

No. 23A243

# In the Supreme Court of the United States

VIVEK H. MURTHY, U.S. SURGEON GENERAL, ET AL.,  
*Applicants,*

v.

STATE OF MISSOURI, ET AL., *Respondents.*

On Application for Stay of the Injunction Issued by the  
United States District Court for the Western District of Louisiana

## APPENDIX TO RESPONDENTS' OPPOSITION TO STAY APPLICATION

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

STATE OF MISSOURI ex rel. ERIC S.  
SCHMITT, Attorney General, and

STATE OF LOUISIANA ex rel. JEFFREY  
M. LANDRY, Attorney General,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United States, *et*  
*al.*;

*Defendants.*

Case No. 3:22-cv-01213

**DECLARATION OF DR. JAYANTA BHATTACHARYA**

I, Dr. Jayanta Bhattacharya, declare as follows:

1. I am an adult of sound mind and make this statement voluntarily, based upon my knowledge, education, and experience.

2. I am a former Professor of Medicine and current Professor of Health Policy at Stanford University School of Medicine and a research associate at the National Bureau of Economic Research. I am also Director of Stanford's Center for Demography and Economics of Health and Aging. I hold an M.D. and Ph.D. from Stanford University. I have published 161 scholarly articles in peer-reviewed journals in the fields of medicine, economics, health policy, epidemiology, statistics, law, and public health, among others. My research has been cited in the peer-reviewed scientific literature more than 13,000 times.

3. I have dedicated my professional career to the analysis of health policy, including infectious disease epidemiology and policy, and the safety and efficacy of medical interventions.

I have studied extensively and commented publicly on the necessity and safety of vaccine requirements for those who have contracted and recovered from COVID-19 (individuals with “natural immunity”). I am intimately familiar with the emergent scientific and medical literature on this topic and pertinent government policy responses to the issue both in the United States and abroad.

4. I have served as an expert witness in many cases involving challenges to COVID-19 restrictions such as mask mandates and lockdowns, including as an expert on behalf of the Missouri Attorney General’s Office. My writings on COVID-19-related issues has appeared in both scientific journals (like the *Journal of the American Medical Association* and the *International Journal of Epidemiology*) and in the popular press around the world (including the *Wall Street Journal*, *Newsweek*, *the Telegraph*, *the Spectator*, and many other outlets). I have appeared as a invited guest on national and international news programs, including Fox News, BBC, CNN, NPR, Sky News, NewsMax, GB News, and other stations in the US, the UK, Australia, and elsewhere.

5. Because of my views on COVID-19 restrictions, I have been specifically targeted for censorship by federal government officials.

6. On October 4, 2020, I and two colleagues—Dr. Martin Kulldorff, a professor of medicine, biostatistician, and epidemiologist at Harvard University; and Dr. Sunetra Gupta, an epidemiologist with expertise in immunology, vaccine development, and mathematical modeling of infectious diseases at the University of Oxford—published online the “Great Barrington Declaration.”<sup>1</sup>

7. The Great Barrington Declaration questioned the then-prevailing governmental policies of responding to COVID-19 with lockdowns, school shutdowns, and similar restrictions. It stated:

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<sup>1</sup> Great Barrington Declaration, <https://gbdeclaration.org/>.

“As infectious disease epidemiologists and public health scientists we have grave concerns about the damaging physical and mental health impacts of the prevailing COVID-19 policies, and recommend an approach we call Focused Protection.” *Id.*

8. The Declaration called for an end to economic lockdowns, school shutdowns, and similar restrictive policies on the ground that they disproportionately harm the young and economically disadvantaged while conferring limited benefits. The Declaration stated: “Current lockdown policies are producing devastating effects on short and long-term public health. The results (to name a few) include lower childhood vaccination rates, worsening cardiovascular disease outcomes, fewer cancer screenings and deteriorating mental health – leading to greater excess mortality in years to come, with the working class and younger members of society carrying the heaviest burden. Keeping students out of school is a grave injustice.” *Id.*

9. It asserted that “[k]eeping these measures in place until a vaccine is available will cause irreparable damage, with the underprivileged disproportionately harmed. ... We know that vulnerability to death from COVID-19 is more than a thousand-fold higher in the old and infirm than the young. Indeed, for children, COVID-19 is less dangerous than many other harms, including influenza.” *Id.*

10. The Declaration endorsed an alternative approach called “Focused Protection,” which called for strong measures to protect high-risk populations while allowing lower-risk individuals to return to normal life with reasonable precautions: “The most compassionate approach that balances the risks and benefits of reaching herd immunity, is to allow those who are at minimal risk of death to live their lives normally to build up immunity to the virus through natural infection, while better protecting those who are at highest risk. We call this Focused Protection.” *Id.*

11. The Declaration stated, “Those who are not vulnerable should immediately be allowed to resume life as normal. Simple hygiene measures, such as hand washing and staying home when sick should be practiced by everyone to reduce the herd immunity threshold. Schools and universities should be open for in-person teaching. Extracurricular activities, such as sports, should be resumed. Young low-risk adults should work normally, rather than from home. Restaurants and other businesses should open. Arts, music, sport and other cultural activities should resume. People who are more at risk may participate if they wish, while society as a whole enjoys the protection conferred upon the vulnerable by those who have built up herd immunity.” *Id.*

12. At the time of its publication on October 4, 2020, the Great Barrington Declaration was co-signed by 43 medical and public health scientists and medical practitioners. Since its publication, the online version of the Declaration has been co-signed by 930,528 people, including 15,883 medical and public health scientists, 47,037 medical practitioners, and 867,612 concerned citizens, as of the morning of June 4, 2022.

13. The Great Barrington Declaration received an immediate backlash from senior government officials who were the architects of the lockdown policies, such as Dr. Anthony Fauci; World Health Organization Director-General Tedros Adhanom Ghebreyesus; and the United Kingdom’s health secretary, Matt Hancock.

14. Because it contradicted the government’s preferred response to COVID-19, the Great Barrington Declaration was immediately targeted for suppression by federal officials. On October 8, 2020, four days after the Declaration’s publication, then-Director of NIH, Dr. Francis Collins, emailed Dr. Anthony Fauci and Cliff Lane at NIH/NIAID about the Great Barrington Declaration. This email stated: “Hi Tony and Cliff, See: <https://gbdeclaration.org/>. This proposal from the three

fringe epidemiologists who met with the Secretary seems to be getting a lot of attention – and even a co-signature from Nobel Prize winner Mike Leavitt at Stanford. There needs to be a quick and devastating published take down of its premises. I don't see anything like that online yet – is it underway? Francis.” This email was produced over a year later in response to FOIA requests.<sup>2</sup>

15. To my knowledge, no “quick and devastating *published* take down” of the Declaration’s “premises” ever appeared—at least, none by any qualified scientist. (Dr. Fauci, instead, would refer to a criticism published by a journalist at Wired magazine.) Instead, what followed was a relentless *covert* campaign of social-media censorship of our dissenting view from the government’s preferred message.

16. After the publication of the Great Barrington Declaration, I and my colleagues, Dr. Kulldorff and Dr. Gupta, and our views, were repeatedly censored on social media. Soon after we published the Declaration, Google deboosted search results for the Declaration, pointing users to media hit pieces critical of it, and placing the link to the actual Declaration lower on this list of results.<sup>3</sup> A prominent online discussion site, Reddit, removed links to the Declaration from COVID-19 policy discussion fora.<sup>4</sup> In February 2021, Facebook removed the Great Barrington Declaration page without explanation before restoring it a week later.<sup>5</sup>

17. On March 18, 2021, Dr. Scott Atlas of Stanford University, Dr. Kulldorff, Dr. Gupta, and I participated in a two-hour roundtable discussion with Governor Ron DeSantis of Florida. During

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<sup>2</sup> Wall Street Journal Editorial Board. (2021) “How Fauci and Collins Shut Down Covid Debate” *Wall Street Journal*. Dec. 21, 2021. <https://www.wsj.com/articles/fauci-collins-emails-great-barrington-declaration-covid-pandemic-lockdown-11640129116>

<sup>3</sup> Fraser Myers (2020) “Why Has Google Censored the Great Barrington Declaration?” *Spiked Online*. October 12, 2020. <https://www.spiked-online.com/2020/10/12/why-has-google-censored-the-great-barrington-declaration/>

<sup>4</sup> Ethan Yang (2020) “Reddit’s Censorship of The Great Barrington Declaration” *American Institute for Economic Policy Research*. Oct. 8, 2020. <https://www.aier.org/article/reddits-censorship-of-the-great-barrington-declaration/>

<sup>5</sup> Daniel Payne (2021) “Facebook removes page of international disease experts critical of COVID lockdowns” *Just the News*. February 5, 2021. [https://justthenews.com/nation/technology/facebook-removes-page-international-disease-experts-who-have-been-critical-covid?utm\\_source=breaking-newsletter&utm\\_medium=email&utm\\_campaign=newsletter](https://justthenews.com/nation/technology/facebook-removes-page-international-disease-experts-who-have-been-critical-covid?utm_source=breaking-newsletter&utm_medium=email&utm_campaign=newsletter)

the discussion, the participants (including me) questioned the efficacy and appropriateness of requiring children to wear face masks, including in school. For example, Dr. Kulldorff stated, “children should not wear face masks, no. They don’t need it for their own protection and they don’t need it for protecting other people either.” I stated that requiring young children to wear face masks is “developmentally inappropriate and it just doesn’t help on the disease spread. I think it’s absolutely not the right thing to do.” Dr. Atlas stated, “There’s no scientific rationale or logic to have children wear masks in schools.” (These are all views that are strongly supported by scientific research, both before and since we made these comments.)

18. The video of the March 18, 2021 roundtable discussion was promptly censored on social media.<sup>6</sup> YouTube removed the video, claiming that it “contradicts the consensus of local and global health authorities regarding the efficacy of masks to prevent the spread of COVID-19.” Notably, the efficacy of masks, especially cloth masks, has been widely questioned by scientists and public health authorities.

19. In the wake of the Great Barrington Declaration and Dr. Collins’ October 8, 2020 email to Dr. Fauci, my colleague Dr. Kulldorff also experienced extensive censorship on social media.

20. Dr. Kulldorff has publicly summarized the online and social-media censorship experienced by the Great Barrington Declaration and its co-authors after its publication. As he stated, “We got together and we wrote the Great Barrington Declaration—a one-page thing. We argued for better focused protection of older, high-risk people, at the same time, as we let children and young adults

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<sup>6</sup> Wall Street Journal Editorial Board. (2021) “YouTube’s Assault on Covid Accountability” *Wall Street Journal*. April 8, 2021. <https://www.wsj.com/articles/youtubes-assault-on-covid-accountability-11617921149>

live near normal lives so as to minimize the collateral public health damage from these lockdowns and other measures.”<sup>7</sup>

21. As Dr. Kulldorff recounted, after its publication, “there was sort of an organized campaign against the Great Barrington Declaration with various sort of strange accusations, that it was let-it-rip, which is the opposite. We thought that we were like exorcism, eugenics, clowns, anti-vaxxers, that we did financial gains, even though the opposite is true. We were accused of threatening others, which none of us have done, Trumpian, libertarian and Koch funded, pseudo scientists, and that we received a free lunch when we were at Great Barrington writing this declaration.” *Id.*

22. In particular, the Great Barrington Declaration was censored online. This included suppression in searches by Google, the parent company of YouTube: “when the Great Barrington Declaration came up, at the very beginning, it comes up at the top in the search engine in Google, but then suddenly it wasn’t there. Instead, what was there was those who criticized it. Other search engines had it at the top, but not Google....” *Id.*

23. The Great Barrington Declaration was also censored on social media. As Dr. Kulldorff reported, “There were some issues with ... Twitter, Facebook, YouTube, and LinkedIn.” *Id.*

24. Among other things, the Declaration was censored on Facebook based on a flimsy rationale: “Facebook, they took down the Great Barrington Declaration page for a week, no explanation. The offending post was that we argued that, with the vaccines, which at that time had just come out, we should prioritize giving it to the older, high-risk people. That’s what caused Facebook to close it down.” *Id.*

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<sup>7</sup> The Epoch Times (2021), “Censorship of Science, with Dr. Martin Kulldorff, Dr. Scott Atlas, and Dr. Jay Bhattacharya,” May 2, 2021. [https://www.theepochtimes.com/live-censorship-of-science-with-dr-martin-kulldorff-dr-scott-atlas-and-dr-jay-bhattacharya\\_4343061.html](https://www.theepochtimes.com/live-censorship-of-science-with-dr-martin-kulldorff-dr-scott-atlas-and-dr-jay-bhattacharya_4343061.html).

