

¹⁷¹ *Id.*

¹⁷² Internal email among Facebook personnel (July 16, 2021, 7:32 PM); *see* Ex. 54.

¹⁷³ Internal email among Facebook personnel (July 16, 2021, 8:14 PM); *see* Ex. 54.

From: ██████████ </O=THEFACEBOOK/OU=EXTERNAL (FYDIBOHF25SPDLT)/CN=RECIPIENTS /CN=8A70307919154AF59F82CFF2CE7AD656>
To: ██████████ MisinfoPolicyTeam
Sent: 7/16/2021 8:14:12 PM
Subject: Re: Biden Admin Health Misinfo Advisory

I agree. This seems like a political battle that's not fully grounded in facts, and it's frustrating. That said, there's good momentum internally right now to get even deeper on the data so we can push back more directly, so hopefully we'll have a bit more to say on this soon.

On July 15, 2021, the Biden White House also emailed Facebook about technical issues that had been affecting follower growth on President Biden's Instagram account (@potus). When a Facebook employee replied that he was unable to explain the internal technical issue but noted that it had been "resolved and should not happen again," Rob Flaherty replied in a tone familiar to Facebook personnel, "Are you guys f***ing serious? I want an answer on what happened here and I want it today."¹⁷⁴

From: "Flaherty, Rob R. EOP/WHO" <██████████@who.eop.gov>
Date: Thursday, July 15, 2021 at 3:29 PM
To: "██████████ EOP/WHO" ██████████@who.eop.gov>, ██████████ (IG)" <██████████@fb.com>, ██████████@fb.com>
Subject: RE: Follow up on WH questions

Are you guys fucking serious? I want an answer on what happened here and I want it today.

July 16, 2021: President Biden says that Facebook is "killing people"

On July 16, 2021, Facebook met with the Surgeon General's office to discuss the advisory the Surgeon General had announced publicly the day before.¹⁷⁵ Prior to the meeting, Facebook emailed internally about how CCDH's Disinformation Dozen report was both flawed and yet still being repeatedly cited by those who were alleging that Facebook was "contributing significantly to vaccine hesitancy."¹⁷⁶ One Facebook employee lamented that CCDH's data was "now being used to guide major governmental policy decisions" and expressed concern that the Biden White House may not be making decisions "based on grounded data."¹⁷⁷ He added, "it seems like the WH thinks that if we just removed these 12 accounts, this would cause 65 percent of anti-vax misinformation to go away."¹⁷⁸

Internal Facebook notes from the July 16 meeting reveal that the Surgeon General's office stated that "the [Biden] Administration is concerned about misinformation generally" and

¹⁷⁴ Email from Rob Flaherty to Facebook personnel (July 15, 2021, 3:29 PM); *see* Ex. 51; *see also* House Judiciary Committee's Transcribed Interview of Nick Clegg (Mar. 1, 2024), at 29 (on file with the Comm.).

¹⁷⁵ Internal email between Facebook personnel (July 16, 2021); *see* Ex. 55.

¹⁷⁶ Internal email between Facebook personnel (July 16, 2021, 10:21 AM); *see* Ex. 57.

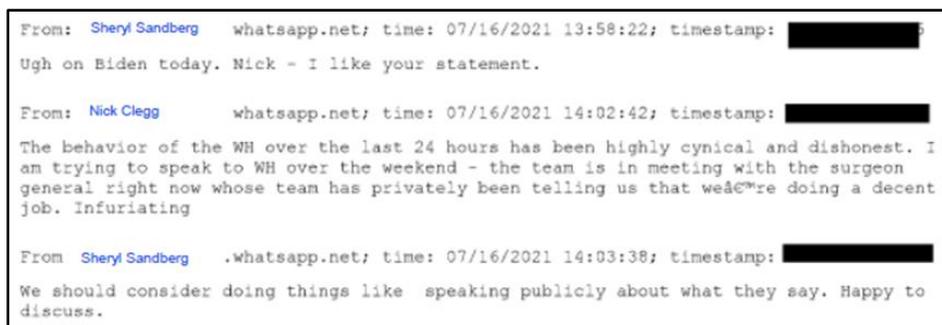
¹⁷⁷ Internal email between Facebook personnel (July 16, 2021, 11:58 AM); *see* Ex. 57.

¹⁷⁸ *Id.*

“made it clear that the [Biden] Administration is indeed concerned that misinformation” on Facebook was “jeopardizing proactive COVID vaccination efforts.”¹⁷⁹ The Surgeon General’s office also told Facebook that while it had made “some progress” to curtail misinformation, its work had “fallen short” and the company could “do more,” such as by taking “quicker actions on harmful content.”¹⁸⁰ In response, Facebook stated that it had “invested considerable resources to improve [its] misinformation policies and enforcement actions” and “substantially demoted borderline COVID information, even if it is not false.”¹⁸¹ But that was not enough. Ultimately, internal documents reveal that Facebook “left the meeting with the impression that” although the Surgeon General’s office wanted Facebook “to do more,” it was not “sure how to encourage [the company] to take down more problematic content.”¹⁸²

On the same day, White House press secretary Jen Psaki again called out Facebook, citing CCDH’s claim that 12 people were responsible for most of the problematic content online, noting that there were “additional steps” that platforms could take to censor such content, and adding that the Biden Administration had been flagging general “trends” or “narratives,” but “not specific posts,” for Facebook’s attention.¹⁸³ Shortly after Psaki’s statements, President Biden told a reporter that social media companies like Facebook were “killing people” by allowing Covid misinformation to spread on their platforms.¹⁸⁴

Following Biden’s statements, Facebook leadership (CEO Mark Zuckerberg, COO Sheryl Sandberg, Nick Clegg, VP of Global Affairs, and Joel Kaplan, VP for Public Policy) texted noting that “The behavior of the WH over the last 24 hours has been highly cynical and dishonest,” especially given that the Surgeon General’s office had “privately” been telling Facebook that it had been doing a “decent job.”¹⁸⁵



The image is a screenshot of a WhatsApp message thread. It contains three messages. The first message is from Sheryl Sandberg, sent at 13:58:22 on 07/16/2021, with the text: "Ugh on Biden today. Nick - I like your statement." The second message is from Nick Clegg, sent at 14:02:42 on 07/16/2021, with the text: "The behavior of the WH over the last 24 hours has been highly cynical and dishonest. I am trying to speak to WH over the weekend - the team is in meeting with the surgeon general right now whose team has privately been telling us that we're doing a decent job. Infuriating". The third message is from Sheryl Sandberg, sent at 14:03:38 on 07/16/2021, with the text: "We should consider doing things like speaking publicly about what they say. Happy to discuss." The timestamps and sender names are in blue text, and the message content is in black text on a white background.

¹⁷⁹ Internal email between Facebook personnel (July 16, 2021); *see* Ex. 55.

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² *Id.*

¹⁸³ *Id.*; Press Briefing by Press Secretary Jen Psaki, July 16, 2021, THE WHITE HOUSE.

¹⁸⁴ *See* Nandita Bose and Elizabeth Culliford, *Biden says Facebook, others 'killing people' by carrying COVID misinformation*, REUTERS (July 16, 2021).

¹⁸⁵ Message thread between Facebook senior leadership (July 16, 2021); *see* Ex. 56.

Zuckerberg asked if they considered including that “the WH put pressure on us to censor the lab leak theory” as part of its “generic pressure” for the company to “do more.”¹⁸⁶

From: Mark Zuckerberg 07/16/2021 14:48:29; timestamp: [REDACTED]

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Can we include that the WH put pressure on us to censor the lab leak theory?

Sheryl Sandberg texted that the White House was “scapegoating” Facebook to “cover their own missed vaccination rates and a virus they can’t get control of through public policy.”¹⁸⁷

From: Sheryl Sandberg whatsapp.net; time: 07/16/2021 15:02:45; timestamp: [REDACTED]

I think they are scapegoating us to cover their own missed vaccination rates and a virus they can’t get control of through public policy is the best narrative

From: Mark Zuckerberg 07/16/2021 15:05:33; timestamp: [REDACTED]

That is certainly true as well.

The text thread also reveals that Facebook leadership believed it was in a “knife fight” with the Biden White House that may warrant reaching out to Steve Ricchetti, a counselor to President Biden.¹⁸⁸ Zuckerberg thought that the President’s statement was coordinated with Jen Psaki’s statement and the Surgeon General.¹⁸⁹

From: Mark Zuckerberg 07/16/2021 16:44:12; timestamp: [REDACTED]

And I don't believe that this wasn't coordinated. Psaki and the Surgeon General basically made the same point in a less inflammatory way earlier in the week.

The text thread mentioned how the Biden White House was telling reporters that “they have long demanded more action from” Facebook, which was “true,” but Facebook had already “done so much to promote authoritative information” and had been “more effective than other platforms at combating misinformation.”¹⁹⁰ Consequently, Facebook leadership considered whether it should “change [its] model” of how it worked “with the WH on this,” noting, “If

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

they're more interested in criticizing us than actually solving the problems, then I'm not sure how it's helping the cause to engage with them further.”¹⁹¹

```
From: Mark Zuckerberg 07/16/2021 16:16:40; timestamp: [REDACTED]
I also wonder if we should change our model of how we work with the WH on this.
From: Mark Zuckerberg 07/16/2021 16:17:19; timestamp: [REDACTED]
If they're more interested in criticizing us than actually solving the problems, then
I'm not sure how it's helping the cause to engage with them further.
```

Clegg added that “whether the WH want[ed] to deescalate” the situation – “tho[ugh] much damage ha[d] already been done,” and Facebook “need[ed] to reset” its “working relationship with them.”¹⁹² Facebook leadership also noted the double standard between the media coverage of statements by President Biden versus President Trump, stating, “Did Trump say things this irresponsible? If Trump blamed a private company not himself and his govt, everyone would have gone nuts.”¹⁹³

```
From: Sheryl Sandberg .whatsapp.net; time: 07/16/2021 18:52:41; timestamp: [REDACTED]
And another thought. Did Trump say things this irresponsible? If Trump blamed a private
company not himself and his govt, everyone would have gone nuts.
```

On July 16, 2021, Clegg emailed Surgeon General Murthy about “what has transpired over the past few days following the publication of the misinformation advisory, and culminating today in the President’s remarks about” Facebook.¹⁹⁴ Clegg explained to Murthy that teams from Facebook and the Surgeon General’s office met to “better understand the scope of what the White House expect[ed] from [Facebook] on misinformation going forward.”¹⁹⁵ Facebook noted that while it certainly had understood “for some time” that there was “disagreement on some of the policies governing [its] approach and how they are being enforced,” it felt unfairly singled out and wanted “the opportunity to speak directly to discuss a path forward.”¹⁹⁶ On July 19, 2021, Surgeon General Murthy replied, stating, “I know the last few days have been challenging. I’d be happy to speak directly about how we move forward.”¹⁹⁷

July 17-21: Facebook in Damage Control

On July 17, a Vice President at Facebook, emailed Anita Dunn, a senior advisor to President Biden, seeking “to connect with [Dunn] on the President’s comments on Covid misinfo

¹⁹¹ *Id.*

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ Email from Nick Clegg to Surgeon Gen. Vivek Murthy (July 16, 2021, 5:43 PM); *see* Ex. 58.

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

¹⁹⁷ Email from Surgeon Gen. Vivek Murthy to Nick Clegg (July 19, 2021, 3:29 PM); *see* Ex. 58.

and [Facebook’s] work there. Really could use your advice and counsel on how we get back to a good place here.”¹⁹⁸ The Facebook employee added:

While there’s always been a disagreement on where the lines should be on misinfo generally, we have genuinely tried to work with the administration in good faith to address the gaps and solve the problems. As I hope you know, we’ve been doing a significant amount of work to both fight the misinfo and fight the pandemic through authoritative information. Obviously, yesterday things were pretty heated, and I’d love to find a way to get back to pushing together on this – we are 100% on the same team here in fighting this and I could really use your advice.¹⁹⁹

In response, on July 17, Dunn added Flaherty to the email chain because, in Dunn’s words, “he has been following your platform (and others) closely when it comes to flow of information and misinformation.”²⁰⁰ Flaherty chimed in, stating that he was “[h]appy to connect.”²⁰¹ And Ginsburg replied back, “We’d love to find a way to get things back to a productive conversation,” adding other Facebook personnel to the email chain and noting that Rob and the employee “have a tight working relationship already.”²⁰² The employee then chimed in, noting that Facebook “had a conversation with the Surgeon General’s office yesterday to discuss the advisory In [*sic*] more detail and hope to continue to work to address concerns.”²⁰³ The Facebook employee concluded his email, noting “Along with David [Ginsburg]—I am really hoping to close the gap in terms of what’s playing out publicly and what we might be able to accomplish working together,” adding “Rob—I’m around anytime for a conversation.”²⁰⁴

Meanwhile, on July 17, 2021, Facebook circulated an email internally about running an exercise to “determine the content that the White House would want us to remove vs what we are currently removing,” so that it could demonstrate that it was “in fact removing a sizable proportion of content and that the remaining delta is not content that the general public would be comfortable with [it] removing.”²⁰⁵ In its discussion, Facebook pointed out that the Surgeon General’s advisory defined misinformation “to include people posting truthfully about experiencing rare side effects,” which it “obviously strongly disagree[d] with.”²⁰⁶

On July 17, 2021, Facebook also published a statement entitled, “Moving Past the Finger Pointing,” in which it noted that, while the “Biden administration has chosen to blame” companies like Facebook for failing to meet its vaccination goals, Facebook had been taking action against vaccine misinformation, including “on all eight of the Surgeon General’s recommendations.”²⁰⁷ Clegg privately texted this statement to the Slavitt, stating that Facebook was hoping to avoid “further public broadsides,” and would reach out to Surgeon General

¹⁹⁸ Email from Facebook personnel to White House staff (July 17, 2021, 5:52 PM); *see* Ex. 60 (emphasis added).

¹⁹⁹ *Id.* (emphasis added).

²⁰⁰ Email from White House staff to Facebook personnel (July 17, 2021, 5:56 PM); *see* Ex. 60.

²⁰¹ Email from Rob Flaherty to Facebook personnel (July 17, 2021, 3:06 PM); *see* Ex. 60.

²⁰² Email from Facebook personnel to Rob Flaherty (July 17, 2021, 6:14 PM); *see* Ex. 60.

²⁰³ Email from Facebook personnel to Rob Flaherty and Facebook personnel (July 17, 2021, 3:23 PM); *see* Ex. 60.

²⁰⁴ *Id.* (emphasis added).

²⁰⁵ Internal email between Facebook personnel (July 17, 2021, 7:57 AM); *see* Ex. 59.

²⁰⁶ Internal email between Facebook personnel (July 17, 2021, 11:08 AM); *see* Ex. 59.

²⁰⁷ Guy Rosen, *Moving Past the Finger Pointing*, FACEBOOK (July 17, 2021).

Murthy in the hopes that it could “resume a sensible conversation, notwithstanding the differences,” “reset and move on.”²⁰⁸ Slavitt replied, noting that the Biden White House did not think Facebook’s statement was “very productive,” and that the company was “talking around the problem” instead of focusing on “what more could [it] do,” the latter of which, the Biden White House stated, “is how [it could] move past finger pointing.”²⁰⁹ Clegg stated that while Facebook understood the White House’s position, it was a “big deal when POTUS accuses a major US Corp of killing people.”²¹⁰ Slavitt countered that the Biden White House was right to be “troubled” that “7 of the top 10 vaccine posts on FB are anti-vaxx,” such as a post by Candace Owens that stated “the government is hiding vaccine deaths.”²¹¹ He added that the Biden White House wanted Facebook “to come clean with how many people see these posts and what [the company was] doing about them,” adding that it has “asked and asked” for this information.²¹² In response, Clegg told Slavitt that Facebook was “now doing a full refreshed analysis of the delta between FB’s misinfo coverage/definition and what [it thought] the WH would want [it] to do.”²¹³

On July 19, as Facebook worked to identify the “delta [] for what the WH would want removed (vs what [Facebook did] remove),” senior Facebook employees texted back and forth about the pressure the company was under from the Biden White House.²¹⁴ Clegg wrote that the “WH advisor” he had “been dealing with [was] totally focused on [the] top 10 Crowdtangle Covid posts.”²¹⁵ He added that, “The Biden walkback of his earlier comments is significant – and v deliberate – I think the way he hit back this weekend had a real effect.”²¹⁶ Clegg noted that he had been communicating with Facebook CEO Mark Zuckerberg “re the significance of the WH olive branch.”²¹⁷ Clegg also informed his team that over the last several days he had had phone “calls with Andy Slavitt et al till 3 am on several occasions” and “many calls” with Zuckerberg and Sandberg, adding that the White House and wanted Facebook to “take down content is which by most measures annoying/alarming but not necessarily harm inducing misinfo.”²¹⁸ In response, Clegg’s team brainstormed ways Facebook could “repair the relationship with the WH,” while Clegg noted that repairing the relationship would be difficult because “there simply isn’t consensus on what misinfo is” and so Facebook needed to know what its “coverage of misinfo” was versus what it thought “the WH would like to see.”²¹⁹

July 21, 2021: Facebook’s internal memo on the gap between what the Biden White House wanted removed and what Facebook felt comfortable removing

²⁰⁸ Text messages between Nick Clegg and Andy Slavitt; *see* Ex. 53.

²⁰⁹ *Id.*

²¹⁰ *Id.*

²¹¹ *Id.*

²¹² *Id.*

²¹³ *Id.*

²¹⁴ Internal email between Facebook personnel (July 19, 2021, 8:05 AM); *see* Ex. 59.; Message thread between Nick Clegg and Facebook personnel (July 19, 2021); *see* Ex. 62.

²¹⁵ Message thread between Nick Clegg and Facebook personnel (July 19, 2021); *see* Ex. 62.

²¹⁶ *Id.*

²¹⁷ *Id.*

²¹⁸ Message from Nick Clegg to FB personnel (July 19, 2021, 5:42 PM); *see* Ex. 62.

²¹⁹ Message from Nick Clegg to FB personnel (July 19, 2021, 10:01 PM); *see* Ex. 62.

