

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

May 17, 2024

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Blinken:

The Committee on the Judiciary and the Select Subcommittee on the Weaponization of the Federal Government are conducting oversight of how and to what extent the Executive Branch has coerced and colluded with companies and other intermediaries to censor speech.¹ Our investigation has found that the Executive Branch has coerced or colluded with technology and social media companies to suppress disfavored speech, including true information.² For example, the U.S. State Department's Global Engagement Center (GEC) engaged directly and extensively with Stanford's Election Integrity Partnership (EIP), which targeted Americans' accounts and posts for censorship by social media companies.³ We write in response to reports that the State Department is considering entering the United States into a multinational agreement that would encourage censorship of so-called "misinformation" and "disinformation."⁴

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

² See, e.g., STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV'T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., *THE CENSORSHIP INDUSTRIAL COMPLEX: HOW TOP BIDEN WHITE HOUSE OFFICIALS COERCED BIG TECH TO CENSOR AMERICANS, TRUE INFORMATION, AND CRITICS OF THE BIDEN ADMINISTRATION* (Comm. Print May 1, 2024); STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV'T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., *THE WEAPONIZATION OF 'DISINFORMATION' PSEUDO-EXPERTS AND BUREAUCRATS: HOW THE FEDERAL GOVERNMENT PARTNERED WITH UNIVERSITIES TO CENSOR AMERICANS' POLITICAL SPEECH* (Comm. Print Nov. 6, 2023).

³ See STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV'T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., *THE WEAPONIZATION OF 'DISINFORMATION' PSEUDO-EXPERTS AND BUREAUCRATS: HOW THE FEDERAL GOVERNMENT PARTNERED WITH UNIVERSITIES TO CENSOR AMERICANS' POLITICAL SPEECH* (Comm. Print Nov. 6, 2023); see also *ELECTION INTEGRITY P'SHIP, THE LONG FUSE: MISINFORMATION AND THE 2020 ELECTION*, at 42 (Eden Beck, ed., 2021).

⁴ See Brett Schaefer and Steven Groves, *The WHO Pandemic Treaty Fails Again*, HERITAGE FOUND. (Apr. 19, 2024).

Recent reporting indicates that the State Department is considering having the United States join the World Health Organization (WHO) Pandemic Agreement (WHO Agreement).⁵ The ostensible purpose of the WHO Agreement is to “prevent, prepare and respond to pandemics.”⁶ These reports raise serious concerns given that certain provisions within the WHO Agreement may contravene the First Amendment. For example, the first six drafts of the WHO Agreement each included a section or article requiring parties to the agreement to “identify,” “combat,” “counteract,” “tackle,” and/or “prevent” so-called “misinformation,” “disinformation,” or “false news” relating to pandemics, vaccines, or other topics on which self-proclaimed public health experts want to restrict debate.⁷ The seventh and most recent draft of the WHO Agreement does not include a section explicitly addressing “misinformation,” but the preamble in this version adds a new reference to an alleged need to “prevent misinformation, disinformation[,] and stigmatization.”⁸

The State Department’s consideration of the WHO Agreement is even more troubling in light of the fact that the Biden Administration has been one of the worst and most consistent purveyors of COVID-19 and vaccine misinformation.⁹ In addition to spreading misinformation, the Biden Administration also worked relentlessly to coerce social media companies, and even bookstores, to censor true information as uncovered by the Committee and Select Subcommittee.¹⁰

⁵ See *id.*; see also *U.S. Delegation to the Intergovernmental Negotiating Body (INB) meeting on a Pandemic Accord*, U.S. DEP’T. OF STATE (Feb. 16, 2024); *Joint Update by the Department of State and the Department of Health and Human Services on Negotiations Toward a Pandemic Accord*, U.S. DEP’T. OF STATE (Mar. 29, 2024); *WHO Member States agree to resume negotiations aimed at finalizing the world’s first pandemic agreement*, WORLD HEALTH ORG. (Mar. 28, 2024); Letter from Republican Senators to Pres. Joseph R. Biden (May 1, 2024).

⁶ Intergovernmental Negotiating Body, “Proposal for the WHO Pandemic Agreement” WORLD HEALTH ORG. (Apr. 22, 2024), Ch. I, Art. 2.