25. The co-authors of the Great Barrington Declaration also experienced personal social-media censorship. Dr. Kulldorff recounts several examples, including an instance where Twitter censored his tweet stating that “Thinking that everyone must be vaccinated is as scientifically flawed as thinking that nobody should. COVID vaccines are important for older, higher risk people and their caretakers, not those with prior natural infection or for children.” *Id.* He also recounts being locked out of Twitter for three weeks “because I tweeted about masks, saying that, ‘By claiming that masks are a good protection, some older people will sort of believe that, and they will go and do things and get infected, thinking that it protects the way it doesn’t. That’s not so good. So, they might die because of this misinformation about the masks.’... For three weeks, I had no access to Twitter because of this tweet.” *Id.*

26. Twitter also censored Dr. Kulldorff’s speech arguing that healthcare facilities should emphasize hiring workers with natural immunity instead of firing them, because they have the best protection from COVID-19: “Here, another one... [N]ot even I was allowed to read this tweet, they removed it completely. I was arguing that since the people who have recovered from COVID, they’re the ones who have the best immunity, better than those who are vaccinated. So, they are the ones who are least likely to spread it to others. So, hospitals should hire nurses like that or doctors like that and use them for the most frail, oldest patients at the geriatric ward or the ICUs because they’re least likely to infect these patients.” *Id.*

27. Dr. Kulldorff also recounted YouTube’s censorship of our roundtable with Governor DeSantis: “On YouTube, we did a round table in April with Governor Ron DeSantis in Florida. It was me and Dr. Scott Atlas, Dr. Jay Bhattacharya, and Dr. Sunetra Gupta. And we talked, for example, about the fact that children don’t need to have masks. And we argued against vaccine passport; there was some rumbling starting about vaccine passport. So, then, we sort of thought,

‘Let’s try to argue against that from the very beginning before it sort of takes off.’ So, that was removed by YouTube, which is owned by Google.” *Id.*

28. Dr. Kulldorff also experienced censorship on LinkedIn, which is a common vehicle for speech among professionals. As he stated, “LinkedIn, which is owned by Microsoft, they also censor. So, this was an article... It was an interview I did with The Epoch Times on the dangers of vaccine mandates.... [LinkedIn said], ‘Only you can see this post.’ So, I could still read my post, but nobody else could.” *Id.* He also recounted “another one. I actually didn’t write anything. I just reposted a LinkedIn post by a guy from Iceland and what he did, he just cited what the Icelandic chief epidemiologist had said, which is sort of the equivalent of the CDC director in the U.S. So, this is the official public health authority in Iceland, but that was censored.” *Id.*

29. LinkedIn also censored our public criticism of government officials, such as Dr. Fauci. As Dr. Kulldorff stated, “Together with Dr. Bhattacharya, we wrote a Newsweek article about how Fauci fooled America with the various things about public health, and LinkedIn took that away also.” *Id.*

30. As Dr. Kulldorff notes, LinkedIn eventually terminated his account for posting about the benefits of natural immunity: “Later on, LinkedIn actually closed down my account.... [T]his was the last post before suspension, ‘By firing staff with natural immunity after COVID recovery, hospitals got rid of those least likely to infect others.’” *Id.*

31. As Dr. Kulldorff noted in his public comments, social-media censorship has not focused solely on the co-authors of the Great Barrington Declaration, but has swept in many other scientists as well: “Twitter, LinkedIn, YouTube, Facebook, they have permanently suspended many accounts—including scientists.” *Id.* These censorship policies have driven scientists and others to self-censorship, as scientists like Dr. Kulldorff restrict what they say on social-media platforms to

avoid suspension and other penalties: “I have continued to speak up, but I have since self-censored myself. Because these are important channels of communication, so I don’t want to be removed. So, I’m careful with what I say.” *Id.* “[C]ensoring, it leads to self-censoring. And also, it leads to self-censoring of people ... are victims of these censoring because they see that somebody else is censored. ‘Okay. I don’t want to be suspended. So, I better be careful with what I say.’ And of course, that’s the purpose of authoritarians and the purpose of those things. And sometimes, where they sort of kind of randomly select who they censor, what they sensor, because they want people to be uncertain about what they can and cannot say.” *Id.*

32. Having observed and lived through the government-driven censorship of the Great Barrington Declaration and its co-authors, it is clear to me that these attacks were politically driven by government actors. As I stated, in remarks alongside those of Dr. Kulldorff, “One of the motivations for that was a motivation to create a consensus within the public that... an illusion of consensus within the public that there was no scientific dissent against lockdowns. The reason why the Great Barrington Declaration, they reacted that way... [W]e got this viral attention, [that] was a problem for this group [*i.e.*, Dr. Collins, Dr. Fauci, and other government officials]. It posed a political problem for them because they wanted to tell the public that there was no dissent. And so, they had to destroy us. They had to do a devastating takedown. It was a political problem they were solving... I think that’s the immediate context for why they did what they did.” *Id.*

33. Dr. Kulldorff aptly summarized our experiences: “it has been really stunning to be a scientist during these last two years. It’s kind of been absurd. We have NIH Director Collins and NIAID Director Fauci thinking that you promote science by silencing scientists through published takedowns. It’s pretty absurd. We have a geneticist and a virologist thinking they know

epidemiology better than epidemiologists at Oxford, Harvard and Stanford, and calling them instead fringe epidemiologists.” *Id.*

I swear or affirm under penalty of perjury that the foregoing is true and correct.

Dated: June 4, 2022

Signed: /s/ Jayanta Bhattacharya

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

STATE OF MISSOURI ex rel. ERIC S.  
SCHMITT, Attorney General, and

STATE OF LOUISIANA ex rel. JEFFREY  
M. LANDRY, Attorney General,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United States, *et*  
*al.*;

*Defendants.*

Case No. 3:22-cv-01213

**DECLARATION OF DR. MARTIN KULLDORFF**

I, Dr. Martin Kulldorff, declare as follows:

1. I am an adult of sound mind and make this statement voluntarily, based upon my knowledge, education, and experience.

2. I am an epidemiologist, a biostatistician and a former Professor of Medicine at Harvard University and Brigham and Women's Hospital, from 2015 to November 2021. Before that, I was Professor of Population Medicine at Harvard University from 2011 to 2015. I hold a Ph.D. from Cornell University. I have published over 200 scholarly articles in peer-reviewed journals in the fields of public health, epidemiology, biostatistics and medicine, among others. My research has been cited in the peer-reviewed scientific literature more than 25,000 times.

3. I have dedicated my professional career to the development and implementation of new disease surveillance systems, including the early detection and monitoring of disease outbreaks;

and the post-market evaluation of the safety and efficacy pharmaceutical drugs and vaccines, including the early detection of drug and vaccine adverse reactions.

4. I have served on multiple governmental scientific advisory boards, including the World Health Organization's Disease Mapping Advisory Group; the Scientific Advisory Board for the Accelerated Development of Vaccine Benefit-Risk Collaboration in Europe; the Food and Drug Administration's Drug Safety and Risk Management Advisory Committee; the New York State Department of Health Environmental Public Health Tracking Project; the New York City Department of Health and Hygiene's Advisory Board for Augmenting Statistical Methods for Public Health Syndromic Surveillance System; the National Cancer Institute's Best Practices in Spatial Analysis Working Group; the Centers for Disease Control and Prevention's (CDC) Vaccine Safety Datalink Project, the CDC's MMRV Vaccine Safety Working Group; and CDC's COVID-19 Vaccine Safety Technical Sub-Group; among others. In April 2021, I was abruptly removed from the latter after publishing an op-ed in The Hill against the CDC instituted pause on the one-dose Johnson & Johnson Covid vaccine, arguing that it should not be withheld from older high-risk Americans. As such, I am probably the only scientist that has been fired by CDC for being too pro-vaccine. (Four days after removing me from the working group, CDC reversed itself and lifted the pause.)

5. I have extensively studied and commented on the necessity and safety of vaccine requirements for different population groups with different benefit-risk profiles, including COVID-19 recovered individuals with natural immunity. I am intimately familiar with the data sources and the medical literature on this topic, as it pertains to both clinical practice and government health policy.

6. My writings on COVID-19-related issues have appeared in both scientific journals (like *Emerging Infectious Diseases*, *The Lancet* and *Annals of Epidemiology*) and in the popular press around the world (including the *Wall Street Journal*, *Newsweek*, *CNN*, *The Hill*, *the Telegraph*, *the Spectator*, *the Toronto Sun*, *Aftonbladet*, *Dagens Nyheter*, and many other). I have appeared as an invited guest on national and international news and debate programs in the United States, the United Kingdom, Ireland, Sweden, Germany, France, Spain, India, Mexico, Chile, Argentina and Uruguay, among other countries, including Fox News, Democracy Now, Munk Debates, NewsMax, GB News, Hindustan Times and Infobae.

7. As part of my professional work, I communicate scientific information not only through scientific journals, but also through social media. I have maintained a Twitter account since May 2014, and a LinkedIn account for approximately the same amount of time. I currently have 250,800 followers on Twitter and 13,400 contacts and followers on LinkedIn. Some of these followers reside in Missouri and Louisiana.

8. As a public health scientist, I have experienced censorship on social media platforms due to my views on the appropriate strategy for handling the COVID-19 pandemic. Since April 2020, I have argued for better focused protection of older, high-risk people, at the same time, as we should let children go to school and let young adults live near normal lives so as to minimize the collateral public health damage from these lockdowns and other measures.<sup>1</sup>

9. On October 4, 2020, two other epidemiologists and I published the “Great Barrington Declaration” online.<sup>2</sup> My co-authors were Dr. Jayanta Bhattacharya of Stanford University, and Dr. Sunetra Gupta of the University of Oxford.

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<sup>1</sup> The Epoch Times (2021), “Censorship of Science, with Dr. Martin Kulldorff, Dr. Scott Atlas, and Dr. Jay Bhattacharya,” May 2, 2021. [https://www.theepochtimes.com/live-censorship-of-science-with-dr-martin-kulldorff-dr-scott-atlas-and-dr-jay-bhattacharya\\_4343061.html](https://www.theepochtimes.com/live-censorship-of-science-with-dr-martin-kulldorff-dr-scott-atlas-and-dr-jay-bhattacharya_4343061.html).

<sup>2</sup> Great Barrington Declaration, <https://gbdeclaration.org/>.

10. In the Great Barrington Declaration, we stated: “As infectious disease epidemiologists and public health scientists we have grave concerns about the damaging physical and mental health impacts of the prevailing COVID-19 policies, and recommend an approach we call Focused Protection.” *Id.* The Declaration criticized current lockdown policies to respond to COVID-19, stating: “Current lockdown policies are producing devastating effects on short and long-term public health. The results (to name a few) include lower childhood vaccination rates, worsening cardiovascular disease outcomes, fewer cancer screenings and deteriorating mental health – leading to greater excess mortality in years to come, with the working class and younger members of society carrying the heaviest burden. Keeping students out of school is a grave injustice.” *Id.*

11. The Great Barrington Declaration was publicly co-signed by 43 medical and public health scientists and practitioners, including a former chair of the Department of Epidemiology at Harvard School of Public Health. It has subsequently been co-signed by over 930,000 people, including over 15,000 medical and public-health scientists, and over 47,000 medical practitioners.

12. On October 8, 2020, four days after the Declaration’s publication online, then-Director of National Institutes of Health, Dr. Francis Collins, emailed Dr. Anthony Fauci and Cliff Lane at NIH/NIAID about the Great Barrington Declaration. This email stated: “Hi Tony and Cliff, See: <https://gbdeclaration.org/>. This proposal from the three fringe epidemiologists who met with the Secretary seems to be getting a lot of attention – and even a co-signature from Nobel Prize winner Mike Leavitt at Stanford. There needs to be a quick and devastating published take down of its premises. I don’t see anything like that online yet – is it underway? Francis.” This email was produced over a year later in response to FOIA requests.<sup>3</sup>

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<sup>3</sup> Wall Street Journal Editorial Board. (2021) “How Fauci and Collins Shut Down Covid Debate” *Wall Street Journal*. Dec. 21, 2021. <https://www.wsj.com/articles/fauci-collins-emails-great-barrington-declaration-covid-pandemic-lockdown-11640129116>

13. In a recent speech I gave on May 2, 2022, I summarized many of the instances of social-media censorship that I experienced after publishing the Great Barrington Declaration.<sup>4</sup>

14. After the Great Barrington Declaration was published, I noted that there was an organized campaign against the Great Barrington Declaration with various sorts of strange accusations. By other scientists, we were equated with ‘exorcism’, ‘eugenics’, ‘clowns’, ‘anti-vaxxers’, ‘Trumpian’, ‘libertarian’, ‘Koch funded’ and ‘pseudo scientists’. We were accused of writing the Declaration for financial gains, even though the opposite is true. We were accused of threatening others, which none of us have done.

15. Soon after the Great Barrington Declaration was published, it was censored on social media in an apparent attempt to prevent it from (in Dr. Collins’ words) “getting a lot of attention.” This included Google deboosting search results for the Declaration within a few days of Dr. Collins’ email to Dr. Fauci. In the first few days after its publication, the Great Barrington Declaration came up at the top in the search engine in Google, but then suddenly it wasn’t there. Instead, what was there was those who criticized it. Other search engines still had it at the top, but not Google.

16. The Declaration was later censored on Facebook: They took down the Great Barrington Declaration page for about a week, with no explanation. The offending post was a pro-vaccine post arguing that we should prioritize giving the vaccines to older, high-risk people.

