

Congress of the United States

Washington, DC 20515

June 9, 2021

Mr. Mark Zuckerberg
Chief Executive Officer
Facebook, Inc.
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Zuckerberg:

Big Tech is out to get conservatives. We have witnessed several examples in recent years of how Facebook has censored conservative speech on its platform. Newly released documents indicate that you, personally, communicated with Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, about the COVID-19 pandemic. In light of Facebook's subsequent censorship of certain COVID-19 content—including content about the pandemic's origin—these communications with Dr. Fauci raise the prospect that the federal government induced Facebook to censor certain speech in violation of the First Amendment.

For well over a year, Facebook has censored various speech related to COVID-19.¹ Facebook censored speech about COVID-19's prevention and treatment.² It censored speech about citizens' protests of government-mandated quarantines.³ Facebook also censored speech about COVID-19's origins.⁴ While censoring and suppressing these types of speech, Facebook amplified sources like the World Health Organization⁵—even though such sources have proven

¹ Daniel Payne, *Facebook fact-checker for COVID-19 content cited major Wuhan lab funder*, JUST THE NEWS (June 2, 2021), <https://justthenews.com/politics-policy/coronavirus/fact-check-disputing-covid-lab-leak-theory-facebook-checker-cited-major>; Shawn Fleetwood, *Fauci Colluded With Mark Zuckerberg On Facebook COVID-19 'Information Hub,' Emails Show*, THE FEDERALIST (June 2, 2021), <https://thefederalist.com/2021/06/02/fauci-colluded-with-mark-zuckerberg-on-facebook-covid-19-information-hub-emails-show/>; see Christina Farr & Salvador Rodriguez, *Facebook, Amazon, Google and more met with WHO to figure out how to stop coronavirus misinformation*, CNBC (Feb. 14, 2020), <https://www.cnbc.com/2020/02/14/facebook-google-amazon-met-with-who-to-talk-coronavirus-misinformation.html>.

² Will Feuer, *Facebook trying to censor posts from COVID-19 vaccine skeptics*, N.Y. POST (May 25, 2021), <https://nypost.com/2021/05/25/facebook-trying-to-censor-covid-19-vaccine-skeptics-report/>; Chrissy Clark, *Facebook Censors Do-It-Yourself Charitable Face Masks While Cracking Down On Coronavirus 'Misinformation'*, THE FEDERALIST (Apr. 6, 2020), <https://thefederalist.com/2020/04/06/facebook-censors-do-it-yourself-charitable-face-masks-while-cracking-down-on-coronavirus-misinformation/>.

³ Elizabeth Culliford, *Facebook removes anti-quarantine protest events in some U.S. states*, REUTERS (Apr. 20, 2020), <https://www.reuters.com/article/us-health-coronavirus-usa-facebook/facebook-removes-anti-quarantine-protest-events-in-some-u-s-states-idUSKBN2222QK>.

⁴ Peter Suci, *Social Media About Face: Facebook Won't Remove Claims Covid Was Man-Made*, FORBES (May 28, 2021), <https://www.forbes.com/sites/petersuci/2021/05/28/social-media-about-face-facebook-wont-remove-claims-covid-was-man-made/?sh=22e710266aa1>.

⁵ See Monica Chin, *Facebook is giving free ads to the World Health Organization to fight COVID-19 misinformation*, THE VERGE (Mar. 4, 2020), <https://www.theverge.com/2020/3/4/21164496/facebook-coronavirus-world-health-organization-free-ads>.

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to be conflicted and unreliable in the past.⁶

Facebook's censorship decisions did not occur in a vacuum, and there are indications that Facebook may have made content-moderation decisions regarding COVID-19 at the behest of certain government policies and positions.⁷ The federal government appears to have had significant contact with Facebook about COVID-19 during the pandemic.⁸ You emailed personally with Dr. Fauci to enlist him in Facebook's "Coronavirus Information Hub" and encouraged him to provide a video "because people trust and want to hear from experts rather than just a bunch of agencies and political leaders."⁹ It also appears that you shared some of Facebook's confidential trade or commercial secrets with Dr. Fauci, as portions of your email exchange with Dr. Fauci were redacted when made publicly available.¹⁰

Your appeal to Dr. Fauci to serve as an "expert" voice of Facebook's platform suggests that the government's views may have directly guided and led to Facebook's approach to content moderation. This conclusion is bolstered by the circumstances of Facebook's recent change in its content moderation approach relating to COVID-19's origins. Shortly after President Biden announced that he had directed the intelligence community to investigate the origin of the COVID-19 pandemic, Facebook announced that it would no longer censor certain content that effectively includes whether the pandemic originated in a Wuhan lab.¹¹ It appears possible that Facebook's altered approach to content moderation concerning the COVID-19 pandemic, after "consultation with public health experts,"¹² could have been driven or strongly encouraged by U.S. officials.¹³

⁶ See, e.g., Kathy Gilman, *How China Deceived the WHO*, THE ATLANTIC (Apr. 12, 2020), <https://www.theatlantic.com/politics/archive/2020/04/world-health-organization-blame-pandemic-coronavirus/609820/>.

