

ONE HUNDRED SEVENTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON THE JUDICIARY
2138 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6216
(202) 225-3951
judiciary.house.gov

March 31, 2022

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

Dear Mr. Zuckerberg:

Shortly before the 2020 election, Facebook suppressed an explosive *New York Post* article detailing how Hunter Biden used the position and influence of his father, now-President Biden, for personal gain, with the apparent awareness of President Biden. We wrote to Facebook at the time with important questions about Facebook's knowing suppression of First Amendment-protected activity.¹ Facebook ignored our letter and, in the months since, has avoided any meaningful accountability for its actions. Now, with even the *New York Times* confirming the accuracy of the *Post*'s reporting,² we are investigating Facebook's actions to interfere in free and fair election-related public discourse on its platform to the benefit of President Biden and the detriment of former President Trump.

Although the *Post* article concerned a topic of importance to many voters in the run-up to the election,³ Facebook still censored it. Soon after the *Post* published its article, Facebook's Policy Communications Director, a former staffer for Democrat elected officials, announced that

¹ Letter from Rep. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Mr. Mark Zuckerberg, CEO, Facebook, Inc. (Oct. 14, 2020).

² Katie Benner et al., *Hunter Biden Paid Tax Bill, but Broad Federal Investigation Continues*, N.Y. Times, Mar. 16, 2022; Emma-Jo Morris & Gabrielle Fonrouge, *Smoking-gun email reveals how Hunter Biden introduced Ukrainian businessman to VP dad*, N.Y. Post, Oct. 14, 2020.

³ James Anthony, *FLASHBACK: 16% of Biden voters would have voted differently if Hunter Biden laptop story was not suppressed by media, big tech*, POST MILLENNIAL, Mar. 17, 2022 ("After the *New York Post*'s reporting on Hunter Biden's laptop was suppressed, a poll was released showing that 16 percent of voters who were unaware of the laptop scandal would have not voted for Biden had they known about it at the time."); Timothy P. Carney, *Yes, they lied about Hunter Biden's laptop. So what are they lying about now?*, WASH. EXAMINER, Mar. 17, 2022 ("This story was highly relevant to the presidential election going on that year. It showed how Joe Biden's family used his power to gain riches, and how Biden thought there was nothing wrong with it."); Gerard Baker, Opinion, *Hunter Biden's Laptop and America's Crisis of Accountability*, WALL ST. J., Mar. 21, 2022 ("[E]nough influential people in and out of government . . . were so alarmed that it [the *Post*'s reporting] would affect the outcome that they pulled off one of the greatest disappearing tricks since Harry Houdini made that elephant vanish from a New York stage.").

Facebook was “reducing its distribution on our platform.”⁴ Facebook presumably did this because “it s[aw] ‘signals’” that the *Post* story was “false.”⁵ As far as we know, Facebook has never identified or explained these “signals.” Instead, Facebook announced that the article would be “eligible to be fact checked by [the company’s] third-party fact checking partners”;⁶ however, Facebook has never revealed the results of this fact-check, or even whether it occurred.

The *Post* article was likely to have significant implications for the presidential election. It detailed how Hunter Biden leveraged his father’s influence as then-Vice President for personal gain. When Hunter Biden served on the board of Burisma, a Ukrainian company, a company executive asked him to “use [his] influence” to stop a domestic Ukrainian investigation into Burisma.⁷ Another time, the same executive thanked Hunter Biden for arranging a meeting with then-Vice President Biden.⁸ Eight months after that, Vice President Biden pressured the Ukrainian government to fire a prosecutor who was investigating Burisma,⁹ a firing about which Vice President Biden later bragged.¹⁰ The *Post* article challenged President Biden’s claim that he had “never spoken to [his] son about his overseas business dealings.”¹¹

Although the *Post* explained exactly how it obtained the emails on which it reported and included pictures of certain emails,¹² Facebook still suppressed the article. The mainstream media followed Facebook’s lead, wrongly claiming the *Post* story was “disinfo” and unverified.¹³

It appears that Facebook knowingly and deliberately used its platform to control election-related information accessible to the American people shortly before the 2020 election, and that Facebook did so to the primary benefit of then-Vice President Biden. Facebook’s actions helped shield Vice President Biden from increased scrutiny about the impropriety detailed in the *Post* article. In addition, Facebook’s actions gave rise to other news outlets, tech platforms, and even Biden himself dismissing the *Post* story as disinformation or untrue—when, in fact, it had never been rebutted. This irresponsible conduct demands a thorough investigation so that we may understand how Big Tech wields its enormous power over the free flow of information to the detriment of free and fair elections.

⁴ Tweet by Andy Stone, Policy Communications Director, Facebook, Twitter.com (Oct. 14, 2020, 11:10 a.m.), <https://twitter.com/andymstone/status/1316395902479872000> [hereinafter “Stone Tweet”].

⁵ Shannon Bond, *Facebook And Twitter Limit Sharing ‘New York Post’ Story About Joe Biden*, NPR, Oct. 14, 2020 (“Stone said Facebook sometimes takes this step [of limiting distribution] if it sees ‘signals’ that something gaining traction is false, to give fact-checkers time to evaluate the story before it spreads widely. He did not give more detail on what signals Facebook uses or how often it takes this approach.”).