17. I also experienced extensive censorship on social media on my personal accounts. For example, in March 2021 Twitter censored my tweet stating that “Thinking that everyone must be vaccinated is as scientifically flawed as thinking that nobody should. COVID vaccines are

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<sup>4</sup> The Epoch Times (2021), “Censorship of Science, with Dr. Martin Kulldorff, Dr. Scott Atlas, and Dr. Jay Bhattacharya,” May 2, 2021. [https://www.theepochtimes.com/live-censorship-of-science-with-dr-martin-kulldorff-dr-scott-atlas-and-dr-jay-bhattacharya\\_4343061.html](https://www.theepochtimes.com/live-censorship-of-science-with-dr-martin-kulldorff-dr-scott-atlas-and-dr-jay-bhattacharya_4343061.html).

important for older, higher risk people and their caretakers. Those with prior natural infection do not need it. Nor children.”

18. I was also censored by Twitter for two tweets about masks. In one I wrote that, “Naïvely fooled to think that masks would protect them, some older high-risk people did not socially distance properly, and some died from #COVID19 because of it. Tragic. Public health officials/scientists must always be honest with the public.” For three weeks starting in May 2021, I had no access to Twitter because of this tweet.

19. On November 5, 2021, I posted a direct quote from Dr. Roberto Strongman, an Associate Professor of Black Studies at the University of California-Santa Barbara. In a recent essay, he had reflected on the historical use of enforced mask use among enslaved populations. My tweet simply quoted his words that: “Masks are symbols of submission / Masks are the lurid fetish of power / Masks lead to the erasure of personhood / Masks promote a culture of fear / Masks are deterrents of solidarity,” in quotation marks with an attribution to Dr. Strongman. Twitter censored this tweet by labeling it “Misleading” and preventing it from being replied to, shared, or liked.

20. Twitter is an important venue for communicating accurate public health information to the public. Because of the censoring, and the suspension of other scientists, I have had to self-censor myself on the platform. Sometimes by not posting at all and sometimes through imaginative phrasing. Here is one example of such a tweet: “Having been censored by Twitter, I must be careful what I write about masks: If you do surgery, please wear a surgical mask. It protects your patients.”

21. On March 18, 2021, I participated in a two-hour roundtable discussion with Governor Ron DeSantis in Florida, along with Dr. Sunetra Gupta at Oxford, Dr. Jay Bhattacharya at Stanford and Dr. Scott Atlas at Stanford. In this discussion, we made remarks critical of COVID-19 restrictions, including mask mandates on children. I stated that “children should not wear face masks, no. They

don't need it for their own protection, and they don't need it for protecting other people either.” Dr. Bhattacharya stated that “children develop by watching other people” and that it is “developmentally inappropriate” to require young children to wear face masks. Dr. Atlas pointed out that “there's no scientific rationale or logic to have children wear masks in schools.” Dr. Gupta stated that “to force [children] to wear masks and distance socially, all of that to me is in direct violation of our social contract.” In the same roundtable, we also argued against vaccine passports. ‘Let's try to argue against that from the very beginning before it sort of takes off.’ Unfortunately, the video of the roundtable was removed by YouTube, which is owned by Google.

22. I have also experienced censorship on LinkedIn, which is a popular communications platform among scientists and other professionals. In August 2021, LinkedIn censored a post where I linked to an interview I did with The Epoch Times on the dangers of vaccine mandate. LinkedIn said that ‘Only you can see this post.’ So, I could still read my own post, but nobody else could, which defeats the whole purpose.

23. The same week, LinkedIn also censored me when I reposted a LinkedIn post by a colleague from Iceland where he cited what the Icelandic chief epidemiologist had said. I did not add any text to the repost, so in this case LinkedIn censored the words of a government public health official: Iceland's equivalent of the CDC director in the U.S.

24. In October 2021, LinkedIn censored a post where I defended health care jobs, pointing out that natural immunity from covid infection is stronger than vaccine induced immunity, so that hospitals should hire rather than fire nurses and other health care providers with natural immunity, and use them for the patients that are the most vulnerable to Covid-19.

25. In November 2021 I wrote a Newsweek op-ed together with Dr. Jay Bhattacharya where we criticized the official Covid-19 response as formulated by Dr. Anthony Fauci. When I posted a

quote from and a link to the Newsweek article, it was removed by LinkedIn, which is owned by Microsoft. Ironically, Microsoft News (msn.org) republished the same Newsweek op-ed verbatim.

26. In January 2022, LinkedIn terminated my account for posting about the benefits of natural immunity. My last post before suspension was: “By firing staff with natural immunity after COVID recovery, hospitals got rid of those least likely to infect others.” LinkedIn restored my account after my termination received media attention, but I now have to be very careful with what I write.

27. Twitter and LinkedIn are important venues for communicating accurate public health information to other scientists and to the public. Because of the censoring, and the suspension of other scientists, I have had to self-censor myself on both platforms. Sometimes by not posting important public health information. At other times, I have had to express my thoughts indirectly through imaginative phrasing. For example, on March 15, 2022, I tweeted: “Having been censored by Twitter, I must be careful what I write about masks: If you do surgery, please wear a surgical mask. It protects your patients.” This, obviously, was a very indirect and oblique way of communicating the limited utility of wearing masks and expressing my criticism of mask mandates, including the widespread use of cloth masks.

28. Social-media censorship has not focused solely on the co-authors of the Great Barrington Declaration but has swept in many other scientists as well. These censorship policies have driven scientists and others to self-censor, as scientists like me restrict what we say on social-media platforms to avoid suspension and other penalties. In fact, the most devastating consequence of censoring is not the actual posts or accounts that are censored or suspended, but the reluctance of scientists to openly express and debate scientific questions using their varied scientific expertise. Without scientific debate, science cannot survive.

29. It can sometimes appear random who are being censored, but that serves the purpose of the censors. They cannot monitor every post from every user. By censoring a variety of individuals, some scientists and some non-scientists, some journalists, some private individuals, some anonymous accounts, some after warnings and others suddenly without a warning and some account with many followers and other accounts with few followers, the censors are able to make everyone scared and make everyone self-censor.

30. It has been stunning to be a scientist during these last two years. We have NIH Director Collins and NIAID Director Fauci thinking that you promote science by silencing scientists through published takedowns. It is absurd. We have a geneticist and a virologist thinking they know epidemiology better than epidemiologists at Oxford, Harvard and Stanford, calling us “fringe epidemiologists.”

I swear or affirm under penalty of perjury that the foregoing is true and correct.



Dated: June 8, 2022

Signed: /s/ Martin Kulldorff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

STATE OF MISSOURI *ex rel.* ERIC S.  
SCHMITT, Attorney General, and

STATE OF LOUISIANA *ex rel.* JEFFREY  
M. LANDRY, Attorney General,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United States, *et*  
*al.*;

*Defendants.*

Case No. 3:22-cv-01213

**DECLARATION OF JIM HOFT**

1. My name is Jim Hoft. I am over the age of 18 years and competent to testify about the matters discussed herein.

2. I am the founder, owner, and operator of the popular news website The Gateway Pundit (“GP”), gatewaypundit.com. I reside in St. Louis, Missouri, and operate the website from there. The “Gateway” refers to St. Louis’s Gateway Arch. Since its founding in 2004, the Gateway Pundit has grown from a one-man blog to one of the internet’s largest destinations for conservative news and commentary. In 2021, The Gateway Pundit was ranked fourth on a list of top ten conservative news websites, ranked by monthly web searches, with over 2 million searches per month.

3. In connection with The Gateway Pundit, I maintain and operate The Gateway Pundit’s social-media accounts, including accounts with Twitter (which has been permanently suspended), Facebook, YouTube, and Instagram. These accounts have or had hundreds of thousands of

followers. In particular, GP's Twitter account had over 400,000 followers before it was suspended. GP's Facebook account has over 650,000 followers. GP's Instagram account has over 205,000 followers. GP's YouTube account has over 98,000 followers. Because I am based in Missouri, I know that many of these followers include many residents of Missouri. Based on the large numbers of followers and the nationwide prominence of GP, I am certain that they include large numbers of residents of Louisiana as well.

4. GP's social media accounts have experienced censorship on all major social-media platforms, including its speech regarding COVID-19 issues and election security. In many instances, we have noticed that this censorship has followed and reflected the calls for censorship from federal government officials, including in the Biden Administration.

5. For example, the current Administration has repeatedly called for censorship of social-media speech regarding election integrity and so-called "COVID-19 misinformation." GP has experienced significant social-media censorship regarding its speech on both of those issues, including on Twitter, Facebook, and YouTube.

6. **Twitter.** On or about January 2, 2021, Twitter suspended GP's Twitter account (@gatewaypundit) after it posted a tweet that stated, "Then It's Not a Vaccine: Crazy Dr. Fauci Says Early COVID Vaccines Will Only Prevent Symptoms and NOT Block the Infection ... What? Via @gatewaypundit."<sup>1</sup>

7. On or about January 29, 2021, Twitter suspended GP's Twitter account again after it posted a tweet that stated, "Five Days After Biden Inauguration, Judge Rules Late Changes To VA

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<sup>1</sup> Discussed more fully at Jim Hoft, "Gateway Pundit Suspended on Twitter for 12 Hours for Posting on Dr. Fauci's Crazy Statement on Vaccines." Gateway Pundit, (January 2, 2021) (<https://www.thegatewaypundit.com/2021/01/gateway-pundit-suspended-twitter-12-hours-posting-dr-faucis-crazy-statement-vaccines/>) (last accessed May 31, 2022)

Election Law That Allowed Late Mail-In Ballots Without Postmark To Be Counted is ILLEGAL @100percFEDUP via @gatewaypundit.”<sup>2</sup>

8. On or around February 6, 2021, GP’s Twitter account was permanently banned after it posted video footage from security cameras in the TCF Center in Detroit from Election Night 2020 that showed two deliveries of vans driving to the building around 3:30 am in the morning bringing shipments of first more than 50 boxes, and then, roughly one hour later, more boxes of ballots.<sup>3</sup> In connection with this video, GP tweeted “Just an FYI – The fake news media and others challenged our TCF Center video report from Friday. That was a bad move. We have much more coming!” Promptly after this tweet, GP’s Twitter account was permanently suspended, preventing us from tweeting the additional content to our 400,000+ followers.

9. On or about August 29, 2020, my brother, Joe Hoft, who blogs for GP, tweeted (@joehoft) a series of posts indicating that COVID-19 deaths are over-counted because the counts include deaths of people who died *with* COVID-19, not just those who died *because of* COVID-19. Dr. Fauci, among others, has subsequently acknowledged the truth of this assertion. These tweets went viral and were heavily re-tweeted, including by President Trump. By my recollection, as a result of these tweets, Twitter partially censored @joehoft by posting public advisories within his tweet, “warning” the public that the tweet was misinformation.

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<sup>2</sup> Discussed more fully at Jim Hoft, “Twitter Suspends Gateway Pundit for Posting Virginia Court Ruling on Virginia Mail-in Ballots – Claims the Court Ruling Incites Violence!” Gateway Pundit (January 29, 2021) (<https://www.thegatewaypundit.com/2021/01/twitter-suspends-gateway-pundit-account-posting-virginia-court-ruling-virginia-mail-ballots-claims-court-ruling-incites-violence/>) (last accessed May 31, 2022).

<sup>3</sup> See Jim Hoft, “Breaking: Twitter Indefinitely Suspends Gateway Pundit Account After We Announce More Video of TCF Center Fraud Will Be Released in Coming Days.” Gateway Pundit (February 6, 2021) (<https://www.thegatewaypundit.com/2021/02/gateway-pundit-suspended-twitter-announcing-video-tcf-center-fraud-will-released-coming-days/>) (last accessed May 31, 2022), see also Jim Hoft, “Exclusive: The TCF Center Election Fraud – Newly Discovered Video Shows Late Night Deliveries of Tens of Thousands of Illegal Ballots 8 Hours After Deadline.” Gateway Pundit (February 5, 2021) (<https://www.thegatewaypundit.com/2021/02/exclusive-tcf-center-election-fraud-newly-recovered-video-shows-late-night-deliveries-tens-thousands-illegal-ballots-michigan-arena/>) (last accessed May 31, 2022).

10. On or about December 31, 2020, my brother, Joe Hoft, who blogs for GP, tweeted (@joehofft) tweeted content related to Hunter Biden’s laptop, stating “Where’s Hunter? How is Hunter Biden Celebrating the New Year? New Photos of Hunter Biden Pushing Drugs on Women Emerge via @gatewaypundit [link<sup>4</sup>]” Twitter suspended the account on the ground that he “Violat[ed] our rules against posting or sharing privately produced/ distributed intimate media of someone without their express consent.”<sup>5</sup>

11. **Facebook.** During 2020 and 2021, we experienced repeated instances of censorship by Facebook, including our content related to COVID-19 and election security. Facebook frequently imposed warning labels and other restrictions on our content, particularly content related to election integrity and COVID-19. Facebook’s censorship was so aggressive that I was forced to hire an assistant to monitor and address censorship on Facebook.