On July 21, a Facebook employee circulated an internal memo for Nick Clegg, stating, “There is likely a significant gap between what the WH would like us to remove and what we are comfortable removing. There are some policy mitigations that could get the two parties closer, but Content Policy does not recommend pursuing them.”²²⁰

Nick,

TLDR: There is likely a significant gap between what the WH would like us to remove and what we are comfortable removing. There are some policy mitigations that could get the two parties closer, but Content Policy does not recommend pursuing them.

You asked for information about the delta between content that Facebook is removing and the White House wants us to remove and mitigation options. The White House rarely provides any specificity about what it wants removed, but it routinely complains to us about content identified in critical media reports. We’ve compiled specific criticisms and extrapolated from more general complaints below:

The memo outlined the “delta” between the content that Facebook was removing and the content that the Biden White House wanted Facebook to remove as well as “mitigation options.”²²¹ For example, the Biden White House expressed its desire for Facebook to disable accounts across its platforms and remove “all links to the Disinfo Dozen’s off-platform domains,” both of which Facebook had previously reserved only “for child safety and dangerous organization violations.”²²²

1. Cross-platform disables:

- a. Delta: The WH wants cross-platform disables. We only do cross-platform disables for child safety and dangerous organization violations.
- b. Mitigation (not recommended): We could remove all of a person’s groups/pages/accounts once they have had a single group/page/account removed for covid misinfo violations. This would remove approximately 50 non-violating entities associated with the Disinfo Dozen, including many entities that have nothing to do with COVID or vaccines. We are continuing to research what other entities might be affected.

2. Off-Platform Links:

- a. Delta: The WH wants all links to the Disinfo Dozen’s off-platform domains removed. We only remove links to off-platform content if the content violates child safety or dangerous organizations violations.
- b. Mitigation (not recommended): We could remove all posts from FB/IG if the posts contain a link to domains associated with covid misinfo violators, but it would likely remove significant amounts of benign content posted by regular users, such as their posts about person experiences or government criticism that also include a link to a website. Some of the off-FB/IG websites also have non-covid-related content, so we could be removing posts that are not about COVID and link to the websites for non-COVID reasons. It is unlikely that we have capacity to review individual off-platform links, so we would likely have to execute at a domain level.

The memo stated that the Biden Administration wanted Facebook “to remove true information” about vaccine side effects.²²³

²²⁰ Internal email from Facebook personnel to Nick Clegg (July 21, 2021, 8:35 PM); *see* Ex. 63.

²²¹ *Id.*

²²² *Id.*

²²³ *Id.*

- 1. True information:**
- a. Delta: The Surgeon General wants us to remove true information about side effects if the user does not provide complete information about whether the side effect is rare and treatable. We do not recommend pursuing this practice.
 - b. Mitigation (not recommended): We currently label all of this content and demote some of it. We could remove the content or increase the demotion strength.

Additionally, the memo noted that the Biden White House would like Facebook to “remove content that provides any negative information on or opinions about the vaccine without concluding that the benefits of the vaccine outweigh that information or opinion” as well as “humorous or satirical content that suggests the vaccine isn’t safe.”²²⁴

- 1. Other Vaccine Hesitant Content:**
- a. Delta: The WH generally objects to content that appears in media criticism of our covid misinfo efforts. While we don’t have specifics, we can extrapolate that they would like us to remove content that provides any negative information on or opinions about the vaccine without concluding that the benefits of the vaccine outweigh that information or opinion; humorous or satirical content that suggests the vaccine isn’t safe
 - b. Mitigation: Similar to true information, we recommend adhering to expert advice that we allow open discussion of vaccine safety and efficacy and do not recommend removing this content. We could consider increasing the demotion strength on content being demoted that is still breaking through into top posts.

The memo also indicated that it was likely that the Biden White House wanted Facebook to remove “true content and criticism of the government, both of which,” the company felt the need to add, “are appropriate to allow on platform.”²²⁵

Detailed Assessment of Other Vaccine Hesitant Content:

- 1. The #2 ranked content is an ABC News report about side effects. It is deemed “negative.”
 - a. Delta assessment: We don’t know whether the WH would propose that this reporting from network news should be removed for accurately reporting on side effects. We do not recommend doing so.

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- 1. Five pieces of content (ranking 1, 5, 7, 13, 14) were borderline content and were demoted and labeled, but the demotion strength did not remove them from the top 100 FB posts for the relevant time period. All received the label: “COVID-19 vaccines go through many tests for safety and effectiveness and are then monitored closely” with a link to FB’s COVID-19 Information Center.
 - a. Delta assessment (content assessment below): We suspect the WH believes this content should be removed. We demote and label this content because we find it irresponsible in its sensationalism and lack of context; however, it is a mix of true content and criticism of the government, both of which are appropriate to allow on platform.
 - b. #1, 5, and 7 are from Candace Owens and suggest that the vaccine is experimental or has side effects, including death, and are critical of the government. #5 was also fact-checked by a 3PFC.
 - c. #13 is from Tucker Carlson and offers sensationalized reporting on a true incident of a 12 year old suffering a rare side effect and reporting on a study published in the *Journal of the American Medical Association (JAMA) Pediatrics* about the dangers of wearing masks to children. The content was posted the day after the JAMA study was published. JAMA retracted the study two weeks after publication.
 - d. #15 is from Turning Point USA and suggests that the government has no authority to mandate taking an experimental vaccine.

²²⁴ *Id.*

²²⁵ *Id.*

The internal Facebook memo further explained that the Biden White House had “previously indicated that it thinks humor should be removed if it is premised on the vaccine having side effects,” so Facebook “expect[ed] it would similarly want to see humor about vaccine hesitancy removed.”²²⁶ The memo noted that it did not have “insight” into whether the Biden White House wanted Facebook to remove “personal opinions about government mandates or explanations of personal choices not to get the vaccine,” again feeling the need to add, “We believe there is a strong interest in protecting the expression of personal opinion and personal choice.”²²⁷

1. Five pieces of content (ranking 4, 6, 8, 11, 12) were labeled negative.
 - a. Delta assessment (content assessment below): The WH has previously indicated that it thinks humor should be removed if it is premised on the vaccine having side effects, so we expect it would similarly want to see humor about vaccine hesitancy removed. We don't have insight into whether the WH wants personal opinions about government mandates or explanations of personal choices not to get the vaccine removed. We believe there is a strong interest in protecting the expression of personal opinion and personal choice.
 - b. #4 is a cartoon attempt at humor, suggesting that door-to-door vaccinators would be tied to trees.
 - c. The other four pieces of content all offer personal opinions about mask or vaccine mandates or the decision to be vaccinated.

Finally, the memo outlined the “aggressive actions” that Facebook had taken to censor the Disinfo Dozen since March 2021, including by “expanding the amount” of misinformation it removed and “by giving the ‘Worst of the Worst’ Entities 48 hours to remove all violating misinformation or otherwise [] be removed” from the platform.²²⁸ The memo boasted that, consequently, Facebook removed “known anti-vaxxers” such as Robert F. Kennedy Jr.’s Instagram account, chilling the speech of many of these individuals.²²⁹ The memo concluded by noting that Facebook had removed at least one account associated with 11 of the 12 Disinfo Dozen individuals, adding that when it came to the 12th individual, who posted “mainly about internet censorship now,” Facebook was “watching his profile closely.”²³⁰

Disinfo Dozen Status On Platform:

1. We have been aware of the Disinfo Dozen back in March. We took very aggressive actions based on them, and other entities we flagged, by expanding the amount of Misinfo that we remove and by giving the “Worst of the Worst” entities 48 hours to remove all violating misinformation or otherwise they would be removed. As a result of that, we removed known anti-vaxxers such as RFK Jr.’s IG Account.
2. This resulted in behavior modification by these actors -- RFK stopped posting anti-vax content on his FB page, and some other members of the Disinfo Dozen also stopped posting violating content.
3. We have continued to monitor these accounts and have found the following:
 - a. 91 entities are tied to the Disinfo Dozen (however, the majority of these entities do not share anti-vax content and some post infrequently or stopped posting altogether).
 - b. 23 of those entities have been removed.
 - c. We are confirming additional entities (approx. 15) that may be removed under our “Single Use Multiple Account” and Recidivism policies (we are aiming to have these results by EOD).
 - d. 11 of the 12 Disinfo Dozen members have had one entity removed by us. The 12th posts mainly about internet censorship now. We are watching his profile closely.

²²⁶ *Id.*

²²⁷ *Id.*

²²⁸ *Id.*

²²⁹ *Id.*

²³⁰ *Id.*

In response to this memo, Facebook COO Sheryl Sandberg asked Clegg if Facebook should “do more” to appease the Biden Administration.²³¹ In his reply, Clegg noted that Facebook was also considering “what more data we can share with them which is a big ask from the WH,” adding that “what the WH appears to want us to remove ranges from humor to totally non violating chatter about vaccines. I can’t see Mark [Zuckerberg] in a million years being comfortable with removing that – and I wouldn’t recommend it.”²³² Ultimately, Clegg noted that Facebook should “wait to see what Surgeon Gen tells me on Fri before deciding how/whether we need to make any bigger moves.”²³³

On July 22, 2021, Clegg emailed internally to discuss how Facebook would handle its meeting with the Surgeon General the following day.²³⁴ Emails show that Facebook planned to ask Surgeon General Murthy about “what specific types of misinfo” it was missing so it could “move forward productively.”²³⁵ Clegg also included “Andy Slavitt’s overnight advice on how to understand where the WH is coming from,” which was that the Biden White House would be “frustrated” until Facebook could tell them “how much misinfo [was] being seen by people” and made “a pledge to reduce the amount of misinfo,” the latter of which was “all they care[d] about.”²³⁶ Clegg also mentioned that Facebook COO Sheryl Sandberg was “keen that we continue to explore some moves that we can make to show that we are trying to be responsive to the WH,” while noting that that the “blackholing idea,” which Facebook had initially considered, would not “work after all” given that it would eliminate a lot of benign content.²³⁷ Clegg concluded his email by noting that he believed Facebook’s “current course – in effect explaining ourselves more fully, but not shifting on where we draw the lines or on the data we provide” was “a recipe for protracted and increasing acrimony with the WH.”²³⁸ Clegg then added, “Given the bigger fish we have to fry with the [Biden] Administration,” that “doesn’t seem a great place for us to be, so grateful for any further creative thinking on how we can be responsive to their concerns.”²³⁹

On July 23, 2021, Facebook met with Surgeon General Murthy.²⁴⁰ During the meeting, Clegg explained to the Surgeon General that, “NOT ONE SINGLE post in the top FB 100 posts listed in the reports [Facebook had] to submit to the [Biden] Administration over the last several weeks [was] in any way associated with the ‘disinfo dozen.’”²⁴¹ But Murthy pushed back. As one Facebook employee who attended the meeting recalled, “One thing from Dr. Murthy mentioned at the end [of the meeting] – perhaps worth including as a signal of things to come? – is a broader concern from a well being perspective. He talked about how he travels the country

²³¹ Internal email from Sheryl Sandberg to Nick Clegg (July 21, 2021, 11:01 PM); *see* Ex. 63.

²³² Internal email from Nick Clegg to Sheryl Sandberg (July 21, 2021, 2:13 PM); *see* Ex. 63.

²³³ *Id.*

²³⁴ Internal email from Nick Clegg to Facebook personnel (July 22, 2021, 12:20 AM); *see* Ex. 64.

²³⁵ *Id.*

²³⁶ *Id.*

²³⁷ *Id.*

²³⁸ *Id.*

²³⁹ *Id.*

²⁴⁰ Emails between HHS staff and Facebook personnel (July 23, 2021, 5:34 AM); *see* Ex. 50.

²⁴¹ Internal email from Nick Clegg to Facebook personnel (July 24, 2021, 9:40 AM); *see* Ex. 66.

and hears concerns from people and questions about whether social media is bad for kids, and how this current health misinfo issue is the first one to figure out for the industry.”²⁴²

Ultimately, following the July 23, 2021 meeting, Clegg emailed the Surgeon General to inform him about the steps Facebook had taken “just this past week to adjust policies” to “remove” more “misinformation” and further censor the Disinfo Dozen.²⁴³ Clegg added that it heard the Surgeon General’s “call for [Facebook] to do more” and would keep him informed on the “4 specific recommendations for improvement” he identified.²⁴⁴

Internally, Facebook continued to struggle with how to respond to the Biden White House’s unreasonable demands about the Disinformation Dozen, noting in one July 24, 2021 email, for example, that it was “in a tough spot as the WH’s case – while wrong – is very simple: 12 people are responsible for the vast majority of the anti-vaccine content on Facebook and they’re (almost) all still active on the platform.”²⁴⁵ The email noted that “treating some of these people” as it treated “Dangerous Orgs and Individuals” may be the “only approach” that would bring Facebook “closer in line with the media/WH/policy elites view that [Facebook] should be banning people who repeatedly break [its] rules from all [its] apps.”²⁴⁶

Meanwhile, the Biden White House’s pressure campaign, grounded on the CCDH’s false claims, continued. On July 26, 2021, Facebook internally noted that given the “unrelenting staying power of the misleading stat that 12 people are responsible for 65% of COVID/vaccine misinformation,” featured twice “in comments last week from President Biden,” it felt the need to draft a post about the action it had already taken against the Disinfo Dozen and how their posts represented just a fraction of a percent of Facebook’s total vaccine related content, and that, over the past two months, not a single post in Facebook’s most-viewed vaccine content was from a Disinfo Dozen-associated account.²⁴⁷

E. August 2021: Facebook Relents to the White House Pressure and Changes Its Content Moderation Policies

The preceding few weeks proved too much pressure for Facebook’s leadership to handle and the order was given from the top: change the company’s content moderation policies as quickly as possible.

On August 2, 2021, a Facebook employee circulated an internal email with the subject line “Urgent help assessing misinfo/misinfo adjacent Policy options.”²⁴⁸ In the email, the Facebook employee noted that, “Leadership asked Misinfo Policy and a couple of teams on Product Policy to brainstorm some additional policy levers we can pull to be more aggressive

²⁴² Internal email from Nick Clegg to Facebook personnel (July 26, 2021, 11:50 AM); *see* Ex. 67.

²⁴³ Email from Nick Clegg to Surgeon Gen. Vivek Murthy (July 23, 2021, 7:29 PM); *see* Ex. 69.

²⁴⁴ *Id.*

²⁴⁵ Internal email from Facebook personnel to Nick Clegg (July 24, 2021, 2:44 PM); *see* Ex. 60.

²⁴⁶ *Id.*

²⁴⁷ Internal email from Facebook personnel to Nick Clegg and other Facebook personnel (July 26, 2021, 11:34 AM); *see* Ex. 70.

²⁴⁸ Internal email between Facebook personnel (Aug. 2, 2021, 5:39 PM); *see* Ex. 29.

Our recommendations are specifically targeted at addressing the problem posed by the disinformation dozen accounts continuing to have presences on Facebook/Instagram. Most of the problematic content critics such as the Center for Countering Digital Hate (CCDH) associate with the disinfo dozen are URLs to off-platform content we don't enforce on as a matter of principle. This URL content appears to have a higher prevalence of violating/BV content than the on-platform content posted by the disinfo dozen. We could change our policy approach and start enforcing off platform, but we don't support that from a principled perspective and this would be resource intensive to implement. And blackholing their domains is too blunt, since lots of the content they post on- and off-platform is not even about Covid or vaccines. Instead, we're recommending steps to give less distribution to disinfo dozen URLs so they have less reach and visibility. For example, our fact-checkers have rated some of the most viral and misleading disinfo dozen URLs, so one option below is to leverage that signal to give even less distribution to these domains.

2. Off platform links enforcement

~~a. Blackhole¹ off platform domains associated with removed entities (Not Recommended)~~

- i. **Impact:** If we blackholed all 28 URL domains associated with the Disinfo Dozen, this would remove at least 250M pieces of content, including private messages. Furthermore, if we blackholed all URL domains associated with *any* entity we remove for health misinfo violations, the amount of content removed would be astronomical.
- ii. **Recommendation:** We do not recommend, as it risks enforcing on large volumes of historical content that may not be violating or unrelated to COVID/vaccines.

¹ Blackhole (to) = block across all FB surfaces, ie. content will not be displayed (and, by extension, will be impossible to click on)

The next day, Facebook discussed internally its “touchy relationship with [the Biden White House], which specifically want[ed] [it] to demonstrate additional steps on four issues they’ve raised, including doing more to address the disinfo dozen actors.”²⁵⁴ As a result, Facebook admitted that its “solutions” were “mostly tailored around addressing [the Disinfo Dozen].”²⁵⁵ On August 5, 2021, Clegg’s team provided him with an update on Facebook’s response “to the four asks from the White House” that were “named in the Surgeon General’s Advisory,” outlining four actions Facebook could take to further censor COVID and vaccine related content.²⁵⁶

²⁵⁴ Internal message between Facebook personnel (Aug. 3, 2021, 9:46 AM); *see* Ex. 71.

²⁵⁵ *Id.*

²⁵⁶ Internal email from Facebook personnel to Nick Clegg (Aug. 5, 2021, 9:54 PM); *see* Ex. 72.

Subject: Pre-read Re: MTG: Covid/WH update

██████████

Ahead of our meeting tomorrow, we're providing you with an update on our response to the four asks from the White House and decisions from you on these options. Please see a link to the pre-read with the full details of options [here](#).