⁷ See generally Editorial Board, *Facebook's Lab-Leak About-Face: The company acts in tandem with government on speech control*, WALL ST. J. (May 27, 2021) (opinion), <https://www.wsj.com/articles/facebooks-lab-leak-about-face-11622154198>; Lee Brown, *Facebook accused of showing 'true and ugly colors' with Wuhan lab story ban*, N.Y. POST (May 27, 2021), <https://nypost.com/2021/05/27/facebook-shows-true-and-ugly-colors-with-wuhan-stories-ban-uk-pols/>.

⁸ See, e.g., Shawn Fleetwood, *Fauci Colluded With Mark Zuckerberg On Facebook COVID-19 'Information Hub,' Emails Show*, THE FEDERALIST (June 2, 2021), <https://thefederalist.com/2021/06/02/fauci-colluded-with-mark-zuckerberg-on-facebook-covid-19-information-hub-emails-show/>.

⁹ Email from Mark Zuckerberg to Anthony Fauci (Mar. 15, 2020).

¹⁰ *Id.*

¹¹ See Donie O'Sullivan & Jordan Valinsky, *Facebook will no longer remove claims that Covid-19 was man-made*, CNN BUSINESS (May 27, 2021), <https://www.cnn.com/2021/05/27/tech/facebook-covid-19-origin-claims-removal/index.html>; Newley Purnell, *Facebook Ends Ban on Posts Asserting Covid-19 Was Man-Made*, WALL ST. J. (May 27, 2021), <https://www.wsj.com/articles/facebook-ends-ban-on-posts-asserting-covid-19-was-man-made-11622094890>.

¹² Cristiano Lima, *Facebook no longer treating 'man-made' Covid as a crackpot idea*, POLITICO (May 27, 2021), <https://www.politico.com/news/2021/05/26/facebook-ban-covid-man-made-491053>.

¹³ See generally Editorial Board, *Facebook's Lab-Leak About-Face: The company acts in tandem with government on speech control*, WALL ST. J. (May 27, 2021) (opinion), <https://www.wsj.com/articles/facebooks-lab-leak-about-face-11622154198>; cf. Editorial Board, *Anthony Fauci and the Wuhan Lab: Emails add to the mystery over U.S. funds for risky research*, WALL ST. J. (June 3, 2021) (opinion), <https://www.wsj.com/articles/anthony-fauci-and-the-wuhan-lab-11622759752>.

Government should not enlist private firms to help skirt the First Amendment. When a private company—especially one with Facebook’s market dominance—suppresses free speech at government’s behest, it tramples citizens’ Constitutional rights. As Justice Thomas recently explained, although “a private entity is not ordinarily constrained by the First Amendment, it is if the government coerces or induces it to take action the government itself would not be permitted to do, *such as censor expression of a lawful viewpoint.*”¹⁴ This principle is even more important when a tremendous amount of political speech occurs on privately-moderated electronic platforms. As Judge Silberman has said, the First Amendment “embodies the most important value of American Democracy.”¹⁵ The “[r]epression of political speech by large institutions with market power” is “fundamentally un-American.”¹⁶ This woke corporate censorship of certain political speech can have effects similar to government’s directly “driv[ing] certain ideas or viewpoints from the marketplace.”¹⁷ This government-driven censorship undercuts American values and harms users’ rights online.

Millions of Americans, including both conservatives and progressives, use Facebook. Censorship about COVID-19—or topics like “climate change” or “elections”¹⁸—seems likely to continue throttling free speech. As Congress continues to examine the size, scope, and competitiveness of Big Tech and how to best protect Americans’ free speech rights, please provide:

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

¹⁴ *Biden v. Knight First Amend. Inst. at Columbia Univ.*, 141 S. Ct. 1220, 1226 (2021) (Thomas, J., concurring) (citations and internal quotation marks omitted; emphasis added).

¹⁵ *Tah v. Glob. Witness Publ'g, Inc.*, 991 F.3d 231, 255 n.11 (D.C. Cir. 2021) (Silberman, J., dissenting).

¹⁶ *Id.*

¹⁷ *See id.* at 255 (citation and internal quotation marks omitted).

¹⁸ *Taking Action Against People Who Repeatedly Share Misinformation*, FACEBOOK (May, 2021), https://about.fb.com/news/2021/05/taking-action-against-people-who-repeatedly-share-misinformation/amp/?__twitter_imp=impression=true; Taylor Hatmaker, *Facebook changes misinfo rules to allow posts claiming COVID-19 is man-made*, TECHCRUNCH (May 28, 2021) (describing Facebook’s announcement that it will use harsher punishments against users who repeatedly post misinformation), <https://techcrunch.com/2021/05/28/facebook-covid-man-made-lab-theory/>.

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

Please produce the documents as soon as possible but no later than 5:00 p.m. on June 23, 2021. If you have any questions about this request, please contact Judiciary Committee staff at (202) 225-6906 or Oversight Committee staff at (202) 225-5074. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Ranking Member
Committee on the Judiciary



James Comer
Ranking Member
Committee on Oversight and
Reform

cc: The Honorable Jerrold Nadler, Chairman, Committee on the Judiciary
The Honorable Carolyn B. Maloney, Chairwoman, Committee on Oversight and Reform