12. Specific examples of such censorship by Facebook include the following articles:

- a. Joe Hoft, “Shock Report: This Week CDC Quietly Updated COVID-19 Numbers – Only 9,210 Americans Died From COVID-19 Alone – Rest Had Different Other Serious Illnesses.” [https://www.thegatewaypundit.com/2020/08/shock-report-week-cdc-quietly-updated-covid-19-numbers-9210-americans-died-covid-19-alone-rest-serious-illnesses/?utm\\_source=Twitter&utm\\_medium=PostTopSharingB](https://www.thegatewaypundit.com/2020/08/shock-report-week-cdc-quietly-updated-covid-19-numbers-9210-americans-died-covid-19-alone-rest-serious-illnesses/?utm_source=Twitter&utm_medium=PostTopSharingB) (published Aug. 29, 2020) (last accessed May 31, 2022).

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<sup>4</sup> Joe Hoft, “Where’s Hunter? How is Hunter Biden Celebrating the New Year? New Photos Emerge of Hunter Biden Pushing Drugs on Women.” Gateway Pundit (December 31, 2020) (<https://www.thegatewaypundit.com/2020/12/hunter-hunter-biden-celebrating-new-year-new-photos-hunter-biden-pushing-drugs-women-emerge/>) (last accessed May 31, 2022).

<sup>5</sup> Discussed more fully at Joe Hoft, “Twitter Suspends TGP’s Joe Hoft After Sharing FACTUAL REPORT on Hunter Biden’s Serial Sex and Crack Escapades.” Gateway Pundit (January 4, 2021) (<https://www.thegatewaypundit.com/2021/01/twitter-suspends-tgps-joe-hoft-sharing-factual-report-hunter-bidens-serial-sex-crack-escapades/>) (last accessed May 31, 2022).

- b. Joe Hoft, “This is Fraud: 10% of Reported COVID-19 Deaths for Those Under 35 as Reported by the CDC Are Due to Poisoning, Trauma and Unintentional Injuries.” <https://www.thegatewaypundit.com/2020/09/fraud-10-reported-covid-19-deaths-35-reported-cdc-due-poisoning-trauma-unintentional-injuries/> (published Sept. 3, 2020) (last accessed May 31, 2022)

- c. See also **Exhibits 1-6**.

13. While Facebook sometimes bans our content altogether, they also rely upon a cadre of “third party” “fact check” entities hired by Facebook to declare our articles mis or disinformation. Facebook then relies upon this content to issue advisories to the public that our content is false and dangerous, and that it comes from a disreputable website. Facebook also encourages (or otherwise outright prohibits) the public from sharing our content with their social networks.

14. **YouTube.** We have also experienced censorship on other platforms. For example, on or about May 14, 2022, we received a strike on YouTube, and YouTube removed a video we had posted. The video in question was an interview with Idaho Lieutenant Governor and gubernatorial candidate Janice McGeachin, which we conducted in connection with the Idaho primary election for Governor. In the video, Lt. Gov. McGeachin discussed the problem of election fraud and raised questions about the outcome of the 2020 Presidential election, including money Idaho illegally received from Mark Zuckerberg and other problems relating to voter fraud. YouTube promptly removed the video and issued a strike against our account.

15. The social-media platforms have extended their censorship policies to our followers as well. We have received numerous reports from followers that they have received temporary suspensions or other adverse actions from social-media platforms (such as seven-day suspensions

of their Facebook accounts) for re-posting or amplifying our content. This chills our followers from re-posting, re-tweeting, or otherwise amplifying our content. The risk of being locked out of Facebook for seven days, or suffering other forms of censorship, deters our followers from amplifying our content on social media platforms, which reduces the reach of our message.

16. These social-media censorship policies chill GP's freedom of expression on social media platforms as well. To avoid suspension and other forms of censorship, we frequently avoid posting content that we would otherwise post on social-media platforms, and we frequently alter content to make it less likely to trigger censorship policies.

17. Based on my close observation of the patterns of censorship of GP's social-media accounts and related accounts in recent years, I have strong reason to infer that federal government officials are directly involved in the censorship of our speech and content.

18. For example, it is clear that Democratic public officials and the Biden Administration coordinate with the Center for Countering Digital Hate (CCDH), a left-wing 501(c)(3) group dedicated to censorship of free speech on the internet. In the summer of 2021, White House press secretary Jen Psaki successfully called for the censorship on social-media platforms of the so-called "disinformation dozen," whom the White House accused of spreading COVID-related "disinformation" on social media. Psaki received this information from CCDH, which had previously identified the so-called "disinformation dozen" and called for their expulsion from social media.

19. In the same time frame, CCDH targeted The Gateway Pundit in coordination with federal officials. CCDH pushed for The Gateway Pundit's demonetization by Google, accusing GP of spreading "misinformation" about COVID-19 and election security—the same topics targeted by the Biden Administration. CCDH coordinated with Democratic Senator Amy Klobuchar to

pressure for this demonetization, boasting on its website that she had personally written to Google CEO Sundar Pichai about demonetizing GP, and it is likely that CCDH engaged in similar coordination with the Biden Administration once it was in office. This pressure campaign by federal official(s) and CCDH was successful. In September 2021—the same time frame that CCDH worked with federal officials to expel the “disinformation dozen” from social media—CCDH sent an email to its supporters boasting that it had succeeded in demonetizing GP on Google. CCDH accused GP of “promoting dangerous nonsense about the 2020 US Presidential election and Covid 19,” *i.e.*, parroting the same calls for censorship on the same topics pushed by federal elected officials and senior officials in the Biden Administration.

20. Additionally, the Department of Homeland Security has specifically identified social media disinformation questioning the mainstream narrative regarding COVID-19 vaccination and the integrity of the 2020 general election as domestic terrorism and threats to national security.<sup>6</sup> DHS famously created, then temporarily paused the creation of a governmental “Disinformation Governance Board.” DHS then hired former DHS Secretary Michael Chertoff (whose non-profit, Alliance for Securing Democracy lists The Gateway Pundit as Russian disinformation<sup>7</sup>) to reboot and rehabilitate the Board.

I swear or affirm under penalty of perjury that the foregoing is true and correct.

Dated: 6/6/2022

Signed: /s/ Jim Hoft

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<sup>6</sup> See **Exhibit 7** - National Terrorism Advisory System Bulletin; Department of Homeland Security (Feb. 7, 2022) ([https://www.dhs.gov/sites/default/files/ntas/alerts/22\\_0207\\_ntas-bulletin.pdf](https://www.dhs.gov/sites/default/files/ntas/alerts/22_0207_ntas-bulletin.pdf)) (last accessed May 31, 2022).

<sup>7</sup> See Jim Hoft, “MORE LIES: Left-Wing Smear Machine Lists Gateway Pundit as Top Russian Propaganda Website.” Gateway Pundit (August 6, 2017) (<https://www.thegatewaypundit.com/2017/08/liesleft-wing-smear-machine-lists-gateway-pundit-top-russia-propaganda-website/>) (last accessed May 31, 2022).

# EXHIBIT 1



**Gateway Pundit**  
16 hrs · 🌐

**HUGE: After 4 Years of Stonewalling Corrupt FBI Finally Admits They're Holding Seth Rich's Laptop**



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Facebook is showing information to help you better understand the purpose of a Page. See actions taken by the people who manage and post content.

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- 📍 Page manager location: United States

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Fact Check: NO Evidence Of 23,000 'Fraudulent' Ballots



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**False Information**

The same information was checked in another post by independent fact-checkers

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Paula Spears Wood, Desiree Watts and 24 others

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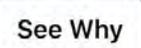
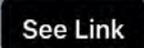
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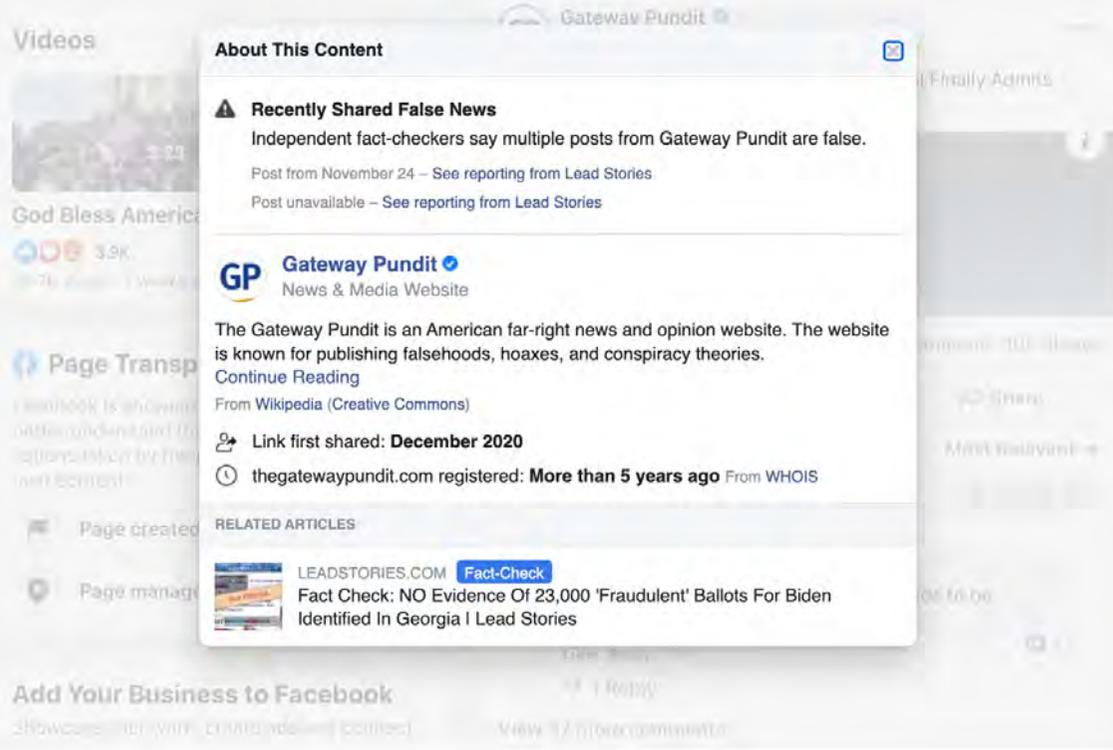
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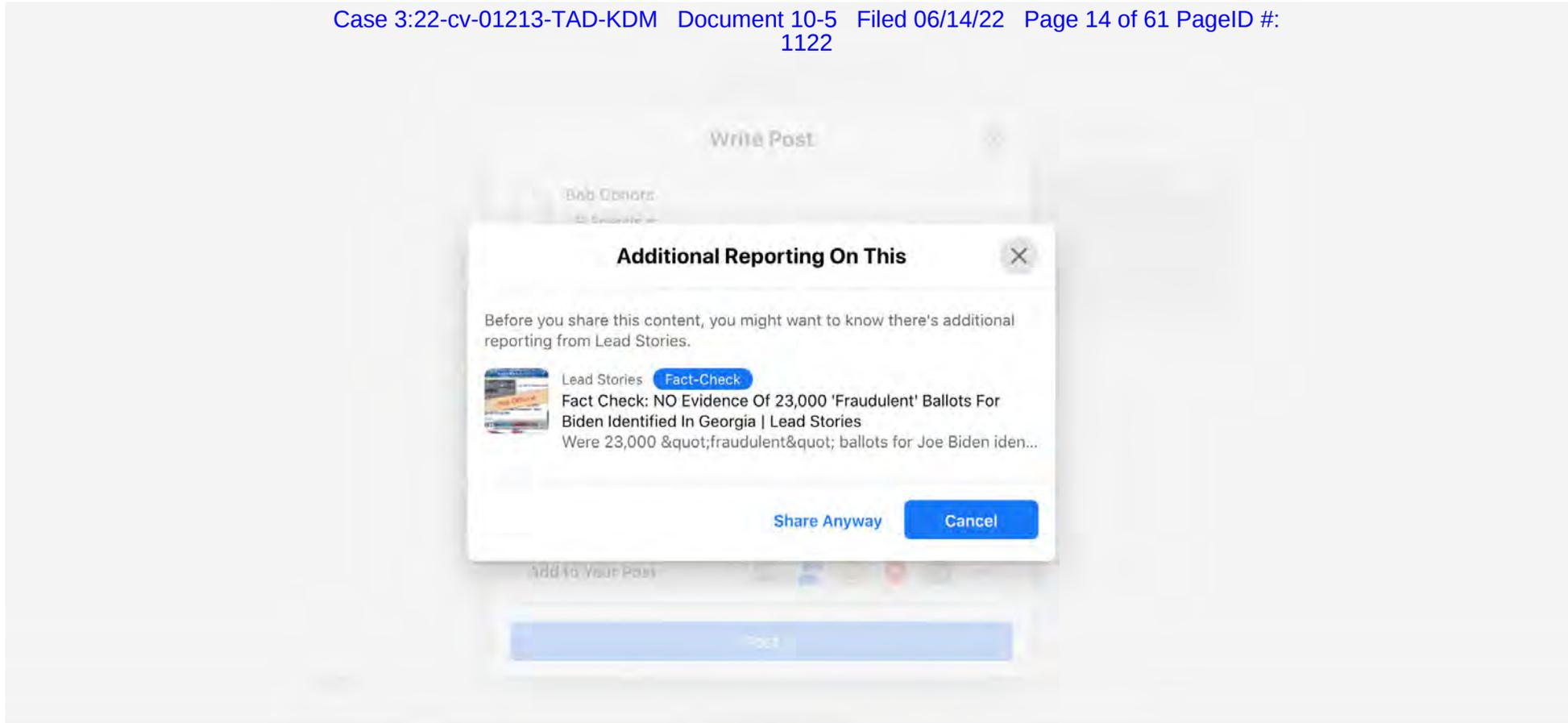
Fact Check: NO Evidence Of 23,000 'Fraudulent' Ballots For Biden Identified In Georgia | Lead Stories

Were 23,000 'fraudulent' ballots for Joe Biden identified in Georgia? N...