As a reminder, the four asks named in the Surgeon General's Advisory:

1. Measure and publicly share the impact of misinformation on their platform. Facebook should provide, publicly and transparently, data on the reach of COVID-19 — COVID vaccine misinformation. Not just engagement, but the reach of the misinformation and the audience that it's reaching.
2. Create a robust enforcement strategy that bridges their properties and provides transparency about the rules
3. Take faster action against harmful posts
4. Promote quality information sources in their feed algorithm. Facebook has repeatedly shown that they have the levers to promote quality information. We've seen them effectively do this in their algorithm over low-quality information and they've chosen not to use it in this case. And that's certainly an area that would have an impact

On August 6, 2021, Facebook met with Surgeon General Murthy.²⁵⁷ Following the meeting, the Surgeon General's office followed up with Facebook, asking if the company could send "an update of any new/additional steps" that it would be "taking with respect to health misinformation in light of the advisory" "within two weeks."²⁵⁸ Facebook replied, stating that it would provide a response within two weeks "outlining [its] approach."²⁵⁹

Internal Facebook documents indicate that following its meeting with the Surgeon General, Facebook met internally and agreed to "further explore four discreet policy options."²⁶⁰ For example, the following day, August 10, Facebook emailed internally, noting the Surgeon General office's request for an update within two weeks, and stating that it would "scope product work" for four changes to further censor vaccine related content and "execute ones that are easy to do."²⁶¹

Over the next two weeks, Facebook internally "scoped the requirements for executing those options."²⁶² On August 19, Facebook leadership circulated an internal memo about how the company would respond "to the Surgeon General on COVID-19 misinformation," which included rolling out the four new measures Facebook had prepared following "the continued criticism of [its] approach from the [Biden] administration" to more aggressively censor vaccine hesitancy and alleged misinformation."²⁶³

Notably, the day before, on August 18, Facebook shared with the Biden White House and Surgeon General's office a statement it had issued regarding how Facebook was handling the

²⁵⁷ Internal email from Facebook staff to Nick Clegg (Aug. 19, 2021, 4:24 PM); *see* Ex. 29.

²⁵⁸ Email from HHS staff to Facebook personnel and Nick Clegg (Aug. 6, 2021, 4:07 PM) *see* Ex. 69.

²⁵⁹ Email from Facebook personnel to HHS staff (Aug. 6, 2021, 9:02 PM); *see* Ex. 69.

²⁶⁰ Internal email from Facebook staff to Nick Clegg (Aug. 19, 2021, 4:24 PM); *see* Ex. 39.

²⁶¹ Internal email from Facebook personnel to Nick Clegg (Aug. 10, 2021, 10:08 PM); *see* Ex. 72.

²⁶² Internal email from Facebook staff to Nick Clegg (Aug. 19, 2021, 7:24 PM); *see* Ex. 77; *see also* Internal email from Facebook staff to Nick Clegg (Aug. 13, 2021, 6:21 PM); *see* Ex. 73.

²⁶³ Internal email from Facebook staff to Nick Clegg (Aug. 19, 2021, 4:24 PM); *see* Ex. 77.

Disinfo Dozen as outlined in CCDH's report.²⁶⁴ In the statement, Facebook declared that "there isn't any evidence" to support CCDH's claim that "12 people are responsible for 73% of online vaccine misinformation on Facebook," noting that "these 12 people are responsible for about just 0.05% of all views of vaccine-related content on Facebook."²⁶⁵ Facebook then added that CCDH's report, contrary to its claims, did not analyze, or provide evidence that it analyzed, representative samples of Facebook posts about COVID-19 vaccines nor did CCDH provide an explanation for how it defined or identified content it considered to be "anti-vax" or how it chose the 30 groups included in its analysis.²⁶⁶

Nevertheless, on August 20, Facebook emailed Surgeon General Murthy to him update him on the new policy changes it was making and "stronger action" it was taking to censor vaccine related content, including the Disinfo Dozen, following pressure from the Biden Administration.²⁶⁷ The next day, Facebook internally noted that "everyone is neck deep right now in WH [White House] response."²⁶⁸

```
[REDACTED] (7/21/2021 09:28:02 PDT):  
>Hey team - know everyone is neck deep right now in WH response. Flagging [REDACTED]  
and @ [REDACTED] that we're being asked to join the WHO call tomorrow, they are  
likely going to have Qs about the Disinfo Dozen and recent NewsGuard reports. We've  
nominated Will to rep for us - he'll stay on message with the latest your teams have pulled  
together but wanted to be sure you had viz and feel free to flag any concerns with doing  
this
```

On August 23, Facebook began putting together "the actions that [it] took against the DD [Disinfo Dozen]" to add to its email report back to Surgeon General Murthy, although one Facebook employee noted that "nothing we say will be persuasive to that crew."²⁶⁹ The same day, the Surgeon General's office sent a follow-up email, thanking Facebook for capitulating to its demands and noting that it looked forward to "continuing to move forward together with urgency and solutions."²⁷⁰ And with that, the Biden Administration's censorship campaign had completed its mission: one of the world's largest social media platforms again succumbed to pressure and violated its own principles to appease a powerful government office.

²⁶⁴ Email from Facebook personnel to White house and HHS staff (August 18, 2021, 2:16 PM); *see* Ex. 74. ; *see also* Monika Bickert, *How We're Taking Action Against Vaccine Misinformation Superspreaders*, FACEBOOK (Aug. 18, 2021), <https://about.fb.com/news/2021/08/taking-action-against-vaccine-misinformation-superspreaders/>.

²⁶⁵ Monika Bickert, *How We're Taking Action Against Vaccine Misinformation Superspreaders*, FACEBOOK (Aug. 18, 2021).

²⁶⁶ *Id.*

²⁶⁷ Email from Nick Clegg to Surgeon Gen. Vivek Murthy (Aug. 20, 2021, 3:08 PM); *see* Ex. 78.

²⁶⁸ Internal messages between Facebook personnel (July 21, 2021, 9:28 AM); *see* Ex. 79.

²⁶⁹ Internal messages between Facebook personnel (July 23, 2021, 12:28 PM); *see* Ex. 65.

²⁷⁰ Email from HHS staff to Nick Clegg and Surgeon Gen. Vivek Murthy (Aug. 23, 2021, 7:43 AM); *see* Ex. 78.

From: Waldo, Eric (HHS/OASH) [REDACTED]@hhs.gov>
To: Nick Clegg; Murthy, Vivek (HHS/OASH)
CC: [REDACTED]@gmail.com; [REDACTED]
Sent: 8/23/2021 7:43:44 AM
Subject: RE: Facebook Covid actions

Hi Nick,

I hope this finds you well. Thank you so much for following up with this detailed note. We are grateful for you and your team's attention to the concerns we have been raising and the work to address those ongoing concerns.

Brian and I are also in touch, but we look forward to continuing to move forward together with urgency and solutions during these extraordinary times.

Best,
Eric

F. 2022: Facebook Continues to Censor Vaccine Hesitancy and the Lab-Leak Theory, and Provide Updates to the Biden White House

The Biden White House continued to pressure Facebook for more information on what the company was doing to censor vaccine-related content in September and October 2021, but the necessity for the White House's pressure campaign lessened now that Facebook had new content moderation policies in place.²⁷¹ Facebook continued to send COVID Insights reports through at least July 2022 and continued to inform the Biden White House as it made additional changes to its COVID-related policies through at least June 2022.²⁷² Although it no longer removed posts related to the lab-leak theory, Facebook also continued to demote the man-made theory as well as "vaccine [discouraging] humor posts" until at least January 2022.²⁷³

²⁷¹ October 2021 email exchanges between Facebook personnel and White House staff (Oct. 28-31, 2021); Ex. 85; September 2021 email exchanges between Facebook personnel and White House staff (Sept. 7-18, 2021); *see* Ex. 82.

²⁷² *See, e.g.*, Email from Facebook personnel to White House staff (July 17, 2022, 8:16 PM); *see* Ex. 93; Email from Facebook personnel to White House staff (June 22, 2022, 7:56 AM); *see* Ex. 88.

²⁷³ Email from Facebook personnel to White House staff (Jan. 24, 2022, 1:28 PM); *see* Ex. 114.

II. THE YOUTUBE FILES

“Hi Rob – Our YouTube Trust and Safety team is working to finalize a new policy to remove content that could mislead people on the safety and efficacy of vaccines. We would like to preview our policy proposal for you and get any feedback you may have.”²⁷⁴

- Email between YouTube & Google personnel to Rob Flaherty, Biden White House’s Digital Director (Sept. 21, 2021, 1:52 PM) (on file with the Comm.) asking for the White House’s feedback on a new policy proposal that would expand the type of content removed by YouTube.

The Biden Administration’s interactions with Big Tech regarding content moderation were not just limited to Facebook. The White House’s efforts to remove so-called “misinformation” extended also to the videos and content Americans had access to on YouTube.²⁷⁵ The White House repeatedly expressed particular concern about YouTube’s failures to not censor “borderline content”—i.e., content that does not violate YouTube’s content moderation policies.²⁷⁶ Like Facebook, YouTube ultimately capitulated and changed its content moderation policies after months of pressure from the White House. In September 2021, after continued criticism for not censoring “borderline” or non-violative content, YouTube shared a new “policy proposal” to censor more content criticizing the safety and efficacy of vaccines with the White House and asked for “any feedback” they could provide before the policy had been finalized.²⁷⁷ The White House praised YouTube for expanding the scope of its censorship, saying that the update “at first blush, seems like a great step.”

A. April-May 2021: White House Increases Its Pressure Campaign on YouTube to Censor Non-Violative Content

In the early months of the Biden presidency, the White House was in contact with YouTube several times on topics ranging from maximizing their content’s reach on the platforms to collaborations with content creators.²⁷⁸ But these communications turned from promoting White House content, to content moderation on April 12, 2021, when Rob Flaherty emailed Google, the parent company of YouTube, questioning how the company could better “crack

²⁷⁴ Email from YouTube & Google personnel to Rob Flaherty (Sept. 21, 2021, 1:52 PM); *see* Ex. 114.

²⁷⁵ *See* Chase Williams, *White House worked with YouTube to censor COVID-19 & vaccine 'misinformation': House Judiciary Committee*, FOX BUSINESS (Nov. 30, 2023); Jim Jordan (@Jim_Jordan), X (Nov. 30, 2023, 8:44 PM), https://twitter.com/Jim_Jordan/status/1730221179632226337; Jim Jordan (@Jim_Jordan), X (Dec. 1, 2023, 2:26 PM), https://twitter.com/Jim_Jordan/status/1730669728002142706.

²⁷⁶ *See Reduce: How does YouTube reduce the spread of harmful misinformation*, YOUTUBE CONTENT POLICIES & COMMUNITY GUIDELINES, <https://www.youtube.com/howyoutubeworks/our-commitments/managing-harmful-content/#reduce>.

²⁷⁷ Email from YouTube & Google personnel to Rob Flaherty (Sept. 21, 2021, 1:52 PM); *see* Ex. 114.

²⁷⁸ *See* Draft Event Memo from Biden Transition Team to YouTube personnel (Dec. 10, 2020); Ex. 95; Email exchange between YouTube personnel and White House staff (Jan. 28 – 29, 2021); Ex. 96; Zoom invitation for meeting between YouTube and the White House (Feb. 4, 2021, 3:00 PM); Ex. 97; Email exchange between YouTube personnel and White House staff (Feb. 24 – Mar. 9, 2021); Ex. 98; Email exchange between YouTube personnel and White House staff (Mar. 11 – 12, 2021); Ex. 99.

down on vaccine misinformation” on YouTube, and to discuss “ways the White House (and our COVID experts) can partner in your product work.”²⁷⁹

On Mon, Apr 12, 2021 at 3:01 PM Flaherty, Rob EOP/WHO <[REDACTED]@who.eop.gov> wrote:

Heya -- A while ago, I met with folks from Google about misinformation and COVID-19. Was hoping to connect again with folks from your side about the work you’re doing to combat vaccine hesitancy, but also crack down on vaccine misinformation.

I think we’re primarily interested in:

- ◊ Trends that you’re seeing generally around vaccine misinformation on Youtube
- ◊ The empirical effects your efforts to combat it have had, specifically: “what’s working”
- ◊ What interventions you might currently be trying
- ◊ Ways the White House (and our COVID experts) can partner in your product work

Would be good to get this on the books later this week and then try to make it recurring. Hoor can wrangle calendars on our side.

-Rob

Rob Flaherty
Director of Digital Strategy
The White House
Cell: [REDACTED]

* For Public Release

Internal Google emails show that, privately, YouTube understood the true intention behind this specific request: “Rob’s questions were very YT focused” and “dug in on our decision making for borderline content.”²⁸⁰ Borderline content, according to YouTube, is content “that brushes up against our policies, but doesn’t quite cross the line.”²⁸¹

²⁷⁹ Email from Rob Flaherty to YouTube & Google personnel (Apr. 12, 2021, 3:01 PM); see Ex. 100.

²⁸⁰ Internal email between YouTube & Google personnel (Apr. 13, 2021, 6:08 AM); see Ex. 101.

²⁸¹ *Reduce: How does YouTube reduce the spread of harmful misinformation*, YOUTUBE CONTENT POLICIES & COMMUNITY GUIDELINES, <https://www.youtube.com/howyoutubeworks/our-commitments/managing-harmful-content/#reduce>.

From: [REDACTED]@google.com]
Sent: 4/13/2021 1:08:41 PM
To: [REDACTED]@google.com]; [REDACTED]@google.com]; [REDACTED]
[REDACTED]@google.com]
CC: [REDACTED]@google.com]
Subject: Re: Vaccine Misinfo

Good Morning, my recommendation would be to schedule an internal sync to update our Feb. Covid19 Misinformation Deck with the latest information on our efforts with a deeper dive on YouTube as Rob's questions were very YT focused. In our last meeting, Rob particularly dug in on our decision making for borderline content. We can also provide an update on the on-going YT creators interview collaborations.

We can also share Google Search trends for covid19 vaccines. Does YT have similar trend data?

Could we ask Rob to schedule the meeting for next week to give us time to prepare?

[REDACTED] and [REDACTED] for awareness and help preparing for another WH meeting on covid vaccine misinformation.

[REDACTED]
Google Government Affairs and Public Policy
[REDACTED]
Washington, DC 20001
[REDACTED]@google.com
Android Mobile: [REDACTED]

The meeting between YouTube's Government Affairs & Public Policy team and the White House occurred on April 21, 2021.²⁸² Later that day, after the meeting, Flaherty sent a lengthy follow-up email to YouTube, thanking them for the meeting before making several requests for information about various data points of interest to the Administration. Flaherty's email was particularly focused on how YouTube handled non-violative "borderline" content.²⁸³ These requests were prefaced by stating the Biden White House wanted "to be sure that you have a handle on vaccine hesitancy generally and are working toward making the problem better" and that this "is a concern that is shared at the highest (and I mean highest) levels of the [White House]."²⁸⁴

²⁸² Zoom invitation for Apr. 21, 2021, meeting between White House and Google & YouTube personnel (Apr. 16, 2021, 5:10 PM); *see* Ex. 102.

²⁸³ Email from Rob Flaherty to YouTube & Google personnel (Apr. 21, 2021, 8:05 PM); *see* Ex. 105.

²⁸⁴ *Id.*

From: Flaherty, Rob EOP/WHO [REDACTED]
Sent: 4/22/2021 12:05:16 AM
To: [REDACTED]@google.com; [REDACTED]@google.com; [REDACTED]@google.com; [REDACTED]@google.com; [REDACTED]@google.com; [REDACTED]@google.com
CC: Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov; Humphrey, Clarke EOP/WHO [REDACTED]@who.eop.gov; Fitzpatrick, Kelsey V. EOP/WHO [REDACTED]@who.eop.gov
Subject: Following Up on Today's Conversation

All – Thanks again for the conversation today.

We'll look out for the top trends that you've seen in terms of misinformation around the vaccine.

To recap: As we move away from a supply problem toward a demand problem, we remain concerned that Youtube is "funneling" people into hesitance and intensifying people's hesitancy. We certainly recognize that removing content that is unfavorable to the cause of increasing vaccine adoption is not a realistic – or even good – solution. But we want to be sure that you have a handle on vaccine hesitancy generally and are working toward making the problem better. This is a concern that is shared at the highest (and I mean highest) levels of the WH, so we'd like to continue a good-faith dialogue about what is going on under the hood here. I'm the on the hook for reporting out.

The YouTube Public Policy team responded to the email with several data points and links to resources responding to Flaherty's many questions, offering to schedule a "follow up briefing" for Flaherty on issues of interest to the White House, such as borderline content.²⁸⁵

Immediately following the meeting with the White House on April 21, a Google Government Affairs team members asked for more information about vaccine hesitancy on YouTube to be shared with the Biden White House. The internal company discussion that followed explained plainly what Flaherty wanted: "Really he's interested in what we're seeing that is NOT coming down."²⁸⁶

²⁸⁵ Email from YouTube & Google personnel to Rob Flaherty (Apr. 22, 2021, 3:48 PM); *see* Ex. 105.

²⁸⁶ Internal email between YouTube & Google personnel (Apr. 21, 2021, 2:31 PM); *see* Ex. 103.

On Wed, Apr 21, 2021 at 2:31 PM [REDACTED] <[REDACTED]@google.com> wrote:

We already have that, thank you. Really he's interested in what we're seeing that is NOT coming down, as well as whether removals have been more heavily concentrated in any particular area of our policies. Is it fair to say that we're not seeing content trends concentrated in any specific area of the policies, but that we continue to action content that violates our policy writ large?

On Wed, Apr 21, 2021 at 11:25 AM [REDACTED] <[REDACTED]@google.com> wrote:

Hi [REDACTED],

I don't have any qualitative info on trends, but we could pull the number of videos we've removed for COVID vaccine misinfo, if that would help?

On Wed, Apr 21, 2021 at 8:04 AM [REDACTED] <[REDACTED]@google.com> wrote:

Hi [REDACTED] and [REDACTED],

[REDACTED] and I just got off of a call with the White House, who are extremely interested in what we may be observing re: vaccine hesitancy on YT. I do not know if we have any of this type of information, but... do you have any qualitative info re: things we've observed, trends in content and related messages, etc that we could offer to Rob?

Thanks!

The day after the meeting with the White House, the YouTube Public Policy team emailed the YouTube Product team warning them that the Biden “White House is very interested in our work on borderline content,” and that the Product team had to brief the White House “to prevent anything from potentially spiraling out of control.”²⁸⁷

²⁸⁷ Internal email between YouTube & Google personnel (Apr. 22, 2021, 10:38 PM); Ex. 107; *see also* Internal email between YouTube & Google personnel (May 24, 2021, 1:39 AM); Ex. 111 (Flaherty “has been tough on us at times.”).

On Thu, Apr 22, 2021 at 2:00 PM [REDACTED] <[REDACTED]@google.com> wrote:
Sure I'd be happy to do that. Would be good to review the logistics again and understand how my briefing will be used to appropriately calibrate what I say, like we discussed last time with the hypothetical congressional staffer review.

