

They Censored at the Behest of the White House: Alleged “Anti-Vaccine Disinformation on Social Media Platforms”

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Here we continue with a lightly edited version of reporter Tracy Beanz coverage of the case and our activities in court last week. Parts [I](#) and [II](#) provide the background.

Social media companies acted in direct response to the White House calling out the so-called “Disinformation Dozen.” Evidence in the case proves that they acted to deplatform those branded within 24 hours of the White House publicly identifying them.

Doc. 214-1, ¶ 149. Thus, Psaki’s message was clear: The White House has “recommended” that platforms have a “robust enforcement strategy” that would prevent the “12 people who are [supposedly] producing 65 percent of anti-vaccine misinformation on social media platforms” from “remain[ing] active on Facebook, despite some even being banned on other platforms.” *Id.* Moreover, Psaki’s public statement reinforced the private demands that Andy Slavitt had made in meetings with Facebook to deplatform the “Disinformation Dozen.” *Id.* ¶¶ 121-122 (Nick Clegg email to Andy Slavitt responding to the privately voiced concern that “**12 accounts are responsible for 73% of vaccine misinformation,**” and stating that Facebook “realise[s] our position on this [*i.e.*, the Disinfo Dozen] continues to be a particular concern to you”); Doc. 214-14, at 1 (email from Rob Flaherty to Facebook stating that “12 accounts are responsible for 73% of vaccine misinformation on Facebook,” and calling for “transparent, progressively severe penalties” for such accounts, and urging that “[b]ans for COVID-19 misinformation should be cross-platform”). Facebook certainly got the message—after Psaki’s public statements, it took aggressive action against these twelve speakers whom the White House demanded that it deplatform. Doc. 214-1, ¶¶ 170, 356 (email from Nick Clegg one week later, assuring the White House and OSC that “Facebook removed 12 additional Pages, Groups, and Instagram accounts tied to

One of the very first actions the White House took was directing social platforms to REMOVE the content that suggested that Hank Aaron may have died because of the vaccine.

Flaherty then went on to demand social media companies remove *other* posts and people from their platforms. These weren’t suggestions, they were DEMANDS. (I would argue the removal of this information directly resulted in death, not the opposite, as the government would claim. But that is my personal opinion.)

The very first email the White House sent, barely two days into the Biden Administration, demanded not to “better understand,” but to *remove* supposed “misinformation.” Citing a post about Hank Aaron’s death after taking the COVID vaccine, Clarke Humphry wrote at 1:04 a.m. on January 23, 2021: “Wanted to flag the below tweet and am wondering if we can get moving on the process for having it removed ASAP.” Doc. 214-1, ¶ 34. She requested ongoing monitoring and enforcement against future posts on the same topic: “And then if we can keep an eye out for

tweets that fall in this same ~genre that would be great.” *Id.* Rob Flaherty’s first White House email to a platform likewise demanded the immediate removal of content: “Please remove this account immediately. ... Cannot stress the degree to which this needs to be resolved immediately.” *Id.* ¶¶ 37-38. Twitter responded by noting that it was already being bombarded by such requests

White House director of digital communications Rob Flaherty actually did what I have highlighted here. He cursed at, screamed at, patronized, and generally abused the execs at these companies. When they did not do what he told them to, he treated them like a battered spouse and threatened them— harshly. Just an evil way to behave.

Shortly thereafter, Flaherty launched his campaign of badgering, harassment, and pressure—all designed toward a single end: to push platforms (especially Facebook) to take more aggressive action against viewpoints disfavored by the White House. When Facebook reported to the White House on steps it was taking to “Combat[] Vaccine Misinformation,” Flaherty responded with a barrage of questions seeking detailed information about Facebook’s censorship practices, including “How are you handling things that are dubious, but not provably false?” *Id.* ¶¶ 42-43. Like all subsequent questions, the tenor of these questions was not merely to “better understand” Facebook’s practices, but to scrutinize and pressure them to take more aggressive action. Flaherty drove this point home by accusing Facebook of fomenting “political violence” by not censoring enough speech: “especially given the Journal’s reporting on your internal work on political violence spurred by Facebook groups, I am also curious about the new rules as part of the ‘overhaul.’” *Id.* ¶ 44. Facebook, again, got the message—its response explained to Flaherty that it was removing content that the White House disfavored, and it promised to begin “enforcing this new policy immediately.” *Id.* ¶ 45.