Case 3:22-cv-01213-TAD-KDM Document 10-5 Filed 06/14/22 Page 13 of 61 PageID #: 1121

# EXHIBIT 2



**False** ✕

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**Fact-Check from Lead Stories**

 Lead Stories **Fact-Check**

**Fact Check: NO Evidence Of 23,000 'Fraudulent' Ballots For Biden Identified In Georgia | Lead Stories**

**About This Notice**

-  The same false information was checked in another post by fact-checkers. There may be small differences.
-  Independent fact-checkers say this information has no basis in fact.
-  Curious how Facebook works with independent fact-checking organizations? [Learn more](#)

Fact Check

### Fact Check: NO Evidence Of 23,000 'Fraudulent' Ballots For Biden Identified In Georgia

Dec 8, 2020 by Dana Ford

Share Tweet



Were 23,000 "fraudulent" ballots for Joe Biden identified in Georgia? No, there's no evidence that's true. An article making that claim cites as its source a video on YouTube, which relies on unofficial results reported in real time. State election officials have repeatedly defended the integrity of the vote. "We have now counted legally cast ballots three times, and the results remain unchanged," said Georgia Secretary of State Brad Raffensperger.

The claim appeared in an article (archived here) published by The Gateway Pundit on December 4, 2020. It opened:

"Tonight a batch of 23,000 Biden-only ballots have been identified and determined to be fraudulent - removing these fraudulent ballots will give Georgia to President Trump.

Users on social media saw this:

Twitter post by Jim Holt (@gatewaypundit) with a map of the United States and text: 'HUGE: One Batch of 23,000 Ballots All For Biden Identified in Georgia That Were Fraudulent - More than Enough for Trump Win thegatewaypundit.com/2020/12/huge-a... via @gatewaypundit'

The article continued:

"A video has surfaced showing a batch of 23,000 ballots all for Biden that were reported in Georgia - a state where the media says Biden is leading by 10,000 votes.

That video can be seen here:



#### About us



Lead Stories is a fact checking website that is always looking for the latest false, deceptive or inaccurate stories (or media) making the rounds on the internet. Spotted something? Let us know!

Lead Stories is a:

- Verified signatory of the IFCN Code of Principles
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Fact Check: The Bidens' Income Did Go From \$398,456 In 2016 To \$16.5 Million For 2017-2019 -- It's In Public Records: Increases From Book Deals, Speaking Dates
Fact Check: GOP Observers Did NOT Swear In Affidavits They Were Told To Leave Fulton County, Georgia, Vote Count Center On Election Night
Fact Check: A School Bus Found In Buckeye, Arizona Was NOT Full Of Missing Voting Machines
Fact Check: A COVID-19 Vaccine Is NOT Likely To Kill You
Fact Check: Indiana Woman Was NOT Charged With Delivering Fraudulent Ballots
Fact Check: Video From Georgia Does NOT Show Suitcases Filled With Ballots Suspiciously Pulled From Under A Table; Poll Watchers Were NOT Told To Leave
Fact Check: GofundMe CEO Did NOT Say 'I Run A Website That Hosts Popularity Contests Where If You Lose, You Die'
Fact Check: Georgia State Senator Elena Parent Was NOT Busted Counting Ballots In Pennsylvania



Although the article made a number of allegations, this fact-check is limited to the specific claim about the 23,000 "fraudulent" Biden ballots. The article's source for that claim is the above-mentioned video.

What's important to note about that video is that it relies on unofficial election data reported in real time on The New York Times website. They're not official results.

Here's how the [Cybersecurity and Infrastructure Security Agency](#) explains the difference between official and unofficial results:

" Election results reported on election night are always unofficial and are provided solely for voters' convenience. In fact, no state requires that official results be certified on election night itself. Fluctuations in unofficial results reporting will occur during and after election night as more ballots are processed and counted, often including military and overseas ballots, and validated provisional ballots. Variations in state processes may also mean ballots cast through different methods (e.g., early in-person voting, mail-in voting, and election day voting) are counted and unofficially reported in different orders. Official results are released after rigorous canvassing (verification) and certification by local and state election officials.

In other words, unofficial election results may contain irregularities or errors that are later explained or corrected. In Antrim County, Michigan, for example, a clerk did not update software, which led to the [erroneous reporting of unofficial results](#). The mistake did not impact vote totals.

Lead Stories has written about election data scraped from The New York Times website before. Read that story [here](#).

We reached out to the office of Georgia's secretary of state to ask about the 23,000 claim of "fraudulent" votes and will update this story, as necessary, if we receive a response.

On December 7, 2020, Raffensperger, a Republican, [recertified](#) the results of the presidential election. He did so after recounts, including a hand recount, upheld the original outcome of the vote. [Raffensperger told reporters:](#)

" We have now counted legally cast ballots three times, and the results remain unchanged.

Biden beat Donald Trump in Georgia by [some 12,000 votes](#). Raffensperger added:

" I know there are people that are convinced the election was fraught with problems, but the evidence — the actual evidence, the facts — tell us a different story.

He spoke the same day a [federal judge dismissed a lawsuit](#), filed by former Donald Trump attorney Sidney Powell, that sought to overturn the state's election results.

Lead Stories has covered voter fraud claims in Georgia before, as can be seen [here](#).

[NewsGuard](#), a company that uses trained journalists to rank the reliability of websites, describes [thegatewaypundit.com](#) as:

" A partisan conservative website that regularly publishes hoaxes, conspiracy theories, and unsubstantiated claims, including those related to the COVID-19 pandemic.

According to NewsGuard the site does not maintain basic standards of accuracy and accountability. Read their full assessment [here](#).

### Want to inform others about the accuracy of this story?

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See who is sharing it (it might even be your friends...) and leave the link in the comments:



This fact check is available at IFGN's 2020 US Elections #ChatBot on WhatsApp. Click [here](#) for more.

" Dana Ford is an Atlanta-based reporter and editor. She previously worked as a senior editor at Atlanta Magazine Custom Media and as a writer/ editor for CNN Digital. Ford has

**Fact Check**  
**Overreach**  
 Fact Check: Eight States Have NOT All Joined Texas AG's Suit Asking Supreme Court To Overturn Other States' Election Results  
 Dec 9, 2020 by Victoria Eavis

**Fact Check**  
**Wrong Numbers**  
 Fact Check: 'Actual Results Of The Election' Do NOT Show Donald Trump With More Electoral College Votes Than Joe Biden  
 Dec 9, 2020 by Olivia Perkins

**Fact Check**  
**Not Yet**  
 Fact Check: The Supreme Court Did NOT Vote 6-3 To Take Up Texas AG's Lawsuit Over Election, NOR Did Tennessee Join  
 Dec 9, 2020 by Alexis Tereszuk

**Fact Check**  
**DNA Intact**  
 Fact Check: COVID-19 RNA Vaccine Will NOT Change Your DNA  
 Dec 8, 2020 by Olivia Perkins

**Fact Check**  
**Unproven Data**  
 Fact Check: Psychiatrist Is NOT Correct To Claim No Virus, No COVID Pandemic, No Safe Vaccine, Nor Need For Vaccine  
 Dec 8, 2020 by Dean Miller

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more than a decade of news experience, including several years spent working in Latin America.

[Read more about or contact Dana Font](#)

### Different viewpoints

Note: if reading this fact check makes you want to [contact us](#) to complain about bias, please check out our [Red feed](#) first.

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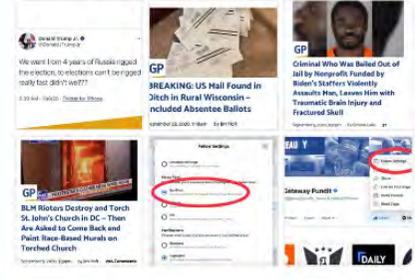
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**GP Gateway Pundit** August 29 · 🌐

The CDC silently updated their numbers this week to show that only 6% of all coronavirus deaths were related to the coronavirus alone.



THEGATEWAYPUNDIT.COM

**SHOCK REPORT: This Week CDC Quietly Updated COVID-19 Numbers - Only 9,210 Americans Died From...**

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CDC Did Not 'Admit Only 6%' of Recorded Deaths from COVID-19 The CDC hasn't drastically reduced the number of deat...



PolitiFact Fact-Check

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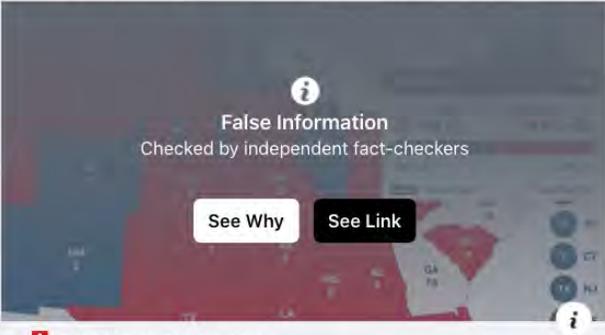
Case 3:22-cv-01213-TAD-KDM Document 10-5 Filed 06/14/22 Page 24 of 61 PageID #: 1132

# EXHIBIT 4



**GP Gateway Pundit** November 4 at 1:25 PM

**BREAKING: Trump Campaign Files Suit in Michigan After Massive Dump of Ballots For Biden Suddenly Appear Overnight**



THEGATEWAYPUNDIT.COM  
**BREAKING: Trump Campaign Files Suit in Michigan After Massive Dump of Ballots For Biden Suddenly Appear...**

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**Brian Henley**  
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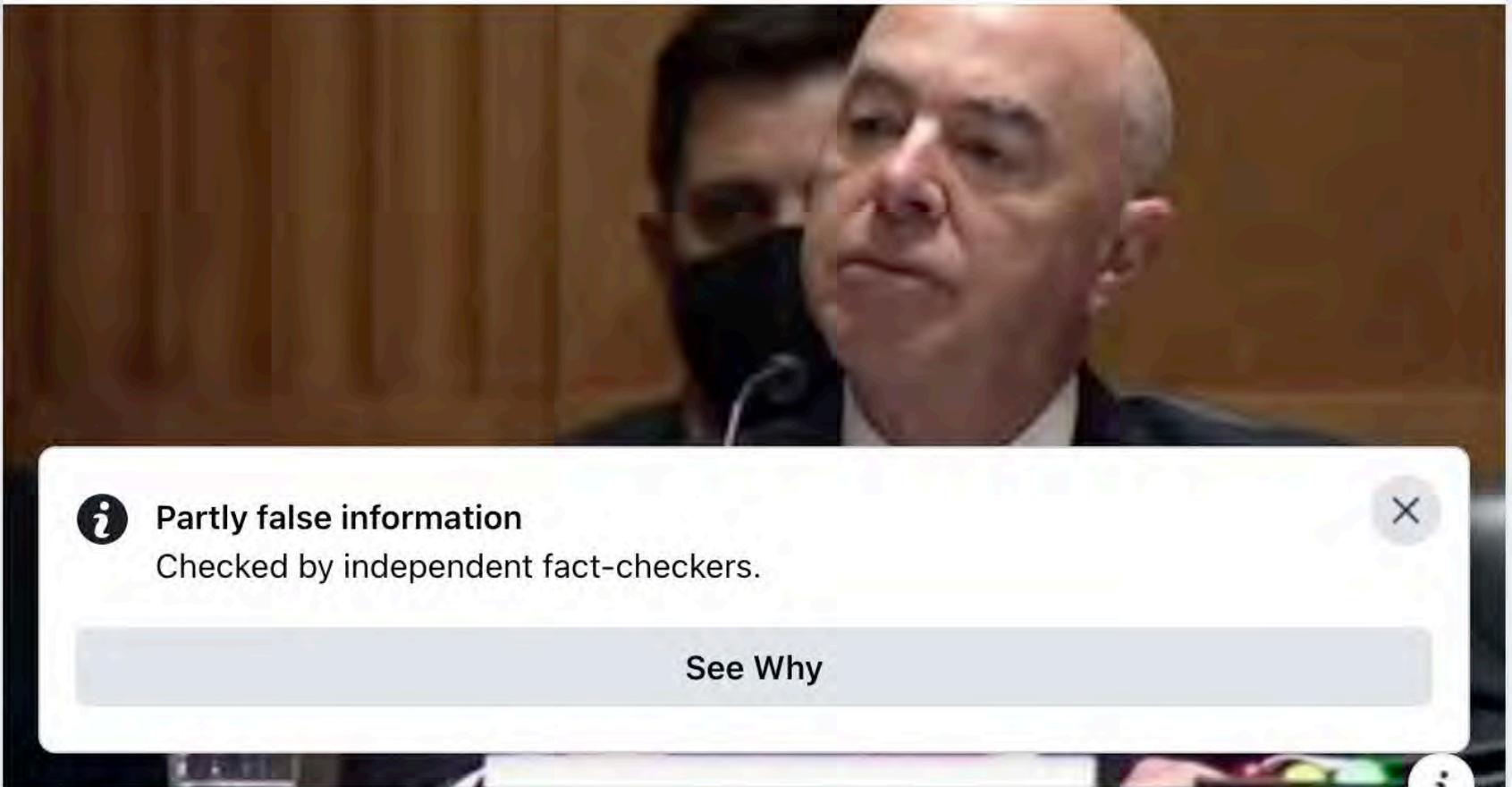
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**GP Gateway Pundit**   
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The new guidelines on extremist behavior include those who question the fraud in the 2020 election and anyone who question the regime's talking points on COVID and its treatments including the mandates.