On Thu, Apr 22, 2021, 10:38 AM [REDACTED] <[REDACTED]@google.com> wrote:
Hi [REDACTED] -

As you saw from the email thread from [REDACTED] yesterday, there is a very high degree of interest coming from the White House now regarding vaccine misinfo/vaccine hesitancy and our work around borderline content. Unfortunately, the role of tech in addressing vaccine hesitancy is about to come under a massive spotlight particularly as the supply of the vaccine is soon set to outpace demand. It also looks like the White House is very interested in our work on borderline content, and more specifically vaccine related content as well as our work to promote authoritative sources for vaccines.

To begin to address these concerns, and ensure that any issues with YouTube are promptly addressed, we wanted to see if you would be willing to provide an overview briefing to the lead White House digital staffer on our work to reduce borderline content. As far as timing goes, we were hoping to get something on the books in the next two weeks or so to prevent anything from potentially spiraling out of control.

I'm happy to jump on a call today or tomorrow to discuss further. Appreciate any help you can provide on this.

[REDACTED]
--

On April 29, 2021, about one week after YouTube's meeting with the White House, the YouTube Public Policy team emailed Flaherty to see if they could establish a time for the White House to meet with YouTube's "Director of Global Healthcare Partnerships" and the "program manager responsible for leading our efforts to reduce borderline content" who were working to "raise authoritative content related to COVID-19 vaccines as well as combat harmful misinformation."²⁸⁸ The YouTube Public Policy team emphasized that these individuals would be "happy to dive as deep as needed to ensure you get any questions you may have answered."²⁸⁹

On Thu, Apr 29, 2021 at 7:25 PM [REDACTED] <[REDACTED]@google.com> wrote:

Rob -

As a follow up to this and our previous conversation, I wanted to see if you had any availability to meet next Thursday or Friday with [REDACTED], the YouTube Director of Global Healthcare Partnerships, as well as [REDACTED], who is the YouTube program manager responsible for leading our efforts to reduce borderline content. Both [REDACTED] and [REDACTED] work each day to raise authoritative content related to COVID-19 vaccines as well as combat harmful misinformation, and are happy to dive as deep as needed to ensure you get any questions you may have answered. If those dates don't work, of course we are happy to accommodate your schedule to find a time that would.

Thanks again,
[REDACTED]

²⁸⁸ Email from YouTube personnel to Rob Flaherty (Apr. 29, 2021, 7:25 PM); Ex. 108.

²⁸⁹ *Id.*

Two hours later, the YouTube Public Policy team emailed the YouTube Product team to update them on the situation. The Google and YouTube Government Affairs teams were having “conversations with the White House staff on YouTube’s policies.”²⁹⁰ Google wanted the YouTube Product Team to meet directly with the White House staff, who were “familiar with many of [YouTube’s] policies and efforts” regarding removing content, because the White House continued to have questions about YouTube’s “raise/reduce efforts.”²⁹¹ The YouTube Public Policy team highlighted the urgency and gravity of the situation by noting the “significant attention coming from the [White House] staff on this issue.”²⁹² More critically, YouTube needed a positive outcome because the company was seeking “to work closely with [the Biden] administration on multiple policy fronts” and therefore needed to appease the White House’s censorship demands.²⁹³

On Thu, Apr 29, 2021 at 3:12 PM [REDACTED] <[REDACTED]@google.com> wrote:
Yes let's go for it.

On Thu, Apr 29, 2021 at 4:38 PM [REDACTED] <[REDACTED]@google.com> wrote:
[REDACTED] and [REDACTED] -

Over the last several weeks, the Google & YT GAPP team have had conversations with the White House staff on YouTube's policies and all the great work that is being done to raise authoritative information and fight harmful misinformation related to COVID-19 misinformation.

The discussions have been good, and the information has been well received, but staff continue to have questions on the raise/reduce efforts. Given these questions, particularly among the backdrop of increasing levels of vaccine hesitancy in the US, we wanted to see if it would be possible for you both to participate in a meeting with the staff to provide an overview of your great work. Again, the staff are familiar with many of our policies and efforts, but we believe having the opportunity for you both to share more background would be hugely beneficial as we seek to work closely with this administration on multiple policy fronts.

The meeting would be with the White House digital director, Rob Flaherty, who has been leading a lot of the White House work with social media companies to address issues related to COVID-19. If you both would be available, we would like to request the meeting for next week given the significant attention coming from the staff on this issue.

I'm happy to answer any questions or provide any background as needed, and again appreciate your consideration of this request.

Best Regards,
[REDACTED]

Lot For Public Release

²⁹⁰ Internal email between YouTube personnel (Apr. 29, 2021, 4:38 PM); Ex. 109.

²⁹¹ *Id.*

²⁹² *Id.*

²⁹³ *Id.*

On May 4, 2021, the YouTube Public Policy team followed up with Flaherty about scheduling the meeting, and Flaherty responded saying he “[w]ould love to chat this week.”²⁹⁴ After some back and forth on scheduling, the meeting was eventually set for May 10.²⁹⁵

During the early months of the Administration, the Biden White House appeared to view YouTube as more willing to remove content than Facebook. Indeed, YouTube’s apparent willingness to censor Americans was used by the Biden White House to criticize Facebook for resisting the pressure to censor more content. For example, in April 2021 Slavitt told senior Facebook officials that Facebook “lagged behind” in their content removal efforts compared to YouTube, and that YouTube would “never have accepted something like this” when Facebook refused to remove a vaccination-related meme.²⁹⁶

B. July 2021: White House Continues Pressure and Flags Examples that Do Not Violate YouTube’s Policies at the Time

The pace of communications between Google/YouTube and the Biden White House slowed before picking up again later in the summer of 2021. On July 19, 2021, a few months following the meeting between the YouTube Product team and White House officials regarding “borderline content,” the YouTube Public Policy team once again contacted Flaherty to highlight updates YouTube had made, making “it easier for people to find authoritative information on health topics.”²⁹⁷ Flaherty responded the next day saying he was “interested to see it in action,”²⁹⁸ but also flagged a tweet from a CNN journalist claiming that after he watched “a few videos on the Arizona election ‘audit’” his YouTube algorithm was “feeding” him “anti-vaccine content.”²⁹⁹ The flagged videos included questioning from Senator Rand Paul (R-KY) at a congressional hearing and a debate between Robert F. Kennedy, Jr. and Alan Dershowitz.³⁰⁰

²⁹⁴ Email from Rob Flaherty to YouTube & Google personnel (May 4, 2021, 1:38 PM); Ex. 108.

²⁹⁵ Email from White House staff to YouTube & Google personnel (May 5, 2021, 3:28 PM); Ex. 108.; Zoom invitation for May 10, 2021, meeting between White House and Google & YouTube personnel (May 5, 2021); Ex. 110.

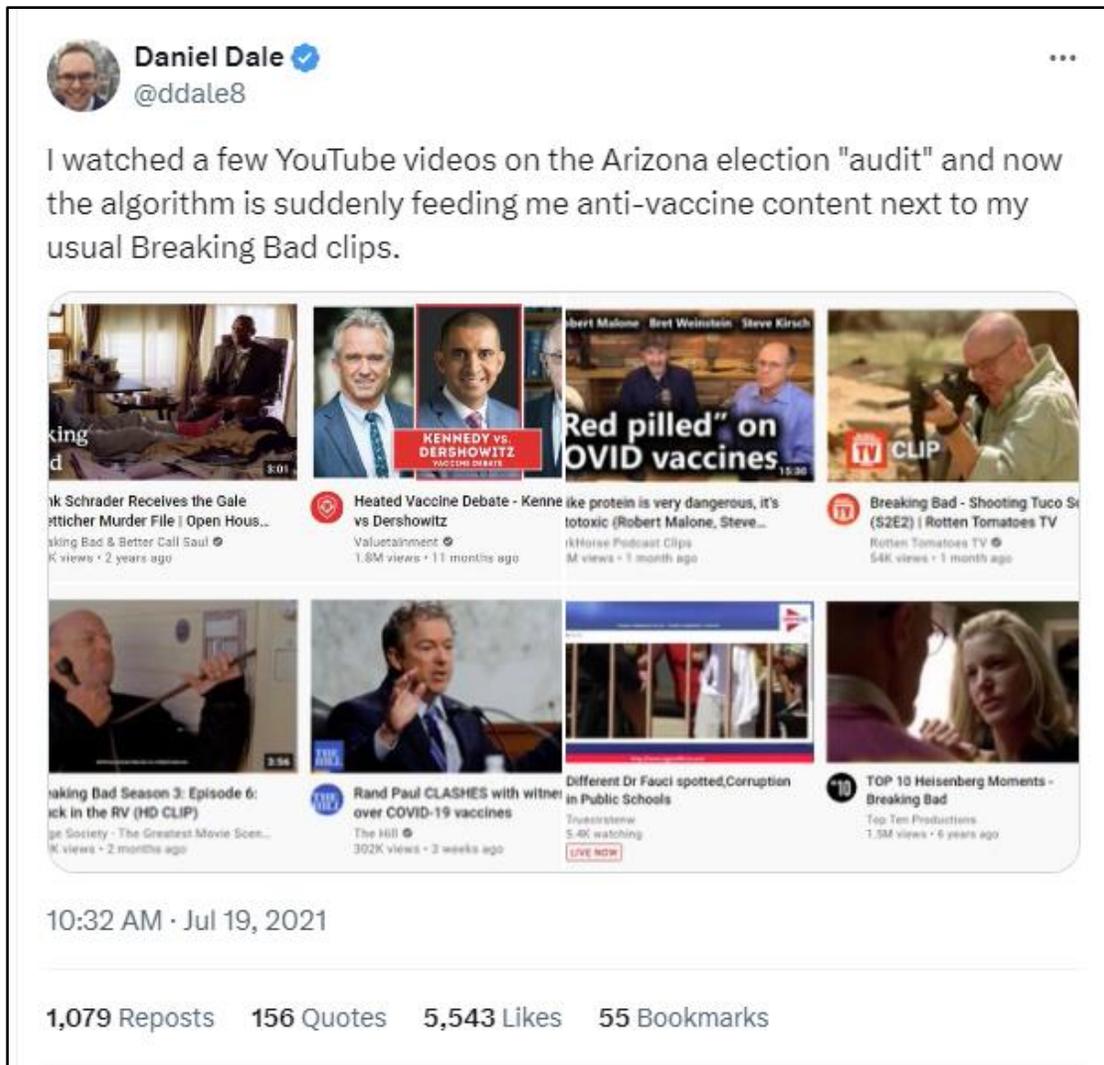
²⁹⁶ Internal emails between Facebook personnel (Apr. 18, 2021, 9:34 PM); *see* Ex. 29. ___

²⁹⁷ Email from YouTube personnel to Rob Flaherty (July 19, 2021, 1:27 PM); Ex. 112.

²⁹⁸ Email from Rob Flaherty to YouTube & Google personnel (July 20, 2021, 10:57 AM); Ex. 112.

²⁹⁹ *Id.*; Daniel Dale (@ddale8), X (July 19, 2021, 10:32 PM), <https://twitter.com/ddale8/status/1417130268859772929>.

³⁰⁰ *Id.*



Flaherty said “we had a pretty extensive back and forth about the degree to which you all are recommending anti-vaccination content. You were pretty emphatic that you are not. This seems to indicate that you are. What is going on here?”³⁰¹ The YouTube Public Policy team responded, saying that “it is important to keep in mind that borderline content accounts for a fraction of 1% of what is watched on YouTube in the United States” and that YouTube uses “machine learning to reduce the recommendations of this type of content” with the goal of keeping “recommended borderline content below 0.5%.”³⁰²

³⁰¹ Email from Rob Flaherty to YouTube & Google personnel (July 20, 2021, 10:57 AM); *see Ex. 112.*

³⁰² Email from YouTube personnel to Rob Flaherty (July 20, 2021, 2:36 PM); *see Ex. 112.*

From: [REDACTED] <[REDACTED]@google.com>
Sent: Tuesday, July 20, 2021 2:36 PM
To: Flaherty, Rob R. EOP/WHO <[REDACTED]@who.eop.gov>
Cc: [REDACTED] <[REDACTED]@google.com>
Subject: Re: [EXTERNAL] YouTube Announcement

Thanks Rob,

We appreciate your interest in our announcement yesterday. With regards to your question on the Tweet, it is important to keep in mind that borderline content accounts for a fraction of 1% of what is watched on YouTube in the United States. We use machine learning to reduce the recommendations of this type of content, including potentially harmful misinformation. In January 2019, we announced changes to our recommendations systems to limit the spread of this type of content which resulted in a 70% drop in watchtime on non-subscribed recommended content in the U.S. and our goal is to have views of non-subscribed, recommended borderline content below 0.5%. I will keep you updated with any new policy or product improvements that we make as we continue our work to help people find authoritative health information on YouTube.

Best Regards

[REDACTED]

On Tue, Jul 20, 2021 at 10:57 AM Flaherty, Rob R. EOP/WHO <[REDACTED]@who.eop.gov> wrote:

[REDACTED] – Thanks for this. Interested to see it in action.

I'm curious: Saw this tweet. >><https://twitter.com/ddalc8/status/1417130268859772929><<;

I think we had a pretty extensive back and forth about the degree to which you all are recommending anti-vaccination content. You were pretty emphatic that you are not. This seems to indicate that you are. What is going on here?

Thanks!

-Rob

Flaherty challenged this assertion, saying “I see that’s your goal – what is the actual number right now?”³⁰³ Inquiring further, Flaherty questioned whether the content mentioned in the tweet counted as “violative content that has slipped through” or if the posts were “in-bounds.”³⁰⁴ The YouTube Public Policy team responded by stating that the videos Flaherty referenced were “not in violation of our community guidelines.”³⁰⁵

On Jul 20, 2021, at 8:27 PM, [REDACTED] <[REDACTED]@google.com> wrote:

Rob -

I'll check with our team and share any additional data points we have available. Per our COVID-19 medical misinformation policy, we will remove any content that contradicts local health authorities' or the World Health Organization's (WHO) medical information about COVID-19. To date, approximately 89% of videos removed for violations of this policy were removed with 100 views or less. With regards to the specific videos you referenced, the content was not in violation of our community guidelines.

Best Regards,

[REDACTED]

On Tue, Jul 20, 2021 at 3:58 PM Flaherty, Rob R. EOP/WHO <[REDACTED]@who.eop.gov> wrote:
I see that’s your goal – what is the actual number right now?

I guess: does the content that Daniel Dale references in his tweet count as violative content that has slipped through? Or is it that generally the stuff he’s posting is in-bounds?

A month later, on August 23, 2021, Flaherty reached out to YouTube’s Public Policy team to discuss vaccine information.³⁰⁶ He flagged the FDA’s approval of the Pfizer vaccine, and asked how YouTube was planning to promote it.³⁰⁷ Flaherty added that the White House would “appreciate a push here” and provided “suggested language” about how to amplify the Biden Administration’s message.³⁰⁸ A member of the Google Public Policy team responded, saying that “a number of product teams across Google/YouTube” were planning updates based on FDA’s announcement and that she would “follow up in the coming days with more details.”³⁰⁹ She further included that she had shared the suggested language from Flaherty “across the internal teams.”³¹⁰

³⁰³ Email from Rob Flaherty to YouTube & Google personnel (July 20, 2021, 3:58 PM); *see* Ex. 112.

³⁰⁴ *Id.*

³⁰⁵ Email from YouTube personnel to Rob Flaherty (July 20, 2021, 2:36 PM); *see* Ex. 112.

³⁰⁶ Email from Rob Flaherty to YouTube & Google personnel (Aug. 23, 2021, 9:50 AM); *see* Ex. 113.

³⁰⁷ *Id.*

³⁰⁸ *Id.*

³⁰⁹ Email from Google & YouTube personnel to Rob Flaherty (Aug. 23, 2021, 11:29 PM); *see* Ex. 113.

³¹⁰ *Id.*

From: [REDACTED] [REDACTED]@google.com]
Sent: 8/23/2021 11:29:19 PM
To: Flaherty, Rob R. EOP/WHO [REDACTED]@who.eop.gov]
CC: [REDACTED] [REDACTED]@google.com]; [REDACTED] [REDACTED]@google.com]
Subject: Re: Pfizer Approval

Hi Rob, Thank you for reaching out. A number of product teams across Google/YouTube are planning updates due to today's FDA announcement. I'll follow up in the coming days with more details on our continued efforts to raise up authoritative information on COVID19 vaccines both across our products and through our marketing PSA efforts. I've also shared your language across the internal teams. Thanks again!

[REDACTED]
Google US Federal Government Affairs and Public Policy

[REDACTED]
Washington, DC 20001

[REDACTED]@google.com

Android Mobile: [REDACTED]

On Mon, Aug 23, 2021 at 9:50 AM Flaherty, Rob R. EOP/WHO <[REDACTED]@who.eop.gov> wrote:

Team Google --

Now that FDA has approved Pfizer, I'm making the rounds to get a sense from the various platforms how (or if) folks are planning to promote it in any way.

We'd appreciate a push here, given the fact that this is an oft-cited blocker for many folks.

Suggested language from us:

The COVID-19 vaccine has received full approval from the FDA and protects against the more dangerous delta variant. If you have been waiting for this approval before getting the vaccine, now is the time to get vaccinated.

Thanks!

