

United States Senate

WASHINGTON, DC 20510

July 26, 2021

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. President:

We write to express deep concern with the White House's announcement that it will be "flagging" American citizens' speech on social media platforms for "misinformation." We consider any efforts by the government to collude with social media in this manner to be a dangerous assault on Americans' First Amendment right to freedom of speech.

White House press secretary Jen Psaki's vague description of the Administration's endeavor to "flag" posts on social media lacks a clear explanation regarding how the Administration will work with social media platforms to police speech on the Internet.

On July 15, 2021, Ms. Psaki stated the following during a press briefing:

[W]e are in regular touch with these social media platforms, and those engagements typically happen through members of our senior staff, but also members of our COVID-19 team, given, as Dr. Murthy conveyed, this is a big issue of misinformation, specifically on the pandemic. In terms of actions...that we have taken—or we're working to take, I should say—from the federal government: We've increased disinformation research and tracking within the Surgeon General's office. We're flagging problematic posts for Facebook that spread disinformation. We're working with doctors and medical professionals to connect—to connect medical experts...who are popular with their audiences—with accurate information and boost trusted content. So we're helping get trusted content out there.¹

Ms. Psaki repeated this again at a press briefing the next day, stating:

[I]t shouldn't come as any surprise that we're in regular touch with social media platforms—just like we're in regular touch with all of you and your media outlets—about areas where we have concern, information that might be useful, information that may or may not be interesting to your viewers...So we are...regularly making sure social media platforms are aware of the latest narratives dangerous to public health that we and many other Americans seeing—are seeing across all of social

¹ Press Briefing by Press Secretary Jen Psaki and Surgeon General Dr. Vivek H. Murthy, July 15, 2021, *available at* <https://www.whitehouse.gov/briefing-room/press-briefings/2021/07/15/press-briefing-by-press-secretary-jen-psaki-and-surgeon-general-dr-vivek-h-murthy-july-15-2021/>.

and traditional media. And we work to engage with them to better understand the enforcement of social media platforms policies.²

The public is already aware of efforts by the media and the executive branch to silence information that is unflattering to this Administration under the guise of “disinformation.” For example, unnamed intelligence officials, the media, and social media platforms engaged in a coordinated effort to censor stories about Hunter Biden’s laptop and his questionable financial dealings under the false label of “disinformation.”³

During the previous administration, blatant falsehoods directed at undermining the legitimacy of the President were time and again presented as fact. For example, the frivolous allegations against former President Trump contained in the Steele Dossier dominated headlines for months.⁴ In addition, allegations of Russian bounties against U.S. troops in Afghanistan were used to attack the Trump Administration.⁵ Of course, none of these allegations turned out to be true. Yet, none of these malicious false narratives were ever removed from social media outlets or retracted from publications as “misinformation.”

With this history, big tech, the corporate media, and the Administration have no credibility in determining what is and isn’t “misinformation.” Americans are rightfully alarmed and suspicious of the motivations behind the Administration’s apparent coordination with tech companies to potentially censor disfavored speech, as vaguely described by Ms. Psaki at the recent White House press briefing.

We want to reiterate that the Administration should halt any actions it has or is currently undertaking to censor Americans’ speech. Further, Congress and the American public must know how the Administration is carrying out this “flagging” of American citizens’ speech. We respectfully request you provide the following information as soon as possible, but no later than 5 p.m. on Monday, August 9, 2021:

- 1) The statutory, constitutional or legal authority provided to the Administration to research and track postings on social media platforms and to engage with social media platforms about postings of interest to the Administration;
- 2) The definition or standard for the following terms used by Ms. Psaki in the July 15, 2021, and July 16, 2021, White House press briefings: “accurate information,” “disinformation,” “misinformation,” “narrative,” “problematic,” and “trusted content,” and the agencies and individuals responsible for developing each definition or standard;

² Press Briefing by Press Secretary Jen Psaki, July 16, 2021, *available at* <https://www.whitehouse.gov/briefing-room/press-briefings/2021/07/16/press-briefing-by-press-secretary-jen-psaki-july-16-2021/>.

³ Tyler Olson, President Biden said Hunter laptop was Russian disinformation, but son now says it “could” be his, Fox News, Apr. 2, 2021, *available at* <https://www.foxnews.com/politics/president-biden-said-hunter-laptop-was-russian-disinformation-but-son-now-says-it-could-be-his>.

⁴ Alan Cullison, Newly Declassified Document Suggest FBI Was Wary by Early 2017 of Steele Dossier, Wall St. Journal, July 19, 2020, *available at* <https://www.wsj.com/articles/newly-declassified-documents-suggest-fbi-was-wary-by-early-2017-of-steele-dossier-11595174264>

⁵ Courtney Kube and Ken Dilanian, U.S. commander: Intel still hasn’t established Russia paid Taliban ‘bounties’ to kill U.S. troops. NBC News, Sept. 14, 2020, *available at* https://www.nbcnews.com/politics/national-security/u-s-commander-intel-still-hasn-t-established-russia-paid-n1240020?cid=sm_npd_nn_tw_ma.

- 3) The standard or criteria for a “narrative” to be “dangerous to public health” and the agencies and individuals responsible for developing this standard or criteria;
- 4) Please describe how the Administration is flagging posts and engaging with social media platforms;
- 5) The names and job titles of each doctor or medical professional the Administration is working with on this matter
- 6) The name, employing agency or office, and the job title of each individual in the executive branch carrying out “disinformation” research and tracking of social media platforms;
- 7) The name, employing agency or office, and job title of each individual in the executive branch carrying out “engagements” with social media;
- 8) A complete list of private businesses, non-profits, trade associations, or any other private entities that the Administration contracted with or receives recommendations from for the purpose of “flagging” posts on social media;
- 9) The amount of funding used to date by each agency or office for the purpose of disinformation research, disinformation tracking, flagging problematic posts, and engagement with social media platforms;
- 10) Any and all documents and correspondence since January 20, 2021 with social media platforms regarding disinformation research, disinformation tracking, flagging posts, and engagement with social media platforms;
- 11) A complete list of every social media post (broken down by platform) that has been flagged by the Administration and those private sector individuals identified in question 8 since January 20, 2021 and the specific justification for each flag; and
- 12) Each action the Administration recommended, suggested, conveyed, instructed or ordered to a social media platform for each post “flagged” since January 20, 2021.

We look forward to your response, and hope you and your staff reconsider this unprecedented behavior to control Americans’ speech.

Respectfully,



Ron Johnson
United States Senator



Mike Lee
United States Senator



Rand Paul
United States Senator



Mike Braun
United States Senator



Roger Marshall
United States Senator




Kevin Cramer
United States Senator



Rick Scott
United States Senator



James Lankford
United States Senator



Tommy Tuberville
United States Senator