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Checked by independent fact-checkers.

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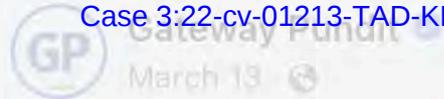


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### Fact-check from AFP United States



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Article misrepresents US report on domestic extremism

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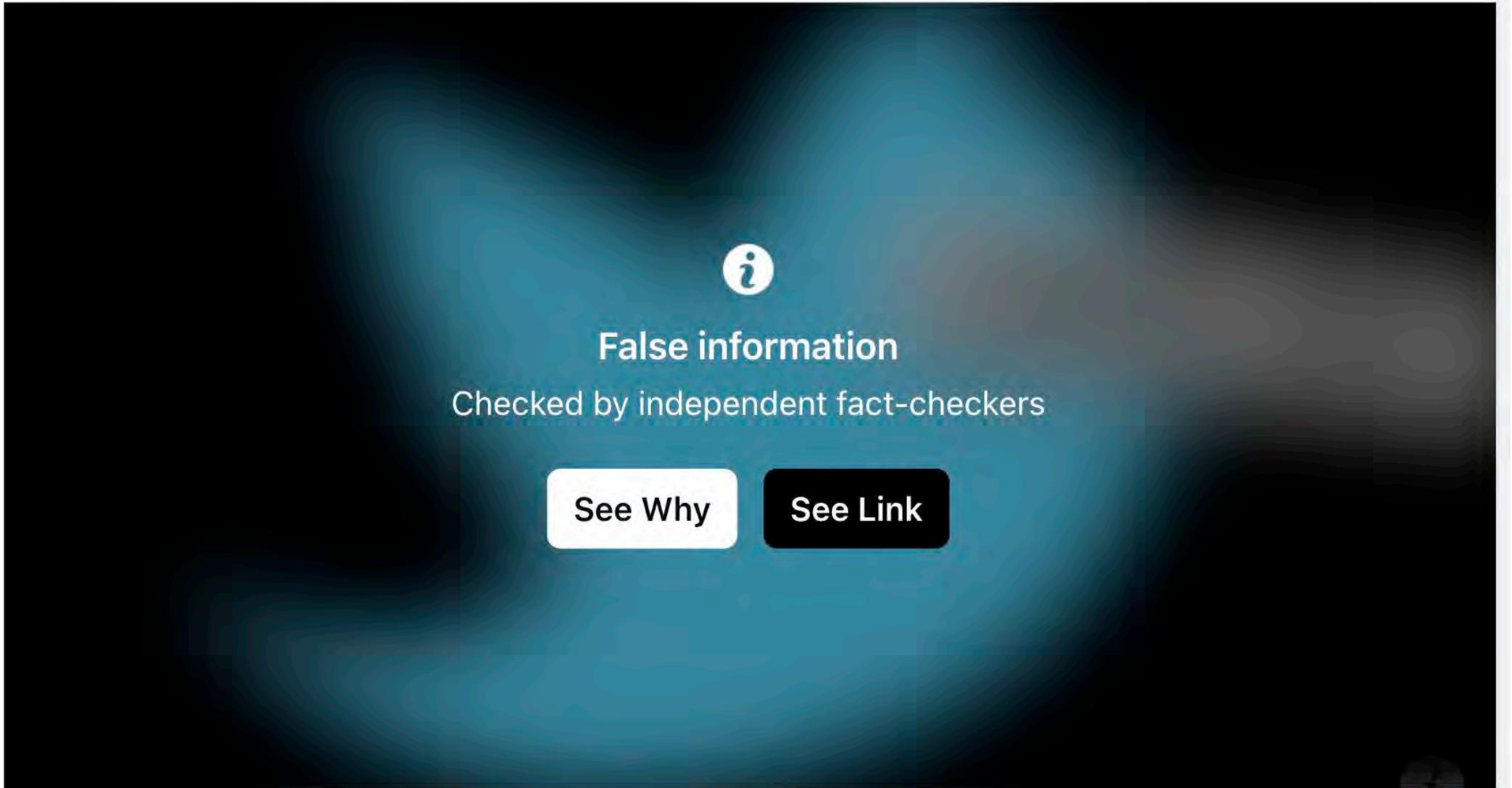
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### Airplane Flies Massive "TRUMP WON, Biden's A Fraud" Banner in New Jersey



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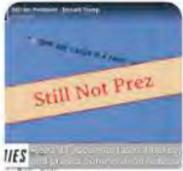


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July 17, 2021 · 🌐



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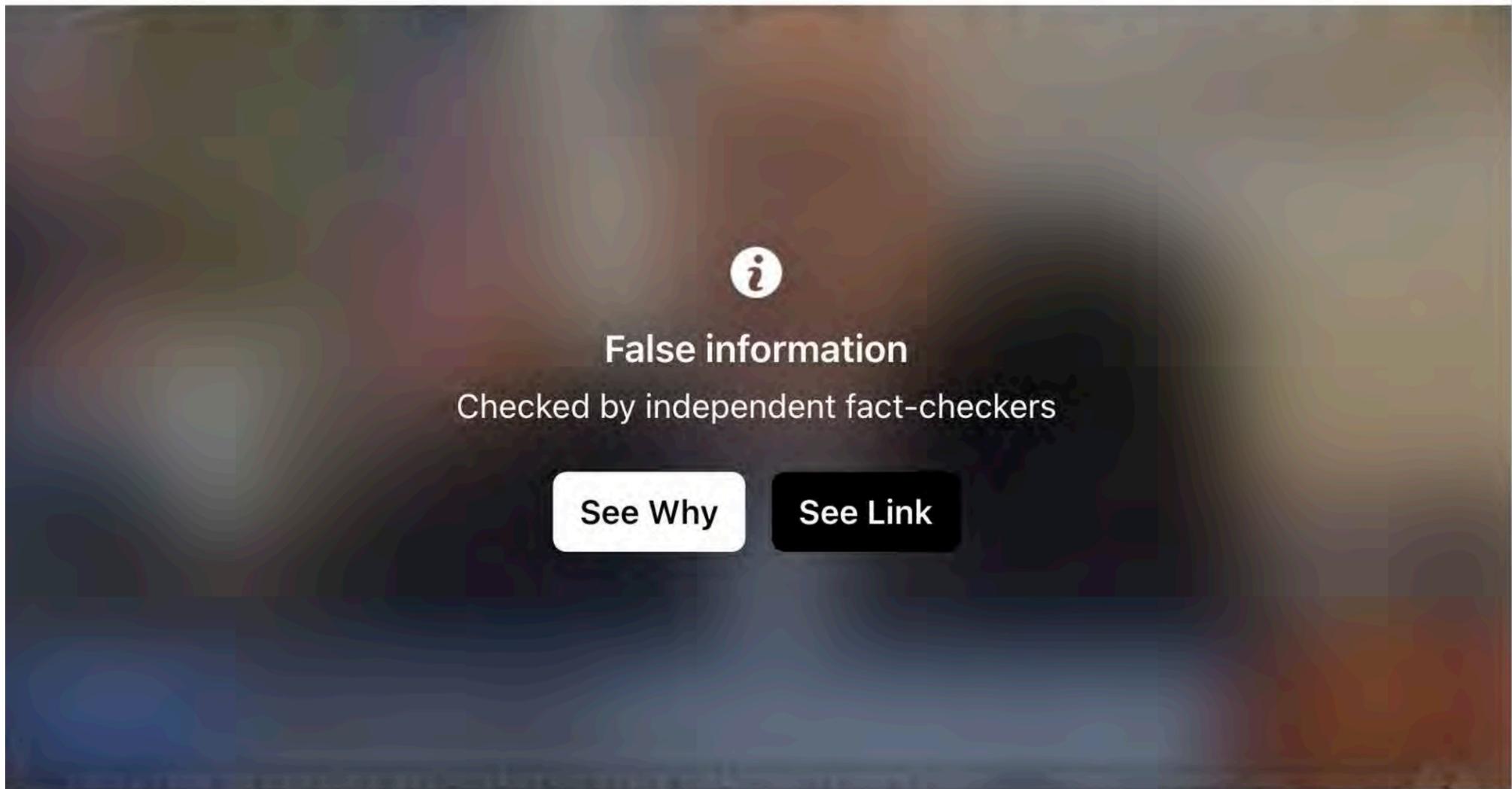
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**GP** Gateway Pundit June 7, 2021 ·

Bernard Kerik: ...I predict that over the next three or four weeks is going to be explosive.



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Gateway Pundit

April 22 · 🌐

Case 3:22-cv-01213-TAD-KDM Document 10-5 Filed 06/14/22 Page 40 of 61 PageID #: 1148



After getting fully vaccinated and boosted, Stephen Colbert announced that he tested positive for COVID-19 on Thursday.



THEGATEWAYPUNDIT.COM

**Stephen Colbert Tests Positive For COVID, Says He's 'Grateful To be Vaxxed And Boosted'**



Visit the COVID-19 Information Center for vaccine resources.

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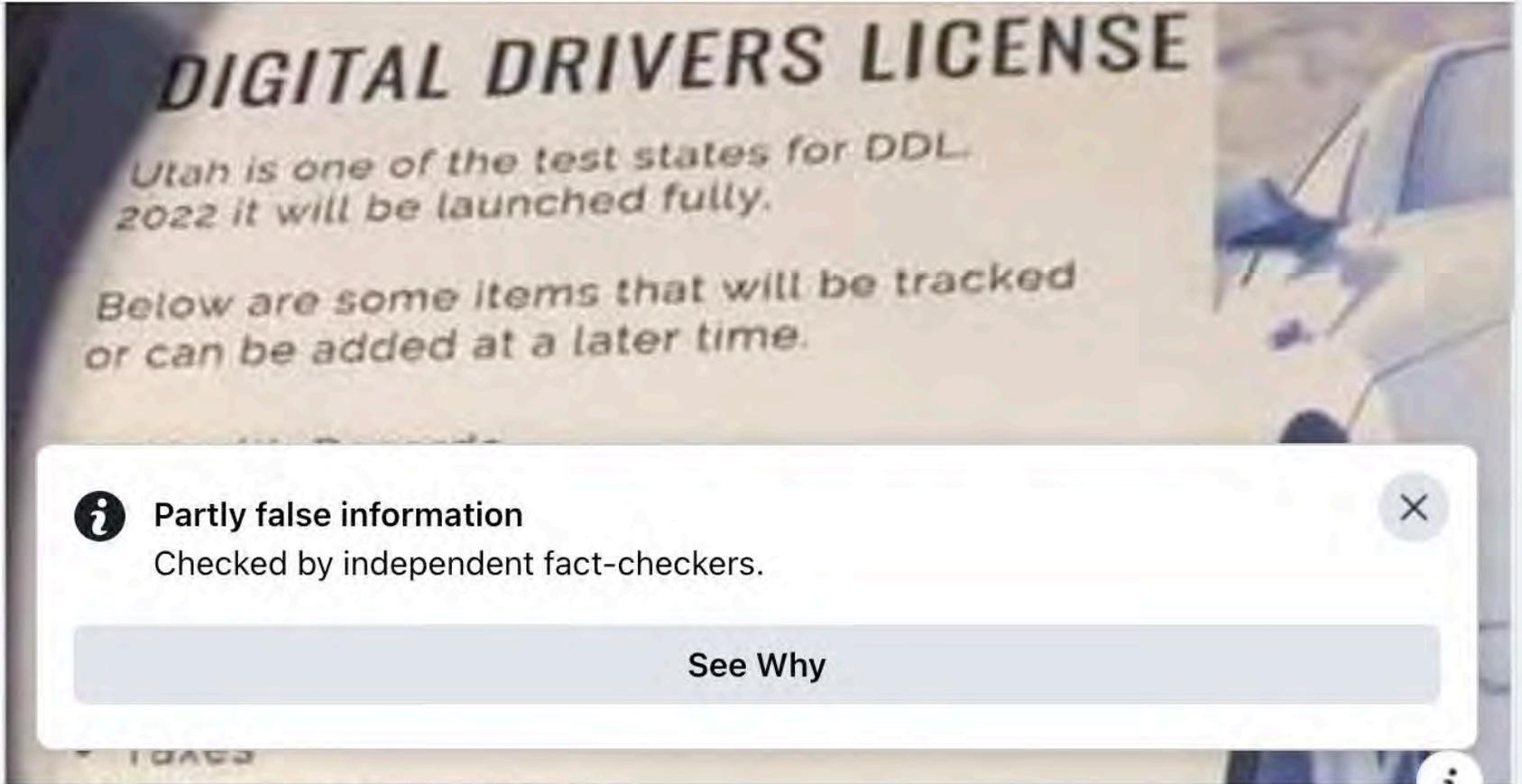
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Gateway Pundit  
November 1, 2021 · 🌐



A new Digital Drivers License is currently in the works in Utah and other states. The program will include your driver's license info and your COVID-19 status. This will be tracked by the government and available to government employees.