-Rob

Rob Flaherty
Director of Digital Strategy
The White House
Cell: [REDACTED]

On August 25, 2021, just two days later, YouTube's Chief Product Officer, Neal Mohan, posted a blog discussing the company's approach to misinformation.³¹¹ Mohan included in this blog that "today, we remove nearly 10 million videos a quarter," and that "since February of 2020 we've removed over 1M videos related to dangerous coronavirus information."³¹² Mohan also stated that "[s]peedy removals will always be important but we know they're not nearly

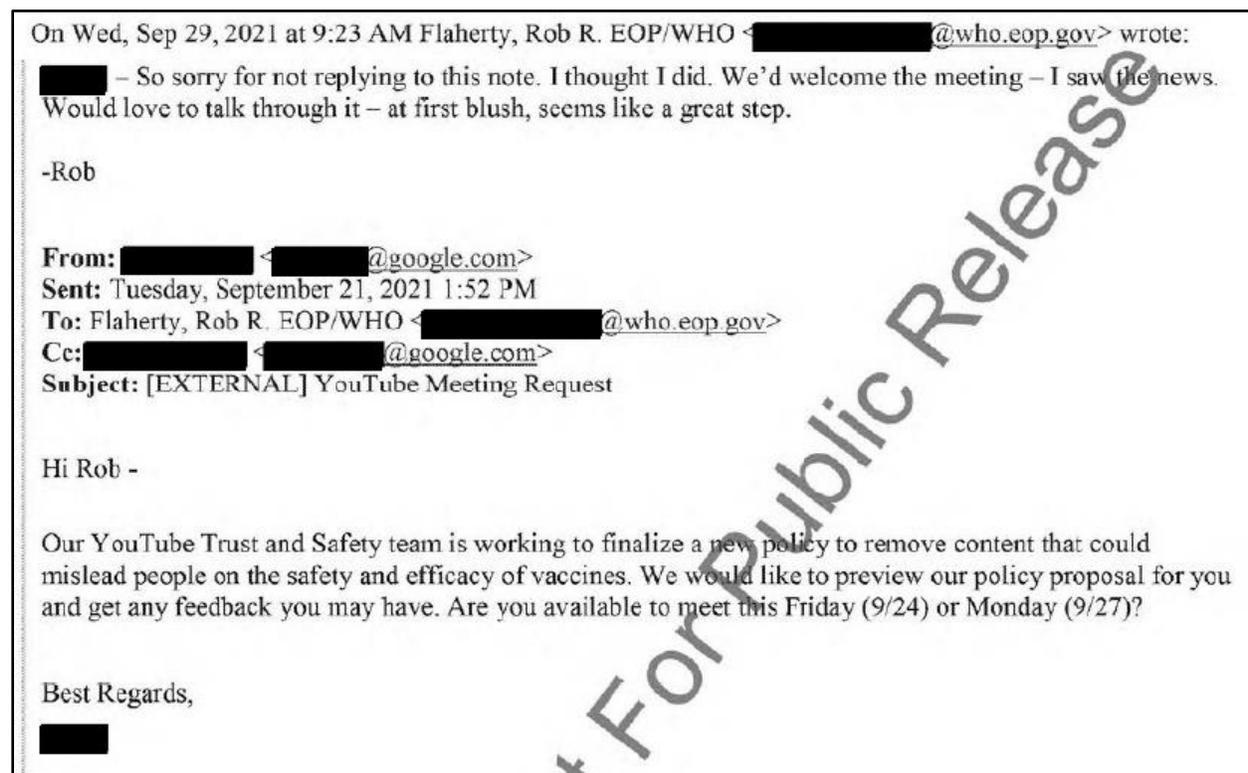
³¹¹ Neal Mohan, *Perspective: Tackling Misinformation on YouTube*, YOUTUBE OFFICIAL BLOG (Aug. 25, 2021).

³¹² *Id.*

enough,” and that “the single most important thing we can do” is “increase the good and decrease the bad.”³¹³ Not mentioned in the blog post was the Biden White House’s continued pressure campaign happening behind the scenes. The following month, YouTube enacted new policies that mirrored the Biden White House’s understanding of what constituted “good” and “bad” information.

C. September 2021: YouTube Changes Its Content Moderation Policies, Seeking Feedback from the Biden White House on Proposed Changes

Following months of extensive pressure from the Biden White House, YouTube finally acquiesced in September 2021 when the company instituted a new content moderation policy to remove content that questioned the safety or efficacy of the COVID-19 vaccines. On September 21, 2021, the YouTube Public Policy Team again reached out to Rob Flaherty with a meeting request. The YouTube Public Policy Team asked for a meeting because the YouTube Trust & Safety team was “working to finalize a new policy to remove content that could mislead people on the safety and efficacy of vaccines” and the company wanted to “preview our policy proposal for you and get any feedback you may have.”³¹⁴ A few days later, on September 29, 2021, Flaherty responded saying that he would “welcome the meeting” and that the proposal “at first blush, seems like a great step.”³¹⁵ In subsequent emails, YouTube sent links for Flaherty to review the announcement and policy, and they set the meeting for October 1, 2021.³¹⁶



³¹³ *Id.*

³¹⁴ Email from Google & YouTube personnel to Rob Flaherty (Sept. 21, 2021, 1:52 PM); *see* Ex. 114.

³¹⁵ Email from Rob Flaherty to YouTube & Google personnel (Sept. 29, 2021, 9:23 AM); *see* Ex. 114.

³¹⁶ Email from White House staff to YouTube & Google personnel (Sept. 29, 2021, 11:04 AM); *see* Ex. 114.

After the policy change, the company continued to work with White House and CDC staff on the rollout of vaccines for children from five to eleven years old.³¹⁷ Flaherty reached out initially expressing interest in discussing the White House’s strategy for this rollout and “the headwinds we think we’re going to be facing.”³¹⁸ Flaherty further sought to understand Google’s strategy regarding the rollout, and requested a one hour call to find “areas of collaboration.”³¹⁹ The call occurred on October 22, 2021.³²⁰



³¹⁷ Emails between Rob Flaherty and YouTube & Google personnel (Oct. 19 to Oct. 20, 2021); *see* Ex. 116.

³¹⁸ Email from Rob Flaherty to YouTube & Google personnel (Oct. 19, 2021, 5:36 PM); *see* Ex. 116.

³¹⁹ *Id.*; *see also* Email exchange between YouTube personnel and White House staff (June 14 – 16, 2022); *see* Ex. 120.

³²⁰ Emails between White House staff and YouTube & Google personnel (Oct. 20, 2021); *see* Ex. 116; Zoom invitation for October 22, 2021 meeting between White House and Google & YouTube personnel (Oct. 20, 2021); *see* Ex. 117.

D. 2022: YouTube Continues to Engage with the White House on Misinformation Policies Not Related to COVID-19

Google and YouTube’s collaboration with the White House regarding misinformation continued past 2021 and expanded to issues beyond COVID-19 and vaccines.³²¹ For example, on March 17, 2022, Tim Wu, the Special Assistant to the President for Technology and Competition, reached out to Google asking for a meeting to discuss “Russian misinformation / disinformation” as well as “airline competition.”³²² On June 16, 2022, Google Public Policy team sent an email to White House staff briefing them on “YouTube’s climate misinformation efforts.”³²³ On July 14, 2022, YouTube Government Affairs staff contacted White House personnel offering to brief them on “updates related to addressing reproductive health misinformation on YouTube,”³²⁴ to which White House staff responded, saying that they were “specifically interested in abortion.”³²⁵ And on August 3, 2022, a Google Public Policy staffer responded to an email from Rob Flaherty, thanking Flaherty for his ideas pertaining to how “Google platforms can help inform and educate voters” and recommended that Flaherty meet with the company’s “Left-of-Center elections team” so that he could “dive deeper” into the topic of educating voters.³²⁶

Once the White House, or any government office, has proven to be able to censor information—even if under the purported guise of supporting public health or the integrity of elections—it is inevitable that the government will seek to expand its censorship efforts to cover an ever-growing list of topics. The Committee and the Select Subcommittee are continuing to investigate the extent to which the Biden Administration may have attempted to censor speech of other topics, such as climate, abortion, and inflation.³²⁷

³²¹ See also Email exchange between YouTube personnel and White House staff (Nov. 1-2, 2021); see Ex. 118.

³²² Email from Tim Wu to YouTube & Google personnel (Mar. 17, 2022, 4:14 PM); see Ex. 119.

³²³ Email from Google & YouTube personnel to White House staff (June 16, 2022, 4:16 PM); see Ex. 121.

³²⁴ Email from Google & YouTube personnel to White House staff (July 14, 2022, 1:16 PM); see Ex. 122.

³²⁵ Email from White House staff to Google & YouTube personnel (July 26, 2022, 10:02 PM); see Ex. 122.

³²⁶ Email from Google & YouTube personnel to Rob Flaherty (Aug. 3, 2022, 1:05 PM); Ex. 123.

³²⁷ See, e.g., Jeff Stein & Taylor Lorenz, *The viral \$16 McDonald’s meal that may explain voter anger at Biden*, WASHINGTON POST (Nov. 24, 2023) (“The White House official said the administration is working with TikTok creators to tell positive stories of Biden’s economic stewardship, while also working with social media platforms to counter misinformation.”).

III. THE AMAZON FILES

“Is the [Biden] Admin asking us to remove books, or are they more concerned about search results/order (or both)?”³²⁸

- Email between Amazon employees (March 9, 2021, 11:59 AM) (on file with the Comm.) ahead of Amazon’s meeting with the Biden White House later that day.

The Biden White House also waged its pressure campaign against online bookstores. In March 2021, Biden White House officials criticized Amazon, the world’s largest online bookstore, for carrying books that questioned the safety or efficacy of vaccines, including the newly developed COVID-19 vaccines. Facing pressure from the White House, Amazon reacted quickly, implementing a new policy within a week that would add restrictions to anti-vaccine books.

The Biden White House’s pressure on Amazon shows that despite the purported claims of trying to combat viral alleged misinformation on social media, the true purpose of the White House’s censorship campaign was to censor disfavored speech, no matter the form it took. To be sure, First Amendment protections extend to Americans’ speech on every form of media, but navigating how these protections apply to the relatively new forum of social media will require time and good-faith debate. But as documents obtained by the Committee and Select Subcommittee show, the Biden White House sought to censor speech in one of the oldest forms of communications: books.

A. March 2, 2021: Biden White House Criticizes Amazon For Not Censoring Books

On March 2, 2021, Slavitt emailed Amazon’s Vice President of Public Policy, asking who the White House could talk to about the “high levels of propaganda and misinformation and disinformation” on the Amazon’s online bookstore.³²⁹

On Mar 2, 2021, at 8:36 AM, [REDACTED] <[REDACTED]@amazon.com> wrote:

Hi. I’m happy to talk to you all to learn more. We’ve taken a number of actions to not show misleading content on vaccinations so if we’re missing something, please let us know. We can also do a more fulsome briefing with our content teams if that’s helpful.

I’m available at the number below whenever you want to chat or we can schedule if that’s better Thanks,

[REDACTED]

[REDACTED]

³²⁸ Internal email between Amazon personnel (Mar. 9, 2021, 11:59 AM); *see* Ex. 134.

³²⁹ Email from Andy Slavitt to Amazon personnel (Mar. 2, 2021, 7:33 AM); *see* Ex. 126.

The Amazon Public Policy Vice President responded just an hour later to Slavitt and offered to provide a “more fulsome briefing with [Amazon’s] content teams” and assured Slavitt that Amazon had taken “a number of actions” to avoid showcasing misleading content.³³⁰ Slavitt responded just minutes later, noting that he personally ran searches on Amazon and found the list of book results as “concerning.”³³¹ Slavitt also added Flaherty to the email chain.³³²

From: "Slavitt, Andrew M. EOP/WHO" <[REDACTED]@who.eop.gov>
Date: Tuesday, March 2, 2021 at 8:48 AM
To: [REDACTED] <[REDACTED]@amazon.com>
Cc: "Butterworth, Zach Z. EOP/WHO" <[REDACTED]@who.eop.gov>, "Wakana, Benjamin L. EOP/WHO" <[REDACTED]@who.eop.gov>, "Flaherty, Robert EOP/WHO" <[REDACTED]@who.eop.gov>
Subject: RE: [EXTERNAL] [EXTERNAL] Re: Re: Following Up

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

If you search for “vaccines” under books, I see what comes up. I haven’t looked beyond that but if that’s what’s on the surface, it’s concerning.

Happy to get briefed but want to understand the data when we do. I’m roping in Robert as well.

Thanks.

An hour later, Amazon’s Public Policy Vice President responded to Slavitt’s email, reiterating that current policies governing the book’s presence on Amazon’s marketplace were being consistently applied across the bookstore, and that such policies were the result of extensive research and development.³³³ The presence of a book whose subject matter involves the questioning of vaccine efficacy on Amazon’s bookstore did not currently violate Amazon’s policies.³³⁴

³³⁰ Email from Amazon personnel to White House personnel (Mar. 2, 2021, 8:36 AM); *see* Ex. 125.

³³¹ Email from Andrew Slavitt to Amazon personnel (Mar. 2, 2021, 8:48 AM); *see* Ex. 125.

³³² *Id.*

³³³ Email from Amazon personnel to White House personnel (Mar. 2, 2021, 2:44 PM); *see* Ex. 124.

³³⁴ *Id.*

From: [REDACTED] <[REDACTED]@amazon.com>
Sent: Tuesday, March 2, 2021 2:44 PM
To: Flaherty, Robert EOP/WHO <[REDACTED]@who.eop.gov>; Slavitt, Andrew M. EOP/WHO <[REDACTED]@who.eop.gov>
Cc: Butterworth, Zach Z. EOP/WHO <[REDACTED]@who.eop.gov>; Wakana, Benjamin L. EOP/WHO <[REDACTED]@who.eop.gov>
Subject: [EXTERNAL] Re: Re: Re: Following Up

Hi, Robert. Let me know if you want to chat in more detail. But to give you an overview, we have content guidelines and remove products that do not adhere to these policies-- which can be found [here for books](#). Specifically, we not allow content meant to mislead customers or that doesn't accurately represent the content of the book.

You'll see when you search for books related to vaccines or the coronavirus that we have a clear signpost at the top of the search page that links to the CDC page on vaccine information. Additionally, when you click on a particular book to look at the product detail page, we again direct customers to the CDC information in a bright bold box up top. So we're surfacing CDC information again for every customer, right at the top of the page.

We invest significant time and resources to enforce our content guidelines. And we use a combination of machine learning, automation, and dedicated teams of human reviewers. If there is content that you think misleads customers on vaccines, please let us know.

AMZN_HJC_0004511

Robert, if we can follow up in more depth with you or answer any specific questions, I'll make the team available at your convenience. As you know, we very much want to help you get Americans vaccinated. That's our goal.

Thanks,
[REDACTED]

Amazon's Public Policy Vice President forwarded Amazon's latest message from the White House to the Amazon Public Policy team, advising that they should "alert the business that we have WH attention on this issue" and to further "escalate that I'm being questioned about this."³³⁵ The email would inform the CEO of the Retail division, Dave Clark; the Senior Vice President overseeing the Books team, Russell Grandinetti; the Senior Vice President of Corporate Affairs, Jay Carney; the Vice President of Global Communications, Drew Herdener; Senior Vice President, General Counsel, David Zapolsky; and Vice President of Kindle content and the main point of contact for the Books team of the developing situation.³³⁶

³³⁵ Internal email between Amazon personnel (Mar. 2, 2021, 11:46 AM); *see* Ex. 126.

³³⁶ *Id.*

From: ██████████ [/O=AMAZON/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=██████████]
Sent: 3/2/2021 11:46:10 AM
To: ██████████@amazon.com]; ██████████@amazon.com]
Subject: FW: [EXTERNAL] [EXTERNAL] Re: Re: Following Up

Here is what I sent. I tried to make it more conversational, less formal.

Now, we should alert the business that we have WH attention on this issue. I think we should send an email recapping again to the business team, and I want it to be an email that I can forward to ██████████ etc. So let's draft something with that in mind. I want to escalate that I'm being questioned about this. We should use in our message to the business team some of Andy's language below.

Later that morning, another Biden White House official, Zach Butterworth, followed up with an email containing a screenshot taken from a subsequent search and noting he did not “see any CDC warning.”³³⁷

From: Butterworth, Zach Z. EOP/WHO
Sent: Tuesday, March 2, 2021 2:53 PM
To: ██████████ <██████████@amazon.com>; Flaherty, Robert EOP/WHO <██████████@who.eop.gov>; Slavitt, Andrew M. EOP/WHO <██████████@who.eop.gov>
Cc: Wakana, Benjamin L. EOP/WHO <██████████@who.eop.gov>
Subject: RE: Re: Re: Following Up

██████████ – Thanks for your response. Five minutes ago I searched ‘vaccine’ on Amazon and the attached book was one of the first in the stack. When I click on the product page I don’t see any CDC warning. Zach

<image001.jpg>

³³⁷ Email from Zach Butterworth to Amazon personnel (Mar. 2, 2021, 2:53 PM); *see* Ex. 125.

The screenshot shows the Amazon product page for the book "Anyone Who Tells You Vaccines Are Safe and Effective is Lying" by Dr. Vernon Coleman. The page includes a navigation bar at the top with the Amazon Prime logo, location (Alexandria 22301), and search bar. Below the navigation bar, there are links for "All", "Prime Video", "Austin's Amazon.com", "TV & Video", "Buy Again", "Prime", "Customer Service", "Best Sellers", "Browsing History", and "Get your home". A banner for Audible is visible, along with a promotional message: "Vaccines Are Dangerous - And Don't Work and millions of other books are available for Amazon Kindle. Learn more". The book cover is displayed on the left, with a "Look inside" button. The title and author information are in the center. Pricing options are shown in a table below the title: Kindle (\$0.00 with Kindle Unlimited), Hardcover (\$578.99), and Paperback (\$3.99 with Prime). A "Buy new" section is on the right, featuring a Prime logo and a "FREE delivery: Thursday, Mar" message. The book is listed as "In Stock" and available on various devices. A "Qty: 1" dropdown and an "Add to Cart" button are also visible.

Slavitt added in a subsequent email that afternoon that Amazon “caters to people who are anti-vax.”³³⁸ Slavitt added that the Biden White House would be interested in discussing with Amazon further, not just about Amazon policies, but also specific “examples like this that are of concern.”³³⁹ Slavitt concluded the email by stating that only attaching a CDC information panel next to books regarding vaccine related matters, “wouldn’t be a great solution,” suggesting that more severe steps, such as the removal or demotion of books, may be necessary.³⁴⁰

³³⁸ Email from Andy Slavitt to Amazon personnel (Mar. 2, 2021, 3:14 PM); see Ex. 125.