⁷ See Intergovernmental Negotiating Body, “Working draft, presented on the basis of progress achieved, for the consideration of the Intergovernmental Negotiating Body at its second meeting,” WORLD HEALTH ORG. (July 13, 2022), Part IV, Sect. 13; Intergovernmental Negotiating Body, “Conceptual zero draft for the consideration of the Intergovernmental Negotiating Body at its third meeting,” WORLD HEALTH ORG. (Nov. 25, 2022), Ch. V, Art. 16; Intergovernmental Negotiating Body, “Zero draft of the WHO CA+ for the consideration of the Intergovernmental Negotiating Body at its fourth meeting,” WORLD HEALTH ORG. (Feb. 1, 2023); Ch. V, Art. 17. Intergovernmental Negotiating Body, “Bureau’s text of the WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response (WHO CA+),” WORLD HEALTH ORG. (June 2, 2023), Ch. II, Art. 18; Intergovernmental Negotiating Body, “Proposal for negotiating text of the WHO Pandemic Agreement,” WORLD HEALTH ORG. (Oct. 30, 2023), Ch. II, Art. 18; Intergovernmental Negotiating Body, “Revised draft of the negotiating text of the WHO Pandemic Agreement,” WORLD HEALTH ORG. (Mar. 13, 2024), Ch. II, Art. 18.

⁸ Intergovernmental Negotiating Body, “Proposal for the WHO Pandemic Agreement,” WORLD HEALTH ORG. (Apr. 22, 2024), Preamble ¶ 13.

⁹ See, e.g., STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., THE CENSORSHIP INDUSTRIAL COMPLEX: HOW TOP BIDEN WHITE HOUSE OFFICIALS COERCED BIG TECH TO CENSOR AMERICANS, TRUE INFORMATION, AND CRITICS OF THE BIDEN ADMINISTRATION, at 1, 46, 89 (Comm. Print May 1, 2024).

¹⁰ *Id.*, at 3, 10, 42, and 43; see also Jim Jordan (@Jim_Jordan), X (Jul. 27, 2023, 12:03 PM), https://twitter.com/Jim_Jordan/status/1684595375875760128; Jim Jordan (@Jim_Jordan), X (Jul. 28, 2023, 12:03 PM), https://twitter.com/Jim_Jordan/status/1684957660515328001; Jim Jordan (@Jim_Jordan), X (Aug. 3, 2023, 11:00 AM), https://twitter.com/Jim_Jordan/status/1687116316073930752; Jim Jordan (@Jim_Jordan), X (Sep. 5,

We previously wrote you on April 18, 2023, requesting documents and information about the State Department's interactions with social media companies and third-party groups regarding content moderation and the identification of so-called "misinformation."¹¹ Documents relating to the State Department's consideration of or involvement in the creation or development of the WHO Agreement are responsive to the Committee's earlier letter.¹² Therefore, and as an accommodation to the Department to assist you in identifying responsive material, we ask that you please promptly produce the following information:

1. All documents and communications between or among State Department personnel referring or relating to the creation, drafting, development, consideration, or implementation of the WHO Agreement or any amendments to the International Health Regulations;
2. All documents and communications between or among State Department personnel and WHO personnel referring or relating to the creation, drafting, development, consideration, or implementation of the WHO Agreement or any amendments to the International Health Regulations; and
3. All documents and communications between or among State Department personnel and other third parties referring or relating to the creation, drafting, development, consideration, or implementation of the WHO Agreement or any amendments to the International Health Regulations.

The Committee also reiterates the requests contained in the April 18 letter, which is enclosed for your convenience. We also request that the State Department provide the Committee with a briefing on the WHO Agreement and any amendments to the International Health Regulations. Please provide the requested information and contact Committee staff to schedule the briefing as soon as possible, but no later than 5:00 p.m. on May 31, 2024.

2023, 6:17 PM), https://twitter.com/Jim_Jordan/status/1699184930331267539; Jim Jordan (@Jim_Jordan), X (May 1, 2024, 3:31 PM), https://twitter.com/Jim_Jordan/status/1785753836532978067; Jim Jordan (@Jim_Jordan), X (Nov. 30, 2023, 8:44 AM), 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; Jim Jordan (@Jim_Jordan), X (May 1, 2024, 4:09 PM), https://twitter.com/Jim_Jordan/status/1785763383142129733; Jim Jordan (@Jim_Jordan), X (Feb. 5, 2024, 5:44 PM), https://twitter.com/Jim_Jordan/status/1754637204146581783; Jim Jordan (@Jim_Jordan), X (May 1, 2024, 3:56 PM), https://twitter.com/Jim_Jordan/status/1785760331370725664.

¹¹ See Letter from Rep. Jim Jordan, H. Comm. on the Judiciary, to Sec. Antony J. Blinken, U.S. Dept. of State (Apr. 18, 2023).