⁶ Stone Tweet, *supra* note 4.

⁷ Morris & Fonrouge, *supra* note 2.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*; see also Council on Foreign Relations, Foreign Affairs Issue Launch with Former Vice President Joe Biden (Jan. 23, 2018), <https://www.cfr.org/event/foreign-affairs-issue-launch-former-vice-president-joe-biden>.

¹¹ Morris & Fonrouge, *supra* note 2.

¹² *Id.*

¹³ Joe Concha, Opinion, *Media’s pre-election burial of Hunter Biden story proves dereliction of duty*, THE HILL, Dec. 11, 2020 (listing news sources that downplayed or tried to cast doubt on the *Post* story); see also Nikolas Lanum, *FLASHBACK: MSNBC, CNN, CBS told viewers Hunter Biden laptop story was Russian disinformation*, FOX NEWS, Mar. 21, 2022.

Big Tech is out to get conservatives. Facebook's suppression of the *Post* article detailing Biden family wrongdoing only underscores that point. Given the importance of these issues, we request the following documents and information:

1. All documents and communications between October 1, 2020, and the present referring or relating to Facebook's decision to reduce the dissemination of the *New York Post* article on its platform and what factors, including any "signals," Facebook considered in this decision.
2. All documents and communications between October 1, 2020, and the present referring or relating to Facebook's or its third-party partners' efforts to fact check the *New York Post* article.
3. All documents and communications between October 1, 2020, and the present between or among any employee or contractor of Facebook and any individual affiliated with the Biden campaign or the Democrat National Committee referring or relating to Facebook's decision to reduce the dissemination of the *New York Post* article on its platform.
4. All documents and communications between October 1, 2020, and the present between or among any employee or contractor of Facebook and any employee or contractor of any other social media company referring or relating to Facebook's decision to reduce the dissemination of the *New York Post* article on its platform.
5. All documents and communications between October 1, 2020, and the present between or among any employee or contractor of Facebook and any employee or contractor of any media organization referring or relating to Facebook's decision to reduce the dissemination of the *New York Post* article on its platform.
6. All documents and communications between October 1, 2020, and the present referring or relating to Facebook's decision to report, or not report, its actions to the Federal Election Commission as an in-kind contribution to the Biden campaign.
7. Identify which employee(s) of Facebook made the decision to reduce the dissemination of the *New York Post* article on its platform.
8. Explain how Facebook's actions in reducing the dissemination of the *New York Post* article on its platform is not a publisher function for purposes of section 230 of the Communications Decency Act.

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Please produce these documents and information as soon as possible but no later than 5:00 p.m. on April 14, 2022. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Ranking Member



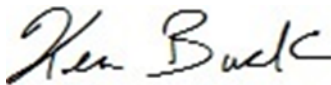
Steve Chabot
Member of Congress



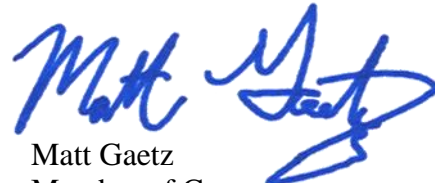
Louie Gohmert
Member of Congress



Darrell Issa
Ranking Member
Subcommittee on Courts, Intellectual
Property, and the Internet



Ken Buck
Ranking Member
Subcommittee on Antitrust, Commercial
and Administrative Law



Matt Gaetz
Member of Congress



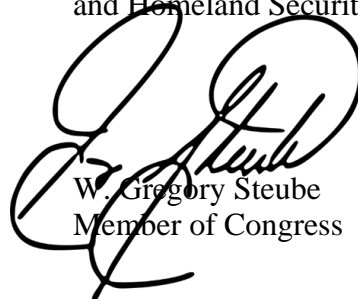
Mike Johnson
Ranking Member
Subcommittee on the Constitution,
Civil Rights and Civil Liberties



Andy Biggs
Ranking Member
Subcommittee on Crime, Terrorism
and Homeland Security



Tom McClintock
Ranking Member
Subcommittee on Immigration
and Citizenship

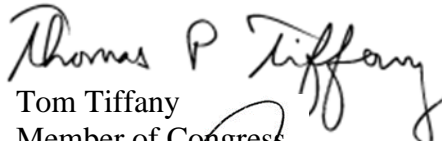


W. Gregory Steube
Member of Congress

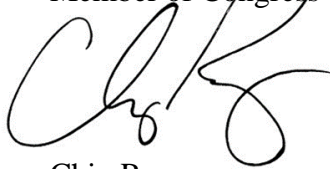
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Tom Tiffany
Member of Congress



Chip Roy
Member of Congress



Michelle Fischbach
Member of Congress



Scott Fitzgerald
Member of Congress



Burgess Owens
Member of Congress



Thomas Massie
Member of Congress



Dan Bishop
Member of Congress



Victoria Spartz
Member of Congress



Cliff Bentz
Member of Congress

cc: The Honorable Jerrold L. Nadler, Chairman