³³⁹ *Id.*

³⁴⁰ *Id.*

From: "Slavitt, Andrew M. EOP/WHO" <[REDACTED]@who.eop.gov>
Date: Tuesday, March 2, 2021 at 3:14 PM
To: "Butterworth, Zach Z. EOP/WHO" <[REDACTED]@who.eop.gov>, [REDACTED]
<[REDACTED]@amazon.com>, "Flaherty, Robert EOP/WHO" <[REDACTED]@who.eop.gov>
Cc: "Wakana, Benjamin L. EOP/WHO" <[REDACTED]@who.eop.gov>
Subject: RE: [EXTERNAL] Re: Re: Following Up

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you can confirm the sender and know the content is safe.

In fact right above it is the line "Vaccines are dangerous and don't work" promoting even another book. The site caters to people who are anti-vax.

We would welcome spending time on this with you—not just about policies, but examples like this that are of concern. And in my opinion, even a CDC warning wouldn't be a great solution.

Amazon's Public Policy Vice President, having already communicated Amazon's policies on the matter with Biden White House officials, accepted the request for a follow-up meeting.³⁴¹

From: [REDACTED] <[REDACTED]@amazon.com>
Sent: Tuesday, March 2, 2021 3:21 PM
To: Slavitt, Andrew M. EOP/WHO <[REDACTED]@who.eop.gov>; Butterworth, Zach Z. EOP/WHO <[REDACTED]@who.eop.gov>; Flaherty, Robert EOP/WHO <[REDACTED]@who.eop.gov>
Cc: Wakana, Benjamin L. EOP/WHO <[REDACTED]@who.eop.gov>
Subject: [EXTERNAL] Re: Re: Re: Following Up

We'd be happy to talk and can discuss any specific examples like what you shared, and also your thoughts more generally. Robert, can we set up time this week?

Thanks,
[REDACTED]

Flaherty reinforced Slavitt's inquiry, emphasizing the White House's desire to talk about Amazon's content moderation policies related to its bookstore.³⁴²

³⁴¹ Email from Amazon personnel to White House personnel (Mar. 2, 2021, 3:21 PM); *see* Ex. 124.

³⁴² Email from Robert Flaherty to Amazon personnel (Mar. 2, 2021, 6:16 PM); *see* Ex. 124.

From: Flaherty, Robert EOP/WHO
Sent: Tuesday, March 2, 2021 6:16 PM
To: [REDACTED] <[REDACTED]@amazon.com>; Slavitt, Andrew M. EOP/WHO <[REDACTED]@who.eop.gov>;
Butterworth, Zach Z. EOP/WHO <[REDACTED]@who.eop.gov>
Cc: Wakana, Benjamin L. EOP/WHO <[REDACTED]@who.eop.gov>; Qureshi, Hoor EOP/WHO
<[REDACTED]@who.eop.gov>
Subject: RE: Re: Re: Following Up

Hi [REDACTED]--

Thanks. Let's talk about what your policies are. Want to understand what the lines are here. My colleague Hoor can help find us all a time.

-Rob

Amazon worked to get a meeting on the books with the White House as quickly as possible.³⁴³ The meeting was scheduled for March 9, 2021, exactly one week after Slavitt's initial outreach.³⁴⁴

B. March 2-8, 2021: Amazon Internally Debates How to Handle Biden White House "Pressure"

The Biden White House inquiry on March 2, 2021, set off alarms within Amazon. The same morning that Slavitt emailed about alleged propaganda and misinformation, Amazon's Public Policy team reached out to the Books team, the Public Relations team, and others. Within hours of the White House's first outreach on book censorship, Amazon decided, as an initial response, to (1) not do a "manual intervention" that day because it would be "too visible"; (2) expand the number of search terms that trigger a label redirecting customers to the CDC website; and (3) begin developing talking points because Amazon expected the Biden White House to be unsatisfied with these initial steps.³⁴⁵ Besides the technical difficulties with implementing a manual intervention, Amazon also was mindful of the critical coverage from other media outlets that the company had received for censoring Ryan Anderson's book, *When Harry Became Sally*.³⁴⁶

³⁴³ Email from a White House personnel to Amazon personnel (Mar. 4, 2021, 12:00 PM); *see* Ex. 131.

³⁴⁴ Internal email between Amazon personnel (Mar. 5, 2021, 10:56 AM); *see* Ex. 132.

³⁴⁵ Internal email between Amazon personnel (Mar. 2, 2021, 9:42 AM); *see* Ex. 127.

³⁴⁶ *Id.*

From: [REDACTED]
Sent: 3/2/2021 9:42:52 AM
To: [REDACTED] [REDACTED]@amazon.com]
Subject: Books Vaccine Misinformation Policy_020821
Attachments: Books Vaccine Misinformation Policy_020821.docx

Ok, a quick update.

1/ We will not be doing a manual intervention today. The team/PR feels very strongly that it is too visible, and will further compound the Harry/Sally narrative (which is getting the Fox News treatment today apparently), and won't fix the problem long-term because of customer behavior associations. If we completely remove customer behavior associations it will break the search.

2/ I've asked the team to widen the search light flag for COVID-19 CDC website re-direct so that it comes to the top of the page on more search keys. They can hopefully implement that today and you should be able to share a screen shot.

3/ [REDACTED] are tag teaming some reactive messaging for your re policy, response, etc. It won't be satisfactory. The WH will probably ask why we don't tag the content like FB/Twitter do if we aren't taking it down. That is an option being explored but that we don't want to disclose to avoid boxing in.

The attached is the still in flux doc to review with [REDACTED] on March 19. [REDACTED] gave very direct guidance to the teams to be boring and not do anything that is visible and will draw more attention.

Amazon employees had begun preparing responses for Amazon's Public Policy Vice President to have on hand if pressed by the White House on specific aspects of the company's policies.³⁴⁷

From: [REDACTED]@amazon.com>
Sent: Tuesday, March 2, 2021 10:20 AM
To: [REDACTED]@amazon.com>
Subject: RE: [Privileged and confidential] - Vaccine misinformation in bookstore

Thanks [REDACTED]:

Could we work up reactive FAQs to these questions for [REDACTED] call?

1. Doesn't this line in your policy include the spread of misleading information about vaccination: "We do not allow descriptive content meant to mislead customers"
2. Why don't you tag books that are not scientifically sound the way FB/twitter tags content.

Amazon's prepared talking points demonstrate the company's application of its policies and the intentions behind their development.³⁴⁸ In contrast to the other Big Tech companies receiving censorship requests from the White House, Amazon aimed to clearly distinguish itself

³⁴⁷ Internal email between Amazon personnel (Mar. 2, 2021, 10:20 AM); *see* Ex. 128.

³⁴⁸ Internal email between Amazon personnel (Mar. 2, 2021, 1:54 PM); *see* Ex. 128.

as a retailer, and not a social media company.³⁴⁹ Internal documents show that when preparing for the upcoming meeting with the Biden White House, Amazon felt it was necessary to defend its bookstore policy of allowing a variety of viewpoints.

From: [REDACTED]@amazon.com>
Sent: Tuesday, March 2, 2021 1:54 PM
To: [REDACTED]@amazon.com>; [REDACTED]@amazon.com>; [REDACTED]@amazon.com>
Subject: RE: [Privileged and confidential] - Vaccine misinformation in bookstore

Thanks [REDACTED], adding [REDACTED] from CRM and [REDACTED].

For Q1- this is not something we've had come up in the past and is taking the guidelines out of context. The line cited is referring to misleading metadata, typos, image quality issues, etc., not the actual truthfulness of the theories described within the text of a book. With that in mind, a possible response would be:

- No, the line you're referring to is addressing publishing errors like typos, formatting issues, image quality etc. You can review examples of examples of content that's typically disappointing to customers in the [Guide to Kindle Content Quality](#) which we also include a link to in our content guidelines.
- Our guidelines address content that is illegal or infringing, generates a poor customer experience, or that we otherwise prohibit, such as pornography. Our guidelines do not specifically address content about vaccines.

For Q2- again this is not something we've commented on before, and I think we would avoid making a commitment on this now, as we are still debating possibly doing so in the future. I recommend a response along the lines of:

- We believe that retailers are different than social media communities which means we review the content we make available, where we make it available in our store, and how we address content that customers find disappointing.
- As a retailer, we provide our customers with access to a variety of viewpoints, including books that some customers may find objectionable. All booksellers make decisions about what selection they choose to offer and we do not take selection decisions lightly.

On March 3, Amazon began taking measures to address White House scrutiny with hopes of “earning us goodwill at the White House.”³⁵⁰ The pressure from the previous day’s interactions with the Biden White House were the reason for the new changes. One employee emailed: “as part of our ongoing conversations with the White House COVID task force, staff alerted us to their serious concerns with the misinformation or anti-vaccination books sold in the store.”³⁵¹

³⁴⁹ *Id.*

³⁵⁰ Internal email between Amazon personnel (Mar. 3, 2021, 1:33 PM); *see* Ex. 129.

³⁵¹ *Id.*

From: [REDACTED]@amazon.com>
Date: Wednesday, March 3, 2021 at 1:33 PM
To: [REDACTED] <[REDACTED]@amazon.com>, [REDACTED] <[REDACTED]@amazon.com>
Cc: [REDACTED] <[REDACTED]@amazon.com>
Subject: Vaccination education and Amazon Gateway

[REDACTED] -

Thank you again for your support to sponsor the Ad Council's vaccination education campaign. This has been a key component in our campaign to earn policymaker trust and help support vaccination distribution and awareness. We are continuing to leverage this campaign in outreach to state, local, and federal stakeholders as well as the White House.

We'd like to ask your consideration to display one of the Ad Council's campaign assets on the gateway. We believe providing this content would go a long way in contributing to the campaign, as well as earning us goodwill at the White House.

More urgently, as part of our ongoing conversations with the White House COVID task force, staff alerted us to their serious concerns with the misinformation or anti-vaccination books sold in the store. We will continue to sell these books, though we have taken steps to increase the COVID searchlight as well as other DNP measures for the anti-vaccination books.

It is our recommendation that customer education on the front page, would provide better education cover than just the searchlight feature, and also help mitigate some of the misinformation concerns we are confronting. I will note a similar placement was very effective at the start of the pandemic when we featured the Ad Council's social distancing campaign on the gateway.

Thank you for considering, and please advise if you are supportive. If so, I am happy to work with your designee to access the ad councils assets.

[REDACTED]

The same day, as pressures from the White House reverberated up the corporate ladder, senior leadership at Amazon remained undecided on how to move forward.³⁵² The head of the Books team approved the adoption of a new policy to apply a "Do Not Promote" label to anti-vaccination books.³⁵³

³⁵² Internal email between Amazon personnel (Mar. 3, 2021, 7:02 PM); *see* Ex. 130.

³⁵³ *Id.*

From: [REDACTED]
Sent: 3/3/2021 7:02:43 PM
To: [REDACTED]; [REDACTED]@amazon.com]; [REDACTED]@amazon.com]
Subject: Misinformation update

[REDACTED]

quick update.

[REDACTED] wants to alert [REDACTED] before actioning do not promote, but agrees we should go forward.

Team is expanding search light keywords. However they are not sure if they can get the content itself adjusted but are looking into it.

[REDACTED] and [REDACTED] signed off on the gateway but it's likely a display ad frame on the gateway (which we knew). That's going to take a couple days and may not be up by Friday.

[REDACTED] has agreed to join us when we meet with them.

[REDACTED]

At the same time, on March 4, the Books team at Amazon began the process for establishing a “Do Not Promote” tag for anti-vaccination-related books.³⁵⁴ Amazon employees emphasized the “high priority” nature of the request, and that it stemmed from a need to address the “negative feedback” from the Biden White House’s Coronavirus Taskforce.³⁵⁵

From: [REDACTED]
Sent: Thursday, March 4, 2021 11:48 AM
To: [REDACTED]@amazon.com>
Cc: [REDACTED]@amazon.com>; [REDACTED]@amazon.com>
Subject: New CPP rule for Anti-vax books

Hi [REDACTED], given [REDACTED] is out of the office, I'm hoping you can help me set up a new DNP class in CPP.

What process do we need to follow? This is a high priority intended to address negative feedback we're getting from the Whitehouse's Coronavirus Taskforce.

Thanks,

[REDACTED]

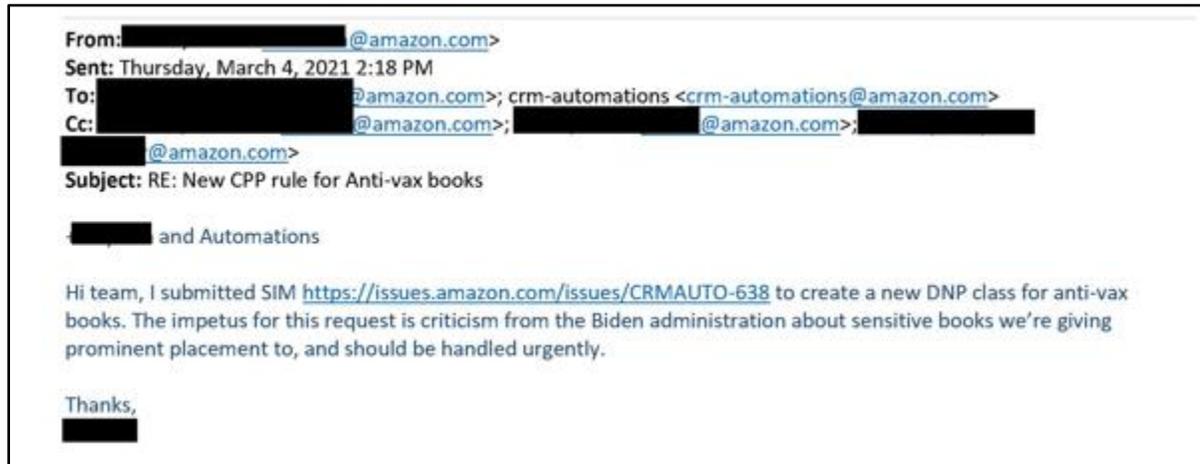
 Books

An email later that same day put the reason for the new policy change in even plainer terms: “the impetus for this request is criticism from the Biden Administration about sensitive

³⁵⁴ Internal email between Amazon personnel (Mar. 4, 2021, 11:48 AM); *see* Ex. 131.

³⁵⁵ *Id.*

books we're giving prominent placement to.”³⁵⁶ The email concluded by noting that the request “should be handled urgently.”³⁵⁷



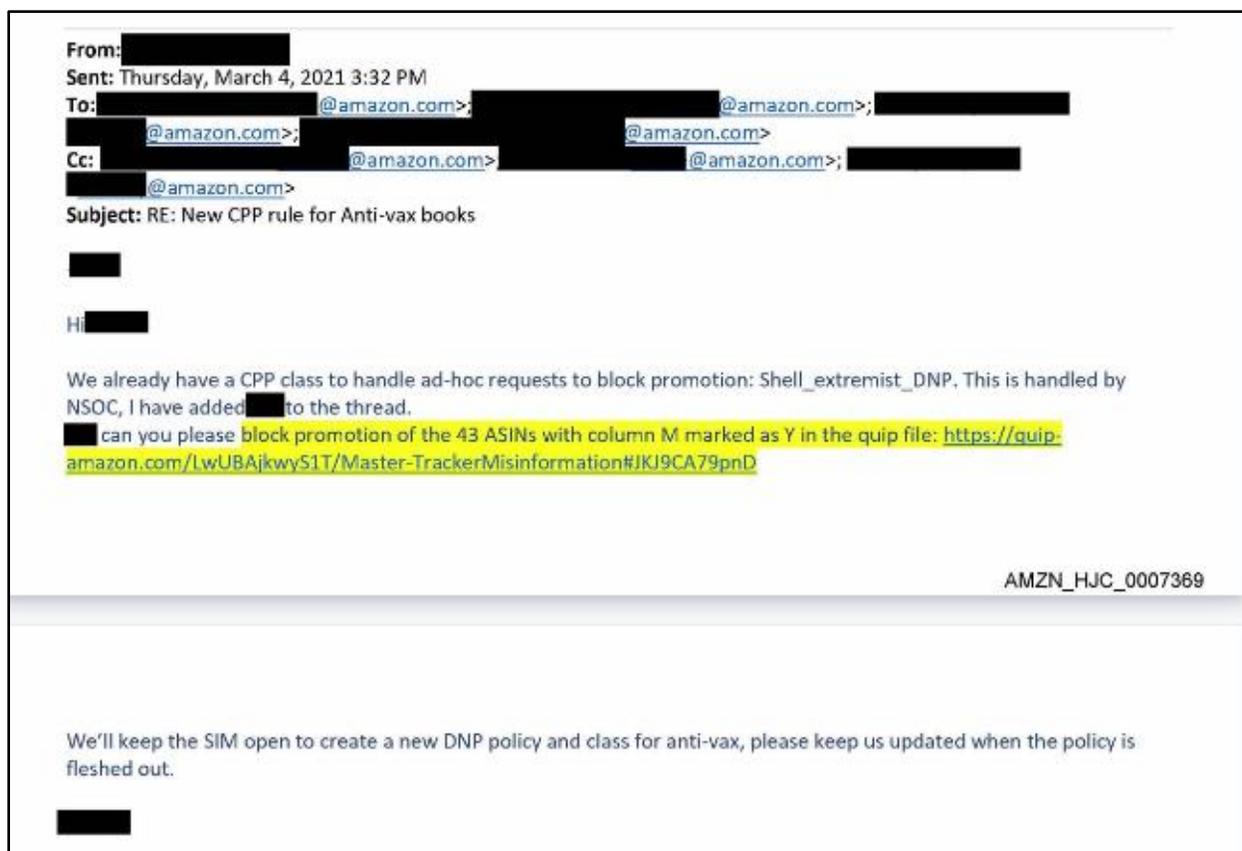
Later that same day, an Amazon employee, appearing to understand the urgency of the situation, suggested adding vaccination content from the bookstore to the “Do Not Promote” class designated for “extremist” content.³⁵⁸ By doing so, Amazon could more quickly mitigate the prevalence of disfavored vaccine-related books while the team finished creating a new class for anti-vaccine books. The same employee also requested that forty-three ASINs—Amazon Standard Identification Numbers, used to identify specific products on the Amazon marketplace—be added to an internal “Master Tracker Misinformation” list of titles.³⁵⁹

³⁵⁶ Internal email between Amazon personnel (Mar. 4, 2021, 2:18 PM); *see* Ex. 131.