**i** Partly false information  
Checked by independent fact-checkers.



See Why



THEGATEWAYPUNDIT.COM

**The New Digital Driver's License Will Include Your Vaccine Status - May Eventually Include Your Credit Score, Travel Records and Social Credit Score...**

**f** Visit the COVID-19 Information Center for vaccine resources.  
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#### Fact-check from Lead Stories



Lead Stories **Fact-check**

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Independent fact-checkers say this information has some factual inaccuracies.

[Learn more](#) about how Facebook works with independent fact-checkers to stop the spread of false information.

Visit the COVID-19 Information Center for vaccine resources. [Get Vaccine Info](#)

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Gateway Pundit

February 22, 2020



False information

Checked by independent fact-checkers

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THEGATEWAYPUNDIT.COM

Rumors Emerge that Coronavirus May Have Leaked From Chinese Microbiology Lab - But There Is No Evidence to Support This

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### Fact-check from Science Feedback



Science Feedback

Fact-check

Multiple scientific studies have indicated that the virus has a natural origin, not the result of human engineering

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Gateway Pundit

March 8, 2020 ·



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Gateway Pundit  
March 8, 2020



Partly false information

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## Partly false



### Fact-check from Lead Stories

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Biden's full sentence referencing "circular firing squad" was omitted, misrepresenting what Biden said.

### About this notice



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**Gateway Pundit** ✓

March 27, 2020 · 🌐



Michigan man whose life was saved by using hydroxychloroquine unloads on his liberal governor for limiting access to the life saving drug to Coronavirus patients!



THEGATEWAYPUNDIT.COM

**Michigan Man with Coronavirus Has Near-Death Experience - Is Saved by Hydroxychloroquine Treatment... Then UNLOADS on Liberal Gov. for Limiting...**

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April 12, 2020 · 🌐



And there it is!!



THEGATEWAYPUNDIT.COM

### And There It Is... Michigan Governor Gretchen Whitmer's Lack of Clarity Causes Confusion For Consumers During Lockdown

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**Gateway Pundit** ✓

May 6, 2020 · 🌐



Correction: This article has been corrected to reflect that Dr. Mikovits arrest was for taking lab notebooks, a computer, and other material belonging to the institute. These charges were ultimately dropped.



THEGATEWAYPUNDIT.COM

**YouTube Deletes Video 'Plandemic' with Dr. Mikovits Accusing Dr. Fauci of Corruption and Suppression - Not Approved by Thought Police**



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46 Comments 110 Shares

**Gateway Pundit** ✓

May 18, 2020 · 🌐



Updated: This story has been updated to reflect that Oregon changed hundreds of Republican ballots to "Non Partisan" but blames voter error. The update includes a statement from Oregon State state and county officials regarding the procedures voters must follow and their conclusion that people failed to follow them.



THEGATEWAYPUNDIT.COM

## Oregon Changes Hundreds of Republican Ballots To "Non Partisan" But Blames Voter Error for Denying GOP Voters the Right To Participate In Primary

414

58 Comments 370 Shares

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Case 3:22-cv-01213-TAD-KDM Document 10-5 Filed 06/14/22 Page 51 of 61 PageID #: 1159

 **Gateway Pundit** ✓  
April 8, 2020 · 🌐

Corrected: This article has been update and corrected to reflect that the data used in the post was the most accurate data at the time the post was published in April of 2020.

This is strange... 😬

THEGATEWAYPUNDIT.COM 

**Current COVID Mortality Data Not Aligned With Need For Economic Shutdown**

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August 11, 2020 · 🌐



Well this is awkward.

Corrected: This article has been corrected to reflect that Kamala Harris said she believes the women who came forward with their concerns with Joe Biden's unwanted touching but she has not publicly commented on Tara Reade's accusations of rape against former Vice President Biden.



THEGATEWAYPUNDIT.COM

**Flashback: Kamala Harris Said She Believes Women Who Were Uncomfortable With Joe Biden's Unwanted Touching(VIDEO)**

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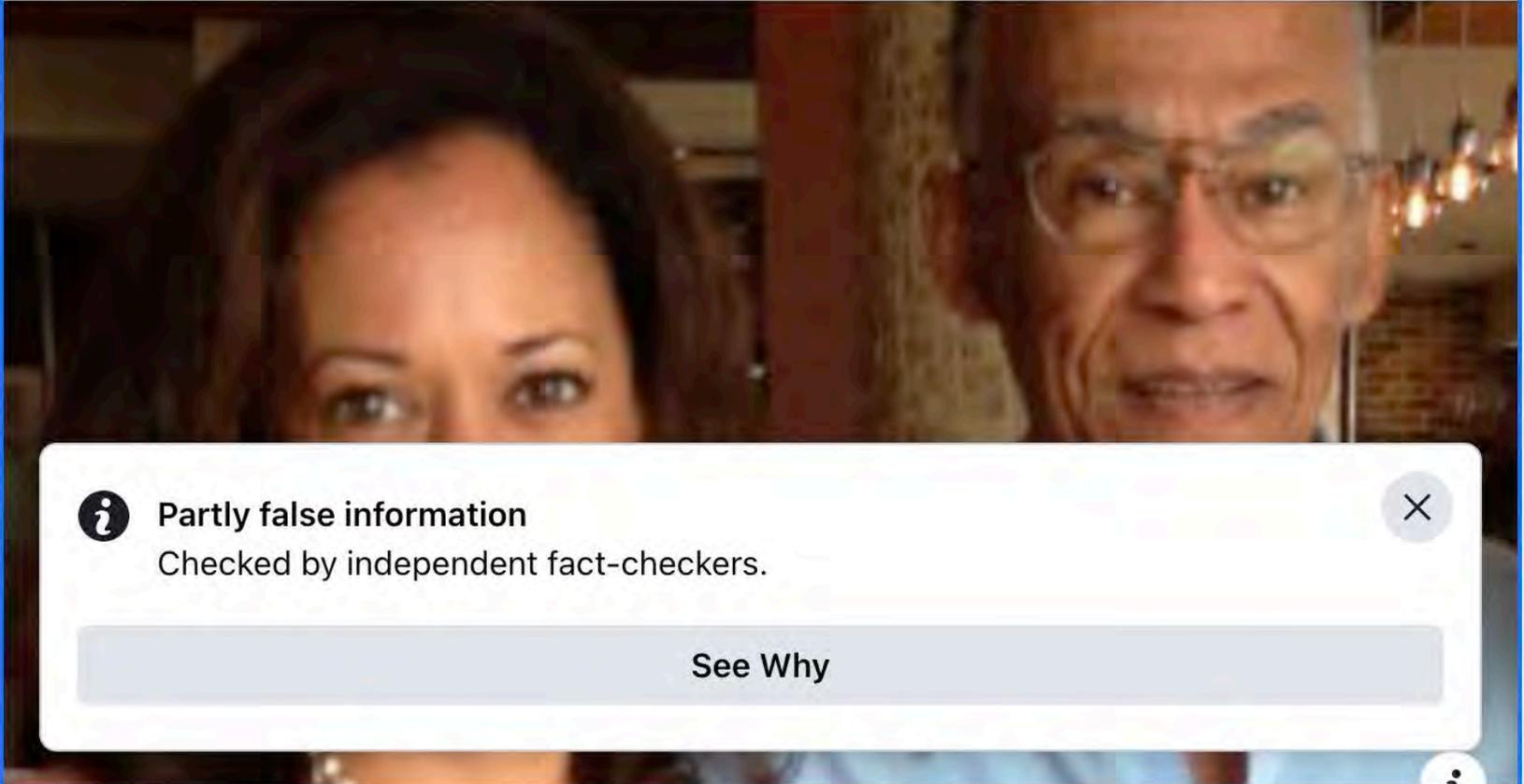
**Gateway Pundit** ✓

August 11, 2020 · 🌐



Slave Owners

Corrected: This article has been corrected to reflect that the ownership of slaves by Kamala Harris' ancestors is not a secret nor inconvenient as it has been shared publicly in the past.

**Partly false information**

Checked by independent fact-checkers.

[See Why](#)

THEGATEWAYPUNDIT.COM

**Flashback: Father of Kamala Harris Details on How Their Ancestors Owned Slaves**

533

129 Comments 519 Shares

Like

Comment

Share



Gateway Pundit  
August 11, 2020

Slave Owners

Corrected: This article has been corrected to reflect that the ownership of slaves by Kamala Harris' ancestors is not a secret nor inconvenient as it has been shared publicly in the past.



## Partly false



### Fact-check from Lead Stories



Lead Stories **Fact-check**

Kamala Harris's ancestor was a slave impregnated by a slave owner, which is a heritage shared by about one-third of all...

### About this notice



Independent fact-checkers say this information has some factual inaccuracies.



[Learn more](#) about how Facebook works with independent fact-checkers to stop the spread of false information.



**Gateway Pundit** ✓

August 12, 2020 · 🌐



Correction: This article has been corrected to provide additional context for Harris's remarks.



THEGATEWAYPUNDIT.COM

### This is What Kamala Harris Thinks of Young Voters: 18-24 Year Olds Are "Really Stupid" (VIDEO)

😂👍😱 185

44 Comments 137 Shares

👍 Like

💬 Comment

➦ Share

**Gateway Pundit** ✓

August 27, 2020 · 🌐



Correction: This post has been corrected to reflect that Harris was referring to protests rather than riots.

WATCH: A clip of Kamala Harris speaking to Stephen Colbert in June is going viral once again, as the party attempts to pivot away from their support of the violent riots.

THEGATEWAYPUNDIT.COM



## Kamala Harris on Support for BLM Protests: 'They're Not Gonna Stop,' Warns Everyone to 'Beware' (VIDEO)

118

29 Comments 67 Shares

Like

Comment

Share

Most relevant ▼

Case 3:22-cv-01213-TAD-KDM Document 10-5 Filed 06/14/22 Page 57 of 61 PageID #: 1165

# EXHIBIT 6



President of my own Little World! 100 mil says So! Retweeted



**Dennis Masivgeek** @DennisMasivgeek · 10h



Judge Rules late changes to VA Election law is illegal? How?



**Jim Hoft**  @gatewaypundit · Jan 29

Five Days After Biden Inauguration, Judge Rules Late Changes To VA Election Law That Allowed Late Mail-in-Ballots Without Postmark To Be Counted Is ILLEGAL @100PercFEDUP via @gatewaypundit  
[thegatewaypundit.com/2021/01/nine-d...](https://thegatewaypundit.com/2021/01/nine-d...)



This claim of election fraud is disputed, and this Tweet can't be replied to, Retweeted, or liked due to a risk of violence



Case 3:22-cv-01213-TAD-KDM Document 10-5 Filed 06/14/22 Page 59 of 61 PageID #: 1167

# EXHIBIT 7



# Bulletin

DHS.gov/advisories

This Bulletin will expire on  
June 7, 2022 at 2:00 PM ET

**\*\*The NTAS Bulletin issued on November 10, 2021 and set to expire on February 8, 2022 is hereby canceled.\*\***

## SUMMARY OF THE TERRORISM THREAT TO THE UNITED STATES

The United States remains in a heightened threat environment fueled by several factors, including an online environment filled with false or misleading narratives and conspiracy theories, and other forms of [mis-dis- and mal-information](#) (MDM) introduced and/or amplified by foreign and domestic threat actors. These threat actors seek to exacerbate societal friction to sow discord and undermine public trust in government institutions to encourage unrest, which could potentially inspire acts of violence. Mass casualty attacks and other acts of targeted violence conducted by lone offenders and small groups acting in furtherance of ideological beliefs and/or personal grievances pose an ongoing threat to the nation. While the conditions underlying the heightened threat landscape have not significantly changed over the last year, the convergence of the following factors has increased the volatility, unpredictability, and complexity of the threat environment: **(1)** the proliferation of false or misleading narratives, which sow discord or undermine public trust in U.S. government institutions; **(2)** continued calls for violence directed at U.S. critical infrastructure; soft targets and mass gatherings; faith-based institutions, such as churches, synagogues, and mosques; institutions of higher education; racial and religious minorities; government facilities and personnel, including law enforcement and the military; the media; and perceived ideological opponents; and **(3)** calls by foreign terrorist organizations for attacks on the United States based on recent events.