Please read these. He curses at, threatens, demands, sarcastically berates, and more. A lot is detailed here. There was more. I did a deeper dive [here](#) if you want more details.

by assuring him and other White House officials that they *will* do more and censor more disfavored speech. *See, e.g., id.* ¶¶ 50, 51 (Twitter: “As we discussed, we are building on our continued efforts to remove the most harmful COVID-19 misleading information from the service....”); ¶ 52 (Facebook: “We’ve expanded penalties for individual Facebook accounts that share misinformation.”); ¶ 57 (demanding more information on how Facebook is censoring “borderline” content); ¶ 58 (advising Facebook that the White House was demanding information because “[w]e are gravely concerned that your service is one of the top drivers of vaccine hesitancy- period.”); ¶ 67 (long series of questions from Flaherty to Facebook about how to reduce “sensational” and “skeptical” content that is truthful); ¶ 68 (long series of questions about how Facebook is censoring misinformation on WhatsApp); ¶ 72 (badgering Facebook for more information about censorship on the private messaging app WhatsApp); ¶ 74 (similar); ¶ 77 (follow-up email badgering Facebook for more information about censoring COVID speech on WhatsApp); ¶ 97 (Flaherty demanding to know how Carlson’s video was non-violative, even after Facebook stated that it would label and demote it); ¶ 98 (another, similar battery of questions about the Tucker Carlson and Tomi Lahren videos); ¶ 112-113 (long series of demands for information to YouTube on how they can increase censorship of “borderline” content, and requesting “bi-weekly” meetings to discuss them); ¶¶ 125-128 (barrage of demands to Facebook about borderline content, the “Disinformation Dozen,” and other topics); ¶ 175 (Flaherty to YouTube on demoting “borderline” content: “I see that’s your goal - what is the actual number right now?”); ¶ 191 (demanding of Facebook, “as we have long asked for, [of] how big the problem is, what solutions you’re implementing, and how effective they’ve been”).

Flaherty’s barrages of questions are interspersed with abusive, sarcastic, accusatory, and unprofessional language, frequently accusing the platforms of acting in bad faith. Andy Slavitt

does the same. *See, e.g., id.* ¶ 55 (“You are hiding the ball.”); ¶ 58 (accusing Facebook of “a shell game” and stating, “This would all be a lot easier if you would just be straight with us”); ¶ 60 (Slavitt accusing Facebook of “highly scrubbed party line answers.... 100% of the questions I

(Slavitt accusing Facebook of “highly scrubbed party line answers.... 100% of the questions I asked have never been answered and weeks have gone by”); ¶ 67 (“the problem does not sit in ‘microchips’-land”); ¶ 69 (stating that Facebook’s “commitment to honest, transparent conversations ... hasn’t worked so far”); ¶ 77 (“Really couldn’t care less about products unless they’re having measurable impact. And while the product safari has been interesting...”); ¶ 93 (Slavitt to Nick Clegg, re Tucker Carlson’s video: “Number one of Facebook. Sigh. Big reveal call with FB and WH today. No progress since we spoke. Sigh.”); ¶ 99 (Flaherty to Facebook, two days after sending an email with a battery of demands: “These questions weren’t rhetorical.”); ¶ 130 (“Hard to take any of this seriously when you’re actively promoting anti-vaccine pages in Search.”); ¶ 126 (“Not to sound like a broken record, but how much content is being demoted...?”); ¶ 134 (“Sure.” [sarcastically]); ¶ 135 (“If you’re not getting *that* right....”); ¶ 135 (accusing Facebook of giving itself “wobble room” and concluding: “Not sure what else there is to say”); ¶ 136 (“I don’t know why you guys can’t figure this out.”); ¶ 173 (Flaherty to YouTube: “You were pretty emphatic that you are not. This seems to indicate that you are. What is going on here?”); ¶ 178 (“not even sure what to say at this point”); ¶ 186 (“Total Calvinball.”).

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Id. ¶ 97 (Flaherty to Facebook, regarding its failure to completely remove Tucker Carlson’s

Flaherty accuses the platforms of fomenting insurrection by not censoring private speech.

Id. ¶ 97 (Flaherty to Facebook, regarding its failure to completely remove Tucker Carlson’s content: “Not for nothing but last time we did this dance, it ended in an insurrection.”); ¶ 78 (“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. ... I want some assurances, based in data, that

you are not doing the same thing again here.”). Flaherty demands, “Are you guys f**king serious? I want an answer on what happened here and I want it today.” *Id.* ¶ 139.

NONE OF THIS IS LEGAL under the First Amendment.

Quite obviously, none of this verbal abuse is designed solely to “better understand” the issues. It is designed to pressure the platforms to censor speech disfavored by the White House. Flaherty himself says this quite explicitly: “[A]t the end of the day, I care mostly about *what actions and changes you’re making* to ensure sure you’re not making our country’s vaccine hesitancy problem worse.” *Id.* ¶ 77 (emphasis added); see also *id.* ¶ 103 (Twitter employees noting that the White House posed “one really tough question about why Alex Berenson hasn’t been kicked off the platform,” and that Andy Slavitt “really wanted to know about Alex Berenson” because “he was the epicenter of disinfo that radiated outwards to the persuadable public”).