³⁵⁷ *Id.*

³⁵⁸ Internal email between Amazon personnel (Mar. 4, 2021, 3:32 PM); *see* Ex. 131.

³⁵⁹ *Id.*



On March 5, three days after the initial interaction with the White House and just four days prior to the follow-up meeting, the Books team met so that they could “review [the] policy proposal to handle anti-vax content in Books.”³⁶⁰ In a transcribed interview before the Committee, Amazon’s Vice President of Public Policy testified that his Public Policy team had conveyed requests to the Books team to “accelerate” its discussions so that a final decision could be made prior to Amazon’s call with the White House on March 9.³⁶¹ He also noted that the policy had been under consideration for about a month at that point and it was his understanding that the Books team was in favor of the policy change.³⁶² Amazon’s consideration of implementing more censorious content moderation policies in February 2021 aligns with Facebook, which began to increase its censorship of the manmade theory of the origination of the SARS-CoV-2 virus in hopes of appeasing the new Biden Administration.³⁶³

³⁶⁰ Internal email between Amazon personnel (Mar. 5, 2021, 10:56 AM); *see* Ex. 132.

³⁶¹ Transcribed Interview of Amazon’s Vice President of Public Policy, H. Comm. on the Judic. (Apr. 16, 2024), at 99 (on file with the Comm.).

³⁶² *Id.* at 28.

³⁶³ *Cf. id.*; Sections I.A and I.B (describing new content moderation policies implemented by Facebook in February 2021 in the early days of the Biden Administration).

From: [REDACTED]@amazon.com>
Sent: Friday, March 5, 2021 10:56 AM
To: [REDACTED]
Cc: [REDACTED]meet@chime.aws; pin+4181630714@chime.aws
Subject: Vaccine Misinfo Books Policy
When: Friday, March 5, 2021 8:00 AM-8:50 AM (UTC-08:00) Pacific Time (US & Canada).
Where: Meeting ID: 4181 63 0714

Meeting Subject / Agenda:	Review policy proposal to handle anti-vax content in Books
Duration:	50 Min
Critical Attendees:	[REDACTED]
Additional Attendees:	[REDACTED]
Context of Meeting (decision-based, inform, get input):	Get input on anti-vax proposal doc

On March 8, just one day prior to the call with the White House, an Amazon employee explained how changes to Amazon’s bookstore policies were being applied “due to criticism from the Biden people.”³⁶⁴

³⁶⁴ Internal email between Amazon personnel (Mar. 8, 2021, 8:28 AM); *see* Ex. 132.

From: [REDACTED]
Sent: 3/8/2021 8:28:09 AM
To: [REDACTED]@amazon.com; [REDACTED]@amazon.com
Subject: RE: Vaccine Misinfo Books Policy
Flag: Follow up

Did I miss it, or did we remove DNP as an option or part of an option (maybe subsumed by Deny Term List)?
- We're considering DNP as complete, and moved the description to FAQ #2. Due to criticism from the Biden people, PP asked us to pursue 'low hanging fruit options' prior to our Russ review, and this was one of them. There's a separate thread out to Russ asking for his permission to implement prior to our 3/19 meeting.

What if we're not willing to wait for the Alerts Messaging widget? What would we do in the meantime? The next 4 months of the vaccine response/adoption are going to be critical.

- Search is looking for ways to shorten the lead time on this, but agree 18 weeks is too long.
- I think the next best option is to remove from sale.
- [REDACTED] still likes the idea of labeling on its own, but I feel like that's a half measure that doesn't tangibly address the risk. (Search data shows customers who buy this content are looking for specific books and using high intent queries, which means customers will likely continue to consume this content in spite of our warnings, perpetuating the current CX – but with more labels.)
- A third option is to build a labeling CX in parallel with the alerts widget, and implement in a phased way if we can't speed up the 12-18 weeks estimate. I'm working with search to understand if this can even be done.
- I'll add all of this to the doc

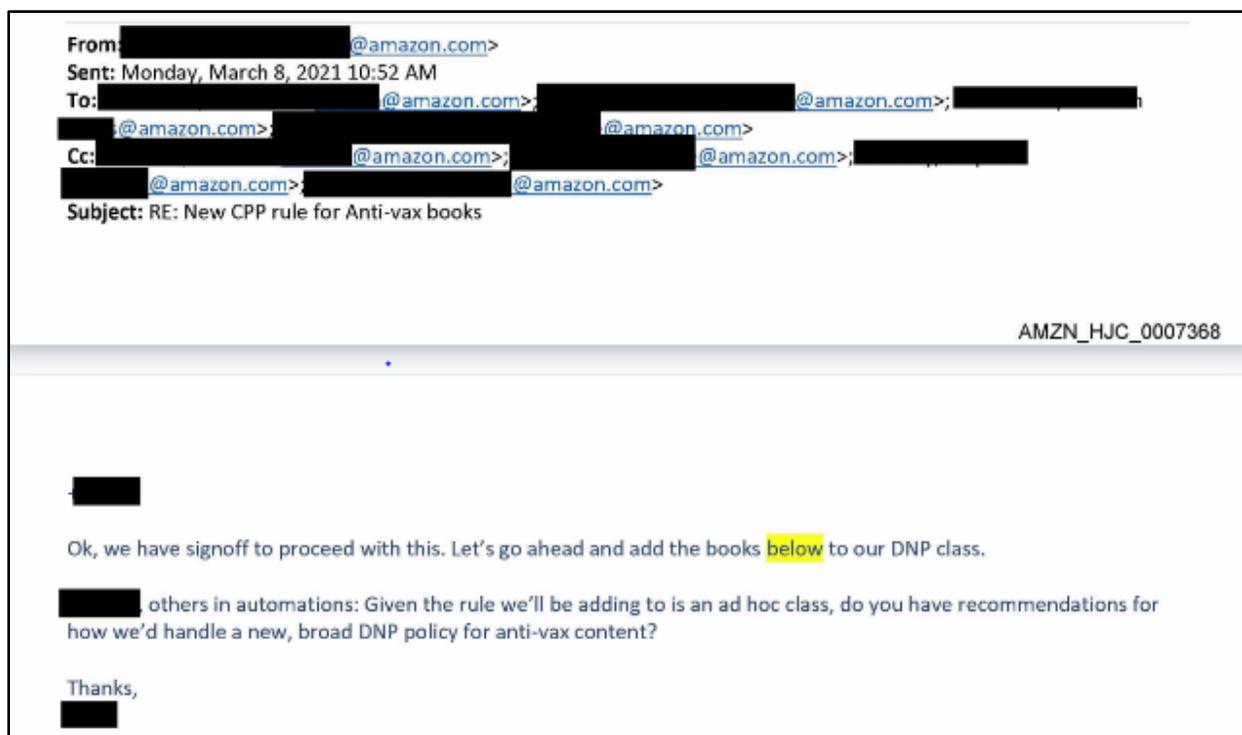
From: [REDACTED]@amazon.com>
Sent: Monday, March 8, 2021 6:12 AM
To: [REDACTED]@amazon.com> [REDACTED]@amazon.com>
Subject: RE: Vaccine Misinfo Books Policy

Sorry I missed this one! Cool to see where this is headed and I like the chart in the FAQ about how this would apply to other misinformation. Couple of questions:

1. Did I miss it, or did we remove DNP as an option or part of an option (maybe subsumed by Deny Term List)?
2. What if we're not willing to wait for the Alerts Messaging widget? What would we do in the meantime? The next 4 months of the vaccine response/adoption are going to be critical.

At the same time, the Amazon employees who previously sought senior leadership approval to lump vaccination related content into the “extremist” Do Not Promote class, received the go ahead to do so.³⁶⁵

³⁶⁵ Internal email between Amazon personnel (Mar. 8, 2021, 10:52 AM); *see* Ex. 131.



The same Amazon employee who was briefed on the policy changes and how they were initiated because of “the Biden people” provided context surrounding the extremist DNP classification.³⁶⁶ The employee explained that it was “intended only for [Amazon Standard Identification Numbers] identified by NSOC to contain extremist content, and/or for ASINs from extremist publishers.”³⁶⁷ While it was not standard policy to do so, the employee explained that “given the urgency of the request, I’m ok with using this class for this purpose once”³⁶⁸ In other words, Amazon, at least temporarily, treated books related to vaccine efficacy in a similar manner to extremist content just to appease the White House’s demands.

³⁶⁶ Internal email between Amazon personnel (March 8, 2021, 1:59 PM); *see* Ex. 131.

³⁶⁷ *Id.*

³⁶⁸ *Id.*

From: [REDACTED]@amazon.com>
Sent: Monday, March 8, 2021 1:59 PM
To: [REDACTED]@amazon.com>; [REDACTED]@amazon.com>; [REDACTED]@amazon.com>
[REDACTED]@amazon.com>; [REDACTED]@amazon.com>
Cc: [REDACTED]@amazon.com>; [REDACTED]@amazon.com>; [REDACTED]@amazon.com>
Subject: RE: New CPP rule for Anti-vax books

Hi all, apologies for the delay in response here while I was out.

Shell_Extremist_DNP is intended only for ASINs identified by NSOC to contain extremist content, and/or for ASINs from extremist publishers. Given the urgency of this request, I'm ok with using this class for this purpose once, but long term it would be better to create a new class specifically for anti-vax (or misinformation/harmful medical advice/however we want to classify this).

Currently, all of our DNP classes (Extremist, Racially Sensitive, and Transgender Youth) are ad hoc and ASIN-based. Once NSOC identifies an ASIN, it's added to the shell class. Is the expectation the same for anti-vax content, or is the request here to develop a keyword-based approach to proactively classify new ASINs?

Regards,
[REDACTED]

The email concluded by asking: “Is the expectation the same for anti-vax content, or is the request to develop a keyword-based approach to proactively classify new ASINs?”³⁶⁹ The answer provided by another Amazon employee suggested that all new books with a subject matter related to vaccinations would be identified by NSOC as violating the new policy and added to a DNP class.³⁷⁰

From: [REDACTED]@amazon.com>
Sent: Monday, March 8, 2021 2:05 PM
To: [REDACTED]@amazon.com>; [REDACTED]@amazon.com>; [REDACTED]@amazon.com>
[REDACTED]@amazon.com>; [REDACTED]@amazon.com>
Cc: [REDACTED]@amazon.com>; [REDACTED]@amazon.com>; [REDACTED]@amazon.com>
Subject: RE: New CPP rule for Anti-vax books

Is the expectation the same for anti-vax content, or is the request here to develop a keyword-based approach to proactively classify new ASINs?

- Same expectation. Plan is for NSOC to identify and flag books as violating this policy, and add them to the DNP class.

[REDACTED] is the team able to use this SIM to kick off the effort of building a new anti-vax class?
<https://issues.amazon.com/issues/CRMAUTO-638>. I think we'll want a specific anti-vax class, as it's not yet clear what actions we'll take as part of a potential misinfo policy.

Thanks,
[REDACTED]

³⁶⁹ *Id.*

³⁷⁰ Internal email between Amazon personnel (Mar. 8, 2021, 2:05 PM); *see* Ex. 131.

On March 9, less than an hour after the “AntiVax” DNP was initiated, Amazon’s Public Policy team circulated talking points ahead of the impending meeting with the White House.³⁷⁴ In an interesting insight into what Amazon employees anticipated from the White House, the top talking points included the question: “Is the Admin asking us to remove books, or are they more concerned about search results/order (or both)?”³⁷⁵



In the same email, the internal Amazon correspondence speaks to the pressure the company anticipated due to the pointed and critical nature of its earlier interactions with the Biden White House.³⁷⁶

³⁷⁴ Internal email between Amazon personnel (Mar. 9, 2021, 11:59 AM); *see* Ex. 134.

³⁷⁵ *Id.*

³⁷⁶ Internal email between Amazon personnel (Mar. 9, 2021, 10:05 AM); *see* Ex. 134.

From: [REDACTED]/O=AMAZON/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=[REDACTED]
Sent: 3/9/2021 10:05:54 AM
To: [REDACTED]@amazon.com]; [REDACTED]@amazon.com]; Huseman, Brian [bhuseman@amazon.com]
CC: [REDACTED]@amazon.com
Subject: RE: Pre-Brief for Meeting w/ the White House

Brian – here is the condensed script for 1:30

Brian's Intro:

- Thank you again for reaching out and flagging your concerns.
- We are all in this together, and Amazon is working hard, and fast, to be a productive contributor in vaccine rollout and education.
- Across Amazon we have a number of teams and machine learning systems looking at the products in our store and enforcing our policies.
- With respect to our Bookstore. We have content guidelines and we have a large team dedicated to the incredible challenge of both creating and enforcing our policies and curating the bookstore.

The talking points then turned to the anticipated need to defend Amazon's COVID-19 related policies from White House scrutiny. The company included additional talking points "IF PRESSED IN CONVERSATION" and welcomed more discussions to appease the Biden Administration while also attempting to retain a shred of autonomy in the situation.³⁷⁷

- We recognize that COVID vaccination is a wholly new matter, and so we have a team of experts here to walk through the steps we have taken.
- IF PRESSED IN CONVERSATION: these are incredibly challenging issues, particularly as the team looks at ongoing data and feedback from global health authorities. If you see something specific related to COVID, we welcome your feedback so that we can continue to review and learn.

Misinformation [REDACTED]:

- We see misinformation, and misinformation around COVID, as a serious issue, and so across Amazon we have taken steps to fight the spread of harmful misinformation. [REDACTED]
 - Amazon's marketplace requires that sellers provide accurate information on product detail pages and put processes in place to proactively block inaccurate claims about COVID-19 before they are published to our store. We've also developed specific tools for COVID-19 that run 24/7 to scan the hundreds of millions of product detail pages for any inaccurate claims that our initial filters may have missed. Collectively, our efforts have blocked more than 6.5 million products.

In order to appeal to the Biden administration officials, Amazon included talking points that were informed by the tallying of vaccination-related content Amazon removed, including 10,000-20,000 books.³⁷⁸

³⁷⁷ *Id.*

³⁷⁸ *Id.*

Other steps we have taken for books [REDACTED]

- For books, we have COVID-specific policies that have prevented the sale of over [20k (could reduce to 10k, but checking number)] books. This includes books that were advocating “cures” of COVID and the like. [IF PRESSED—try to avoid specifics about vaccine in general, but could if pressed could say that books with a primary theme that the coronavirus vaccine is unsafe or unnecessary.]
- High-risk anti-vax books: We have taken steps to ensure the highest-risk titles are excluded from being picked up by our automated merchandising discovery tools. Examples of these tools are Amazon’s Choice and Amazon Deals. Specifically, these tools are all part of automated systems that identify highly-rated, well-priced products that are available to ship immediately. (those well-known, routinely populated, titles: High risk content has the primary purpose of persuading the reader that, against direction from authoritative public health sources, one or all vaccines should be avoided because they are unsafe or ineffective.)

In the talking points, Amazon also claimed to have a “high bar for removing book[s],” despite applying broad “Do Not Promote” tags and removing tens of thousands of vaccine related books from its market.³⁷⁹

- Books are unique, and an important part of Amazon’s DNA. We are going to sell controversial books, as all libraries and other bookstores do. We have a high bar for removing book selection at Amazon and we do not take these decisions lightly.

Content Guidelines:

- **[if pressed—reactive]** The Content Guidelines for Books are intentionally broad. In any content moderation system there is a push/pull between broad enough to provide discretion in decision making and specific enough to provide guidance on what is allowed. Being too specific results in the need to make more public changes and can allow authors to game the system. Being too broad risks being accused of lack of any decision making framework. We review both our Guidelines and our approach to curating Amazon’s bookstore regularly.
- We design our policies so that decisions can be made as consistent as possible and based on objective criteria that is applied to the facts and content. We value having a wide variety of content that includes disparate opinions and content that contributes to the information and debate in an open and free society. To do this, we focus on creating policies that are narrowly-tailored to the risks we’re solving for and implementing procedures that ensure we’re making fact-based and consistent decisions.

Finally, the internal Amazon talking points for the Biden White House meeting concluded with responses to specific questions that Amazon expected to be raised in the March 9 meeting.³⁸⁰

³⁷⁹ *Id.*

³⁸⁰ *Id.*

Your public-facing content guidelines state that you do not allow “descriptive content meant to mislead customers.” How do vaccination misinformation books not violate this policy?

The descriptive content refers to how a product is described, not the content within the book itself. In an extreme example, if a book said that it was appropriate for young children, but the book itself contained adult content, then it would be misleading as to what a customer is buying.

Why don't you tag misinformation books the way Facebook and Twitter tag misinformation posts?

Books are different than social media. They are generally long form and the person would need to purchase the book and read the information. Social media is usually quick bites, and sometimes memes. All customers have an opportunity to post reviews and provide feedback on books.

By the start of the March 9 meeting with the White House, Amazon's new book policy was in place.

Emails subsequent to the meeting demonstrate that Amazon continued to further consider ways to reduce visibility of books disfavored by the Biden Administration. For example, on March 12, 2021, an internal Amazon email discussed an upcoming meeting to “take a closer look at books related to vaccine misinformation and debat[e] additional steps Amazon might want to take to reduce the visibility of these titles.”³⁸¹ The email concluded by noting that Amazon's Public Policy team was “feeling pressure from the White House Taskforce on this issue.”³⁸²

From: [REDACTED]@amazon.com>

Date: Friday, 12 March 2021 at 14:47

To: Ty Rogers <[REDACTED]@amazon.com>

Cc: [REDACTED]@amazon.com>, [REDACTED]@amazon.com>, [REDACTED]@amazon.com>, [REDACTED]@amazon.com>

Subject: Heads up- upcoming negating BuzzFeed story on Covid 19 book

Ty- heads up that we anticipate BuzzFeed will run a negative story looking at Covid-19 related books for sale on Amazon. The story touches on many of the points we've seen raised over the last year and I worked closely with CC's team for the points related to Search, Reviews, and Personalization.