¹² For example, the Committee's April 18 letter requests that the Department produce internal or external communications referring or relating to, among other things, content moderation; "the State Department's identification of alleged 'misinformation,' 'disinformation,' or 'malinformation,'" or how social media platforms treat the accuracy or truth of content. Letter from Rep. Jim Jordan, H. Comm. on the Judiciary, to Sec. Antony J. Blinken, U.S. Dept. of State (Apr. 18, 2023) at 2 & 3. Because the WHO Agreement explicitly requires signatories to work to counter, address, and prevent alleged "misinformation," including alleged misinformation online, documents relating to the Department's consideration of or involvement with the WHO Agreement are within the scope for the Committee's outstanding requests.

The Honorable Antony J. Blinken

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Pursuant to the Rules of the House of Representatives, the Committee on the Judiciary has jurisdiction to conduct oversight of matters concerning “civil liberties” to inform potential legislative reforms.¹³ In addition, H. Res. 12 authorized the Committee’s Select Subcommittee on the Weaponization of the Federal Government to investigate “issues related to the violation of the civil liberties of citizens of the United States.”¹⁴

If you have any questions about these requests, please contact Committee staff at (202) 225-6906. Thank you for your attention to this matter.

Sincerely,



Jim Jordan
Chairman



Thomas Massie
Chairman
Subcommittee on the Administrative
State, Regulatory Reform, and
Antitrust

cc: The Honorable Jerrold Nadler, Ranking Member

The Honorable Lou Correa, Ranking Member, Subcommittee on the Administrative
State, Regulatory Reform, and Antitrust

Enclosure

¹³ Rules of the House of Representatives R. X (2023).

¹⁴ H. Res. 12 § 1(b)(1).

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April 18, 2023

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Secretary Blinken:

The Committee on the Judiciary is conducting oversight of how and the extent to which the Executive Branch has coerced and colluded with companies and other intermediaries to censor speech. Publicly available information suggests that the Executive Branch's directives or guidance designed to suppress dissenting views may have influenced some companies' treatment of certain speakers and content.¹ Accordingly, we write to request documents and information about the nature and extent of the State Department's interactions with companies and third-party groups over content moderation.

The role of technology and social media companies in shaping modern public discourse is well-documented. There is increasing evidence, however, that the federal government has pressured, coerced, and directed technology, social media, and other companies to take certain actions related to digital and other content.² These examples raise serious concerns about

¹ See generally Ken Klippenstein & Lee Fang, *Truth Cops*, THE INTERCEPT (Oct. 31, 2022); Plaintiffs' Proposed Findings of Fact in Support of Their Motion for Preliminary Injunction, *Missouri v. Biden*, No. 3:22-cv-01213-TAD-KDM (W.D. La. filed Mar. 6, 2023); Ben Geman, *Top Biden aide prods big tech to crack down on climate change misinformation*, AXIOS (June 9, 2022); Brad Dress, *Surgeon general demands data on COVID-19 misinformation from major tech firms*, THE HILL (Mar. 3, 2022); *Federal government using social-media giants to censor Americans*, N.Y. POST (Sept. 6, 2021); WAFB Staff, *La., Mo. Request depositions and add 47 defendants to lawsuit against federal government for alleged collusion with social media companies*, WAFB (Oct. 10, 2022); Alex Berenson, *My Lawsuit Will Shine a Light on Twitter Censorship*, WALL ST. J. (May 15, 2022); *The White House and Twitter Censorship*, WALL ST. J. (Aug. 12, 2022).

² See, e.g., Matt Taibbi, @mtaibbi, TWITTER (Dec. 24, 2022, 12:20 PM), <https://twitter.com/mtaibbi/status/1606701430387408897?s=20>; see also HEARING ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT, H. COMM ON THE JUDICIARY, SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT, *The Twitter Files* (March 9, 2023) (testimony of Matt Taibbi); see *id.* (testimony of Michael Shellenberger, *The Censorship-Industrial Complex: U.S. Government Support For Domestic Censorship And Disinformation Campaigns, 2016-2022*).

whether the Executive Branch is engaging in censorship by proxy—using surrogates to censor, suppress, or discourage speech in a manner that the government is unable to do itself.³

Congress has an important interest in protecting and advancing fundamental free speech principles. To develop effective legislation, such as the possible enactment of new statutory limits on the Executive Branch’s ability to work with technology companies to restrict the circulation of content and deplatform users, the Committee on the Judiciary must first understand how and to what extent the Executive Branch coerced and colluded with companies and other intermediaries to censor speech. As the Committee continues to examine how to best protect Americans’ fundamental freedoms and to assist the Committee in its oversight, we ask that you please provide the following documents and information:

1. All documents and communications from January 1, 2020, to the present referring or relating to the moderation, deletion, suppression, restriction, or reduced circulation of content; the development, execution, or application of companies’ content moderation policies; companies’ treatment of the accuracy or truth of content; or the attribution of content to the source or participant in a foreign malign or state-sponsored influence operation. This request includes but is not limited to:
 - a. All such documents and communications internal to the State Department;
 - b. All such documents and communications between or among the State Department and any third-party groups, companies, or individuals; and,
 - c. All such documents and communications between or among the State Department and any other Executive Branch entity.
2. All documents and communications from January 1, 2020, to the present referring or relating to the State Department’s identification of alleged “misinformation,” “disinformation,” or “malinformation.”
3. All documents and communications from January 1, 2020, to the present referring or relating to any technology, platform, tool, or method considered, discussed, endorsed, or promoted by the State Department for the purpose of identifying alleged “misinformation,” “disinformation,” or “malinformation.”
4. A list of the individuals, along with their current and prior titles, who are or have been responsible in any way for developing, applying, executing, implementing, or communicating the State Department’s policies, views, or concerns referring or relating to the moderation, deletion, suppression, restriction, or reduced circulation of content; the development, execution, or application of companies’ content moderation policies; companies’ treatment of the accuracy or truth of content; or the attribution of

³ See, e.g., Vivek Ramaswamy & Jed Rubenfeld, *Twitter Becomes a Tool of Government Censorship*, WALL ST. J. (Aug. 17, 2022); cf. *Biden v. Knight First Amend. Inst. At Columbia Univ.*, 141 S. Ct. 1220, 1226 (2021) (Thomas, J., concurring).

- content to the source or participant in a foreign malign or state-sponsored influence operation.
5. A list of any third-party groups, companies, or individuals that the State Department has cooperated with, consulted with, or relied on, formally or informally, in developing, applying, executing, implementing, or communicating the State Department's policies, views, or concerns referring or relating to the moderation, deletion, suppression, restriction, or reduced circulation of content; the development, execution, or application of companies' content moderation policies; companies' treatment of the accuracy or truth of content; or the attribution of content to the source or participant in a foreign malign or state-sponsored influence operation.
 6. All documents and communications referring or relating to any third-party groups, companies, or individuals that the State Department has cooperated with, consulted with, or relied on, formally or informally, in developing, applying, executing, implementing, or communicating the State Department's policies, views, or concerns referring or relating to the moderation, deletion, suppression, restriction, or reduced circulation of content; the development, execution, or application of companies' content moderation policies; companies' treatment of the accuracy or truth of content; or the attribution of content to the source or participant in a foreign malign or state-sponsored influence operation. This request includes but is not limited to:
 - a. All documents and communications referring or relating to the terms of any agreement between the State Department and any third-party groups, companies, or individuals that the State Department has cooperated with, consulted with, or relied on, formally or informally, in developing, applying, executing, implementing, or communicating the State Department's policies, views, or concerns referring or relating to the moderation, deletion, suppression, restriction, or reduced circulation of content; the development, execution, or application of companies' content moderation policies; companies' treatment of the accuracy or truth of content; or the attribution of content to the source or participant in a foreign malign or state-sponsored influence operation.
 - b. All documents and communications referring or relating to any compensation—monetary or otherwise—that the State Department provided to any third-party groups, companies, or individuals that the State Department has cooperated with, consulted with, or relied on, formally or informally, in developing, applying, executing, implementing, or communicating the State Department's policies, views, or concerns referring or relating to the moderation, deletion, suppression, restriction, or reduced circulation of content; the development, execution, or application of companies' content moderation policies; companies' treatment of the accuracy or truth of content; or the attribution of content to the source or participant in a foreign malign or state-sponsored influence operation.

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April 18, 2023

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Please produce all documents and information as soon as possible but no later than 5:00 p.m. on May 2, 2023. In addition, please treat these discovery obligations as ongoing and applicable to any information generated after receipt of this letter.

Furthermore, this letter serves as a formal request to preserve all existing and future records and materials relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using your official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

Pursuant to the Rules of the House of Representatives, the Committee on the Judiciary has jurisdiction to conduct oversight of matters concerning “civil liberties” to inform potential legislative reforms.⁴ In addition, H. Res. 12 authorized the Committee’s Select Subcommittee on the Weaponization of the Federal Government to investigate “issues related to the violation of the civil liberties of citizens of the United States.”⁵

If you have any questions about this matter, please contact Committee staff at (202) 225-6906. Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

⁴ Rules of the House of Representatives R. X (2023).

⁵ H. Res. 12 § 1(b)(1).