To achieve this goal of pressuring the platforms to censor disfavored viewpoints, Flaherty and Slavitt intersperse their private communications with thinly veiled threats of adverse legal consequences—echoing the public statements of Psaki, President Biden, and Bedingfield. See, e.g., *id.* ¶ 61 (“Internally we have been considering our options on what to do about it.”); ¶ 108 (Flaherty asking YouTube to report on how it was preventing “vaccine hesitancy” and “working toward making the problem better,” and warning: “This is a concern that is shared at the highest (and I mean highest) levels of the WH”); ¶¶ 114-115 (Flaherty sending Facebook a “Misinformation Brief” calling for “~~progressively severe~~ penalties,” “comprehensive

News commentators [Tomi Lahren](#) and [Tucker Carlson](#) were hot topics at the White House.

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toward making the problem better,” and warning: “This is a concern that is shared at the highest (and I mean highest) levels of the WH”); ¶¶ 114-115 (Flaherty sending Facebook a “Misinformation Brief” calling for “progressively severe penalties,” “comprehensive enforcement,” and “cross-platform” bans, and stating, “spirit of transparency – this is circulating around the building and informing thinking”).

Flaherty and other White House officials also demand the censorship of specific speakers and content, such as posts about Hank Aaron’s death, videos of Tucker Carlson and Tomi Lahren, Alex Berenson, the “Disinformation Dozen,” and many others. See, e.g., *id.* ¶¶ 180-187

In one of the more immoral and heartbreaking exchanges, Meta [which owns Facebook, Instagram, and WhatsApp] lets the government know that they heard their calls for more censorship: they decided that in response to White House pressure they would remove

content that in their words was “often true.”

What content, groups, and pages? That of the vaccine-injured sharing their horrific stories and finding some community support online, when everyone they turned to for assistance refused to help or to acknowledge them. This one needs to be viral. These poor people.

The *platforms* clearly understand that the White House is not engaging in a mere academic exercise to “better understand” misinformation, but demanding that they increase censorship of disfavored viewpoints. They repeatedly respond by assuring the White House that they will, in fact, ratchet up their censorship efforts against COVID “misinformation” on their platforms. *See, e.g., id.* ¶ 64 (in response to the White House “ask[ing] about our levers for reducing virality of vaccine hesitancy content,” Facebook assuring Flaherty that “[i]n addition to policies previously discussed, these include the additional changes that were approved late last week and that we’ll be implementing over the coming weeks”); *id.* (Facebook assuring the White House that it was taking steps to “reduc[e] the virality of content discouraging vaccines that does not contain actionable misinformation. This is often-true content ... but it can be framed as sensation, alarmist, or shocking. We’ll remove these Groups, Pages, and Accounts when they are disproportionately promoting this sensationalized content...”); *id.* ¶ 65 (assuring the White House that Facebook was limiting message forwards on the private messaging app WhatsApp to reduce the spread of disfavored messages); *id.* ¶ 86-87 (Facebook giving a detailed report on censorship in response to oral inquiries from Courtney Rowe); *id.* ¶ 88-89 (Facebook assuring the White House it will censor truthful, non-violative content such as “discussing the choice to vaccinate in terms of personal or

They also assured the White House they would limit message forwards on the supposedly “private” text messaging platform WhatsApp, gave detailed reports on censorship to government bureaucrats, and would censor “non violative content, such as dissuading the choice to vaccinate in terms of personal or civil liberties,” and “concerns related to mistrust in institutions.”

Think about this for a second. The government—the people you “elected” to represent you, are having social media companies censor talk about your individual rights and criticism of them.

shocking. We'll remove these Groups, Pages, and Accounts when they are disproportionately promoting this sensationalized content..."); *id.* ¶ 65 (assuring the White House that Facebook was limiting message forwards on the private messaging app WhatsApp to reduce the spread of disfavored messages); *id.* ¶ 86-87 (Facebook giving a detailed report on censorship in response to oral inquiries from Courtney Rowe); *id.* ¶ 88-89 (Facebook assuring the White House it will censor truthful, non-violative content such as “discussing the choice to vaccinate in terms of personal or civil liberties,” “true but shocking claims or personal anecdotes,” and “concerns related to mistrust in institutions,” by using “a spectrum of levers”); *id.* ¶¶ 93-94 (Nick Clegg responding to Andy Slavitt within hours to assure him that, while Tucker Carlson’s content was non-violative,

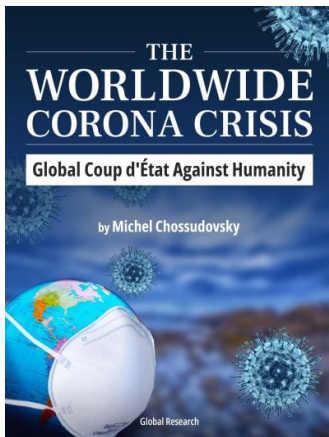
Facebook would label and demote the content); *id.* ¶ 100 (Facebook assuring the White House, in

That’s all for today, folks, lest this email get too big for your inboxes. Stay tuned tomorrow for Part 4, where Tracy’s coverage of this week’s events in court continues. In the meantime, you may want to [follow](#) Tracy if you are on Twitter and thank her for her excellent coverage of this case.

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