Related to this topic, the Books team has a meeting on 3/19 with [REDACTED] [REDACTED] and David Z to take a closer look at books related to vaccine misinformation and debating additional steps Amazon might want to take to reduce the visibility of these titles. The Books Content Risk Management team is still working on their doc for the 3/19 meeting, but I would be happy to share non-final draft if you're interested.

[REDACTED] have been our close counterparts on this one, as PP is feeling pressure from the White House Taskforce on this issue as well.

Let me know if you have any questions or if this needs to go further up the flagpole.

Thanks,
[REDACTED]

³⁸¹ Internal email between Amazon personnel (Mar. 12, 2021, 2:47 PM); see Ex. 135.

³⁸² *Id.*

IV. EPILOGUE: THE DEVASTATING CONSEQUENCES AFTER SUPPRESSING FREE SPEECH

Flaherty, Slavitt, and other key members of the Biden White House censorship regime ultimately moved on and left their roles in the White House.³⁸³ About a week after leaving the White House, Slavitt published a book, *Preventable: The Inside Story of How Leadership Failures, Politics, and Selfishness Doomed the U.S. Coronavirus Response*.³⁸⁴ In *Preventable*, Slavitt appeared to criticize Americans who spoke out, at times passionately, against the constitutional violations committed during the pandemic: “But, even accounting for [President] Trump, other deep-seated issues that are part of our culture and national identity emerged to haunt us: Our *obsession with individual liberties*, even at the expense of others’ lives and health.”³⁸⁵

Slavitt’s candid statement underscores the Biden White House’s arrogance and its contempt for fundamental civil liberties. The Constitution is not suspended in times of crisis. The First Amendment did not hurt Americans’ “lives and health”; to the contrary, if the Biden White House and the Biden Administration had abided by the First Amendment, so much needless pain and suffering could have been avoided. Because public health measures could not be fairly debated by the public and assessed on their merits, the Biden Administration and other policymakers imposed public health measures that were devastating to schoolchildren, workers, and other Americans around the country. Today, it is widely accepted how foolish these measures were.³⁸⁶ Statements accepted as gospel under a mantra of “Trust the Science” have now been revealed to have had no scientific basis whatsoever.³⁸⁷ And yet, for a time, the truth was censored and the misinformation was spread by the “experts,” including the Biden Administration.³⁸⁸ America needs to have free and open debate on the pressing issues of the day, and the Biden Administration should have trusted the intelligence of the American people to make up their own minds.

Investigating constitutional violations by the Executive Branch is not enough; legislative reforms are needed. House Republicans are working to enact new legislation that would further strengthen Americans’ right to free expression. Members of the Select Subcommittee have introduced the Free Speech Protection Act and the Censorship Accountability Act, which will hold federal employees accountable for violating Americans’ First Amendment rights.

³⁸³ Nick Stoico, *North Reading native Rob Flaherty to serve as deputy manager of Biden reelection campaign*, BOS. GLOBE (Aug. 8, 2023); Maeve Sheehy, *Andy Slavitt stepping down from White House Covid-19 response role*, POLITICO (June 9, 2021).

³⁸⁴ Andy Slavitt, *PREVENTABLE: THE INSIDE STORY OF HOW LEADERSHIP FAILURES, POLITICS, AND SELFISHNESS DOOMED THE U.S. CORONAVIRUS RESPONSE* (St. Martin’s Press, 2021).

³⁸⁵ *Id.* (emphasis added).

³⁸⁶ See, e.g., Sarah Mervosh, Claire Cain Miller & Francesca Paris, *What the Data Says About Pandemic School Closures, Four Years Later*, N.Y. TIMES (Mar. 18, 2024) (“The more time students spent in remote instruction, the further they fell behind. And, experts say, extended closures did little to stop the spread of Covid.”).

³⁸⁷ See, e.g., The Editorial Board, *Anthony Fauci Fesses Up*, WALL ST. J. (Jan. 11, 2024) (“Officials nonetheless promoted the arbitrary rule because they didn’t trust Americans to understand scientific nuance or, for that matter, anything. Businesses, churches and schools that weren’t forced to close had to spend money reconfiguring their operations to comply with these government guidelines. It’s nice of Dr. Fauci to acknowledge now that the rule lacked a scientific basis.”).

³⁸⁸ See, e.g., Calvin Woodward & Hope Yen, *Biden goes too far in assurances on vaccines*, ASSOCIATED PRESS (July 22, 2021).

Legislative reforms like these will help ensure that the First Amendment and America's tradition of free expression meaningfully endures. As the legislative process continues, the Committee and the Select Subcommittee will continue their oversight efforts to inform these necessary and important legislative reforms.

V. APPENDIX

Appendix Table of Contents

Facebook Exhibits	98
Ex. 1: Email correspondence between Facebook and Biden-Harris Transition personnel (Nov. 22, 2020).....	99
Ex. 2: Email correspondence between Facebook, Biden-Harris Transition, and the White House (Jan. 19-Feb. 2, 2021).....	103
Ex. 3: Email correspondence between Facebook to the White House (Feb. 8, 2021).....	110
Ex. 4: Email correspondence between Facebook and the White House (Feb. 8-11, 2021).....	113
Ex. 5: Email correspondence between Facebook and the White House (Feb. 18-Mar. 1, 2021).....	118
Ex. 6: Facebook’s Call Notes with the White House and HHS/CDC (Feb.-July 2021).....	125
Ex. 7: Email correspondence between Facebook, Surgeon General’s office, and the White House (Feb. 24, 2021).....	177
Ex. 8: Internal Facebook email correspondence (Febr. 28-Mar. 2, 2021).....	180
Ex. 9: Internal Facebook email correspondence (Feb. 28–Mar. 2, 2021).....	192
Ex. 10: Email correspondence between Facebook and the White House (Mar. 14-15, 2021).....	204
Ex. 11: Email correspondence between Facebook and the White House (Mar. 14-16, 2021).....	206
Ex. 12: Email correspondence between Facebook and the White House (Mar. 16-Apr. 13, 2021).....	210
Ex. 13: Internal Facebook email correspondence (Mar. 2021).....	213
Ex. 14: Email correspondence between Facebook and the White House (Mar. 21, 2021).....	221
Ex. 15: Email correspondence between Facebook and the White House (Mar. 22-24, 2021).....	223
Ex. 16: Email correspondence between Facebook and the White House (Mar. 28, 2021).....	227
Ex. 17: Email correspondence between Facebook and the White House (Mar. 28-Apr. 1, 2021).....	230
Ex. 18: Email correspondence between Facebook and the White House (Mar. 28-Apr. 1, 2021).....	234

Ex. 19: Email correspondence between Facebook and the White House (Mar. 28-Apr. 13, 2021).....	239
Ex. 20: Internal Facebook email correspondence (Mar. 29-Apr. 7, 2021).....	245
Ex. 21: Email correspondence between Facebook and the White House (Apr. 9, 2021)	252
Ex. 22: Email correspondence between Facebook and the White House (Apr. 9-10, 2021)	258
Ex. 23: Email correspondence between Facebook and the White House (Apr. 12, 2021)	264
Ex. 24: Email correspondence between Facebook and the White House (Apr. 13-14, 2021)	270
Ex. 25: Email correspondence between Facebook and the White House (Apr. 14, 2021)	280
Ex. 26: Email correspondence between Facebook and the White House (Apr. 14, 2021)	282
Ex. 27: Email correspondence between Facebook and the White House (Apr. 14-16, 2021)	285
Ex. 28: Email correspondence between Facebook and the White House (Apr. 14-21, 2021)	289
Ex. 29: Email correspondence between Facebook and the White House (Apr. 16-Aug. 19, 2021).....	293
Ex. 30: Email correspondence between Facebook and the White House (Apr. 16-23, 2021)	314
Ex. 31: Internal Facebook email correspondence (Apr. 19-29, 2021).....	317
Ex. 32: Email correspondence between Facebook and the White House (Apr. 22-May 10, 2021).....	345
Ex. 33: Email correspondence between Facebook and the White House (Apr. 23, 2021)	351
Ex. 34: Internal Facebook email correspondence (Apr. 26-30, 2021).....	354
Ex. 35: Internal Facebook email correspondence (Apr. 28, 2021).....	362
Ex. 36: Internal Facebook email correspondence (Apr. 21-30, 2021).....	367
Ex. 37: Internal Facebook email correspondence (June 4-6, 2021).....	397

Ex. 38: Email correspondence between Facebook, the White House, and Surgeon General Murthy (June 25-27, 2021).....	401
Ex. 39: Email correspondence between Facebook, the White House, and Surgeon General Murthy (June 25-Aug. 11, 2021).....	403
Ex. 40: Email correspondence between Facebook and the White House (May 10-12, 2021).....	405
Ex. 41: Email correspondence between Facebook and the White House (May 14-15, 2021).....	409
Ex. 42: Internal Facebook email correspondence (May 24-26, 2021).....	412
Ex. 43: Email correspondence between Facebook, the White House, and Surgeon General Murthy’s office (May 28-30, 2021).....	420
Ex. 44: Email correspondence between Facebook, the White House, and Surgeon General Murthy (May 28, 2021 – June 2, 2021).....	423
Ex. 45: Email correspondence between Facebook, the White House, and Surgeon General Murthy (May 28, 2021 – June 15, 2021).....	427
Ex. 46: Internal Facebook email correspondence (June 3-4, 2021).....	431
Ex. 47: Internal Facebook email correspondence (June 11-12, 2021).....	442
Ex. 48: Email correspondence between Facebook, the White House, and Surgeon General Murthy (June 12, 2021).....	448
Ex. 49: Email correspondence between Facebook, the White House, and Surgeon General Murthy (June 25-July 12, 2021).....	450
Ex. 50: Email correspondence between Facebook and Surgeon General Murthy’s office (July 6-23, 2021).....	453
Ex. 51: Email correspondence between Facebook and the White House (July 13-Aug. 2, 2021).....	457
Ex. 52: Internal Facebook email correspondence (July 14, 2021).....	462
Ex. 53: Text messages between Nick Clegg and Andy Slavitt (July 2021).....	467
Ex. 54: Internal Facebook email correspondence (July 16, 2021).....	472
Ex. 55: Internal Facebook email correspondence (July 16, 2021).....	523
Ex. 56: Internal texts between Mark Zuckerberg, Sheryl Sandberg, Nick Clegg, and Joel Kaplan (July 16, 2021).....	529
Ex. 57: Internal Facebook email correspondence (July 16, 2021).....	533

Ex. 58: Email correspondence between Facebook, the White House, and Surgeon General Murthy (July 16-19, 2021).....	537
Ex. 59: Internal Facebook email correspondence (July 17-19, 2021).....	540
Ex. 60: Email correspondence between Facebook and the White House (July 17, 2021)	551
Ex. 61: Internal Facebook text thread (July 19, 2021).....	554
Ex. 62: Internal Facebook text thread (July 19, 2021).....	559
Ex. 63: Internal Facebook email correspondence (July 21, 2021).....	562
Ex. 64: Internal Facebook email correspondence (July 22-23, 2021).....	568
Ex. 65: Internal Facebook text thread (July 23, 2021).....	574
Ex. 66: Internal Facebook email correspondence (July 23-24, 2021).....	578
Ex. 67: Facebook’s readout of its July meeting with the Surgeon General (July 26, 2021)	581
Ex. 68: Internal Facebook email correspondence (July 23-26, 2021).....	584
Ex. 69: Email correspondence between Facebook, the White House, and Surgeon General Murthy’s office (July 23-Aug. 17, 2021).....	587
Ex. 70: Internal Facebook email correspondence (July 26-Aug. 2, 2021).....	593
Ex. 71: Internal Facebook text thread (Aug. 3, 2021).....	605
Ex. 72: Internal Facebook email correspondence (Aug. 5-11, 2021).....	608
Ex. 73: Internal Facebook email correspondence (Aug. 5-18, 2021).....	613
Ex. 74: Email correspondence between Facebook, the White House, and Surgeon General Murthy’s office (Aug. 8-18, 2021).....	620
Ex. 75: Internal Facebook text thread (Aug. 15, 2021).....	623
Ex. 76: Internal Facebook email correspondence (Apr. 15, 2021).....	630
Ex. 77: Internal Facebook email correspondence (Aug. 19, 2021).....	634
Ex. 78: Email correspondence between Facebook and Surgeon General Murthy’s office (Aug. 20, 2021 – Aug. 23, 2021).....	637
Ex. 79: Internal Facebook text thread (Aug. 21, 2021).....	641
Ex. 80: Internal Facebook email correspondence (Aug. 21, 2021).....	643
Ex. 81: Email correspondence between Facebook and the White House (Aug. 21-Sept. 21, 2021).....	648

Ex. 82: Email correspondence between Facebook, the White House, and Surgeon General Murthy’s office (Aug. 21-Oct. 4, 2021)	651
Ex. 83: Email correspondence between Facebook, the White House, and Surgeon General Murthy’s office (Aug. 21-Oct. 17, 2021)	654
Ex. 84: Email correspondence between Facebook, the White House, and Surgeon General Murthy’s office (Aug. 23, 2021)	658
Ex. 85: Email correspondence between Facebook, the White House, and Surgeon General Murthy’s office (Oct. 28-31, 2021)	661
Ex. 86: Email correspondence between Facebook, the White House, and Surgeon General Murthy’s office (Oct. 28-Nov. 3, 2021)	664
Ex. 87: Email correspondence between Facebook, the White House, and Surgeon General Murthy’s office (Dec. 1-30, 2021)	667
Ex. 88: Email correspondence between Facebook, the White House, and Surgeon General Murthy’s office (Dec. 1-Feb. 10, 2022)	671
Ex. 89: Email correspondence between Facebook and the White House (Feb. 4-7, 2022)	677
Ex. 90: Email correspondence between Facebook, the White House, and HHS staff (Feb. 4-7, 2022)	682
Ex. 91: Email correspondence between Facebook, the White House, and Surgeon General Murthy’s office (Feb. 23-May 3, 2022)	687
Ex. 92: Email correspondence between Facebook, the White House, and Surgeon General Murthy’s office (Feb. 23-June 13, 2022)	690
Ex. 93: Email correspondence between Facebook, the White House, and Surgeon General Murthy’s office (Feb. 23-July 17, 2022)	695
Ex. 94: Email correspondence between Facebook and the White House (June 22, 2022)	700
YouTube Exhibits	702
Ex. 95: Biden White House Transition Team Draft Event Memo (Dec. 10, 2020)	703
Ex. 96: Email correspondence between YouTube and the White House (Jan. 28-29, 2021)	707
Ex. 97: Zoom invitation for meeting between YouTube and the White House (Feb. 3, 2021)	711
Ex. 98: Email correspondence between YouTube and the White House (Feb. 24-Mar. 9, 2021)	715

Ex. 99: Email correspondence between YouTube and the White House (Mar. 11-12, 2021)	722
Ex. 100: Email correspondence between YouTube and the White House (Apr. 12-15, 2021)	729
Ex. 101: Internal email correspondence between YouTube & Google (Apr. 12-13, 2021)	734
Ex. 102: Zoom invitation for meeting between YouTube and the White House (Apr. 16, 2021)	737
Ex. 103: Internal email correspondence between YouTube & Google (Apr. 21-22, 2021)	741
Ex. 104: Internal email correspondence between YouTube & Google (Apr. 21-22, 2021)	744
Ex. 105: Email correspondence between YouTube and the White House (Apr. 21-23, 2021)	748
Ex. 106: Email correspondence between YouTube and the White House (Apr. 22, 2021)	752
Ex. 107: Internal YouTube email correspondence (Apr. 22, 2021)	755
Ex. 108: Email correspondence between YouTube and the White House (Apr. 26-May 5, 2021)	758
Ex. 109: Internal YouTube email correspondence (Apr. 29-May 4, 2021)	765
Ex. 110: Zoom invitation for meeting between YouTube and the White House (May 10, 2021)	767
Ex. 111: Internal YouTube email correspondence (May 24, 2021)	772
Ex. 112: Email correspondence between YouTube and the White House (July 19-21, 2021)	778
Ex. 113: Email correspondence between YouTube and the White House (Aug. 23, 2021)	783
Ex. 114: Email correspondence between YouTube and the White House (Sep. 21-29, 2021)	785
Ex. 115: Zoom invitation for meeting between YouTube and the White House (Oct. 1, 2021)	789
Ex. 116: Email correspondence between YouTube and the White House (Oct. 19-20, 2021)	792
Ex. 117: Zoom invitation for meeting between YouTube and the White House (Oct. 22, 2021)	796
Ex. 118: Email correspondence between YouTube and the White House (Nov. 1-2, 2021)	799

Ex. 119: Email correspondence between YouTube and the White House (Mar. 17-23, 2022)	802
Ex. 120: Email correspondence between YouTube and the White House (June 14-16, 2022)	809
Ex. 121: Email correspondence between YouTube and the White House (June 16, 2022)	813
Ex. 122: Email correspondence between YouTube and the White House (July 14-Aug. 1, 2022)	815
Ex. 123: Email correspondence between YouTube and the White House (Aug. 3, 2022)	824
Amazon Exhibits	827
Ex. 124: Email correspondence between Amazon and the White House (Feb. 19-Mar. 5, 2021)	828
Ex. 125: Email correspondence between Amazon and the White House & Internal Amazon email correspondence (Feb. 19-Mar. 2, 2021)	836
Ex. 126: Email correspondence between Amazon and the White House & Internal Amazon email correspondence (Feb. 19-Mar. 2, 2021)	842
Ex. 127: Internal Amazon email correspondence (Mar. 2, 2021)	846
Ex. 128: Internal Amazon email correspondence (Mar. 2, 2021)	848
Ex. 129: Internal Amazon email correspondence (Mar. 3, 2021)	853
Ex. 130: Internal Amazon email correspondence (Mar. 3, 2021)	856
Ex. 131: Internal Amazon email correspondence (Mar. 4-9, 2021)	858
Ex. 132: Internal Amazon email correspondence (Mar. 5-8, 2021)	863
Ex. 133: Internal Amazon email correspondence (Mar. 5-8, 2021)	866
Ex. 134: Internal Amazon email correspondence (Mar. 9, 2021)	869
Ex. 135: Internal Amazon email correspondence (Mar. 12-16, 2021)	875