## ADDITIONAL INFORMATION

The primary terrorism-related threat to the United States continues to stem from lone offenders or small cells of individuals who are motivated by a range of foreign and/or domestic grievances often cultivated through the consumption of certain online content. The convergence of violent extremist ideologies, false or misleading narratives, and conspiracy theories have and will continue to contribute to a heightened threat of violence in the United States.

**Key factors contributing to the current heightened threat environment include:**

- (1) *The proliferation of false or misleading narratives, which sow discord or undermine public trust in U.S. government institutions:***
- For example, there is widespread online proliferation of false or misleading narratives regarding unsubstantiated widespread election fraud and COVID-19. Grievances associated with these themes inspired violent extremist attacks during 2021.
  - Malign foreign powers have and continue to amplify these false or misleading narratives in efforts to damage the United States.
- (2) *Continued calls for violence directed at U.S. critical infrastructure; soft targets and mass gatherings; faith-based institutions, such as churches, synagogues, and mosques; institutions of higher education; racial and religious minorities; government facilities and personnel, including law enforcement and the military; the media; and perceived ideological opponents:***
- Foreign terrorist organizations and domestic threat actors continue to amplify pre-existing false or misleading narratives online to sow discord and undermine public trust in government institutions. Some of these actors do so to encourage unrest, which could lead to acts of violence against the facilities, individuals, institutions, and organizations cited above.
  - Violent extremists inspired by a range of grievances and ideologies continue to target crowded venues traditionally perceived to be soft targets, such as commercial and publicly accessible facilities, public gatherings, certain government and state facilities, and houses of worship.
  - The recent attack on a synagogue in Colleyville, Texas highlights the continuing threat of violence based upon racial or religious motivations, as well as threats against faith-based organizations.

## RESOURCES TO STAY SAFE

### Stay Informed and Prepared

- [Be prepared](#) for emergency situations and remain aware of circumstances that may place you at risk. Make note of your surroundings and the nearest security personnel.
- Keep yourself [safe online](#) and maintain [digital and media literacy](#) to recognize and build resilience to false or misleading narratives.
- Review DHS [resources](#) for how to better protect [businesses](#), [houses of worship](#), and [schools](#), and ensure the safety of public gatherings.
- Prepare for potential [active shooter](#) incidents, as well as efforts to [prevent](#), [protect against](#), [respond to](#), and [mitigate the use of explosives](#).
- [Learn more](#) about community-based resources to help prevent individuals from radicalizing to violence.

### Report Potential Threats

- Listen to local authorities and public safety officials.
- [If You See Something, Say Something](#)<sup>®</sup> [Report suspicious activity](#) and threats of violence, including online threats, to local law enforcement, [FBI Field Offices](#), or your local [Fusion Center](#). **Call 911 in case of emergency.**
- If you know someone who is struggling with mental health issues or may pose a danger to themselves or others, [seek help](#).

**If You See Something, Say Something<sup>®</sup> Report suspicious activity to local law enforcement or call 911.**

The National Terrorism Advisory System provides information on homeland security issues and threats. It is distributed by the Department of Homeland Security.

More information is available at: [DHS.gov/advisories](https://DHS.gov/advisories). To receive mobile updates: [Twitter.com/dhsgov](https://Twitter.com/dhsgov).

If You See Something, Say Something<sup>®</sup> used with permission of the NY Metropolitan Transportation Authority.



# Bulletin

DHS.gov/advisories

*This Bulletin will expire on  
June 7, 2022 at 2:00 PM ET*

**\*\*The NTAS Bulletin issued on November 10, 2021 and set to expire on February 8, 2022 is hereby canceled.\*\***

- Threats directed at Historically Black Colleges and Universities (HBCUs) and other colleges and universities, Jewish facilities, and churches cause concern and may inspire extremist threat actors to mobilize to violence.
- As COVID-19 restrictions continue to decrease nationwide, increased access to commercial and government facilities and the rising number of mass gatherings could provide increased opportunities for individuals looking to commit acts of violence to do so, often with little or no warning. Meanwhile, COVID-19 mitigation measures—particularly COVID-19 vaccine and mask mandates—have been used by domestic violent extremists to justify violence since 2020 and could continue to inspire these extremists to target government, healthcare, and academic institutions that they associate with those measures.
- Domestic violent extremists have also viewed attacks against U.S. critical infrastructure as a means to create chaos and advance ideological goals, and have recently aspired to disrupt U.S. [electric](#) and [communications](#) critical infrastructure, including by spreading false or misleading narratives about [5G cellular technology](#).
- Some domestic violent extremists have continued to advocate for violence in response to false or misleading narratives about unsubstantiated election fraud. The months preceding the upcoming 2022 midterm elections could provide additional opportunities for these extremists and other individuals to call for violence directed at democratic institutions, political candidates, party offices, election events, and election workers.
- A small number of threat actors are attempting to use the evacuation and resettlement of Afghan nationals following the U.S. military withdrawal from Afghanistan last year as a means to exacerbate long-standing grievances and justify attacks against immigrants.

### (3) *Calls by foreign terrorist organizations for attacks on the United States based on recent events:*

- Foreign terrorist organizations will likely continue to maintain a highly visible online presence to attempt to inspire U.S.-based individuals to engage in violent activity.
- Supporters of foreign terrorist organizations have encouraged copycat attacks following the January 15, 2022 attack on a synagogue in Colleyville, Texas.
- Foreign terrorists remain intent on targeting the United States and U.S. persons, and may seek to capitalize on the evolving security environment overseas to plot attacks. The Islamic State of Iraq and ash-Sham (ISIS) or its affiliates may issue public calls for retaliation due to the strike that recently killed ISIS leader Abu Ibrahim al-Hashimi al-Qurayshi.

## HOW WE ARE RESPONDING

- DHS and the Federal Bureau of Investigation (FBI) continue to share timely and actionable information and intelligence with the broadest audience possible. This includes sharing information and intelligence with our partners across every level of government and in the private sector. We conduct recurring threat briefings with private sector and state, local, tribal, territorial, and campus partners, including to inform security planning efforts. DHS remains committed to working with our partners to identify and [prevent all forms of terrorism and targeted violence](#), and to support law enforcement efforts to keep our communities safe.
- [DHS's Office of Intelligence and Analysis](#) established a new, dedicated domestic terrorism branch to produce the sound, timely intelligence needed to counter related threats. The Department expanded its evaluation of online activity as part of its efforts to assess and prevent acts of violence, while ensuring the protection of privacy, civil rights, and civil liberties.
- DHS's [Center for Prevention Programs and Partnerships \(CP3\)](#) provides communities with resources and tools to help prevent individuals from radicalizing to violence. In 2021, CP3 awarded about \$20 million in grants through its [Targeted Violence and Terrorism Prevention Grant Program](#). CP3 also partners with local communities to raise awareness about how to prevent violence.
- In 2021, DHS designated domestic violent extremism as a "National Priority Area" within its [Homeland Security Grant Program \(HSGP\)](#), resulting in at least \$77 million being spent on preventing, preparing for, protecting against, and responding to related threats.
- In 2021, DHS's [Nonprofit Security Grant Program \(NSGP\)](#) provided \$180 million in funding to support target hardening and other physical security enhancements to non-profit organizations at high risk of terrorist attack.
- DHS is working with public and private sector partners, as well as foreign counterparts, to identify and evaluate MDM, including false or misleading narratives and conspiracy theories spread on social media and other online platforms that endorse or could inspire violence.
- [DHS's Cybersecurity and Infrastructure Security Agency \(CISA\)](#) works with public and private sector partners – including U.S. critical infrastructure owners and operators – to mitigate risk against our cyber and physical infrastructure and increase nationwide cybersecurity resilience.

**If You See Something, Say Something® Report suspicious activity to local law enforcement or call 911.**

The National Terrorism Advisory System provides information on homeland security issues and threats. It is distributed by the Department of Homeland Security.

More information is available at: [DHS.gov/advisories](https://DHS.gov/advisories). To receive mobile updates: [Twitter.com/dhs.gov](https://Twitter.com/dhs.gov).

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

STATE OF MISSOURI ex rel. ERIC S.  
SCHMITT, Attorney General, and

STATE OF LOUISIANA ex rel. JEFFREY  
M. LANDRY, Attorney General,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United States, *et*  
*al.*;

*Defendants.*

Case No. 3:22-cv-01213

**DECLARATION OF PATRICK FLESCH**

I, Patrick Flesch, declare as follows:

1. I am over 18 years of age and make this declaration based on my personal knowledge and experience.
2. I am the Director of Constituent Services for the Missouri Attorney General's Office. I have served in that role since July 1, 2021.
3. In my position as Director of Constituent Services, I lead our Constituent Services team whose main responsibility is to communicate with the citizens of Missouri on behalf of the Office. This includes corresponding via telephone, email, and physical mail. The subject matter of these messages ranges considerably from more mundane day-to-day individual issues to larger policy related correspondence. I oversee, and am personally involved in, receiving, reviewing, and responding to thousands of communications from Missouri constituents per year. For example, in the month of May 2022 alone, we received approximately 1,500 contacts from constituents (phone,

email, letters, etc.) and responded to at least 1,000. For me to communicate effectively with Missourians, it is very important for me to understand their actual concerns.

4. Part of my job as Director of Constituent Services is to gather and synthesize topical subject matters that are important to Missouri citizens, on behalf of the Office. Understanding what subject matters and issues are important to Missourians is critical for the Office to formulate policies and messaging for Missourians that will address the actual concerns expressed by Missouri constituents. Not only is this information gathered from traditional forms of communication, such as mail, email, and phone calls to the Office, but this also includes monitoring activity and mentions on multiple social media platforms, including Facebook, Twitter, and YouTube. I monitor these sorts of trends on a daily or even hourly basis when needed on behalf of the Office. Often social media is used in conjunction with data from traditional forms of communication to identify the most pressing matters and to formulate policy responses and messages to address those concerns.

5. Issues regarding COVID-19 responses (such as mask mandates imposed by municipalities and school districts on schoolchildren) and election security and integrity have been of critical importance to Missourians in recent months and years. For example, mask mandates for schoolchildren have been a critical topic of concern and public discussion for Missourians over the last year. It is very important for me to have access to free public discourse on social media on these issues so I can understand what Missourians are actually thinking, feeling, and expressing about such issues, and so I can communicate effectively with them.

6. Unfortunately, online censorship of free public discourse on social-media companies has hampered my ability to follow Missourians' speech on these issues. It is widely known, for example, that public comments questioning the efficacy of mask mandates has been censored on

social media. This directly interferes with my ability to follow, measure, and understand the nature and degree of Missourians' concerns about mask mandates, and forces me to rely on other, less reliable proxies for Missourians' thoughts and opinions about these issues.

7. Such social-media censorship has directly affected Missourians. For example, in one well-publicized example, YouTube censored the videos of four public meetings between the St. Louis County Council and the constituents of St. Louis County, Missouri, when the County Council was debating whether to approve or disapprove County-wide mask mandates imposed by the St. Louis County Department of Public Health.<sup>1</sup> During the public-comment periods at these meetings, a large number of St. Louis County residents made passionate public comments criticizing and opposing the mask mandates, leading to YouTube censoring the videos of the public meetings. *Id.* This video is just the sort of information that is important for me to review, and yet it was unavailable for a critical period of time due to online censorship of speech questioning the efficacy of mask mandates.

8. Similarly, a conservative talk radio station in Missouri, NewsTalk STL, had its entire YouTube channel suspended because it aired an interview discussing election integrity.<sup>2</sup> The station reported that it had received “two strikes against our channel due to ‘medical misinformation’ according to YouTube’s protocol.” *Id.* Then, the station was “sent an email informing us that we have been removed from the platform and can no longer post, upload, or create content on our [YouTube] channel.” *Id.* The permanent suspension from YouTube was

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<sup>1</sup> See Nassim Benchaabane, *Censored over COVID-19 misinformation, St. Louis County to stop using YouTube by Oct. 19*, ST. LOUIS POST-DISPATCH (Oct. 7, 2021), at [https://www.stltoday.com/news/local/govt-and-politics/censored-over-covid-19-misinformation-st-louis-county-to-stop-using-youtube-by-oct-19/article\\_f0e4e112-40c3-59b3-a70a-aa2a0608c439.html](https://www.stltoday.com/news/local/govt-and-politics/censored-over-covid-19-misinformation-st-louis-county-to-stop-using-youtube-by-oct-19/article_f0e4e112-40c3-59b3-a70a-aa2a0608c439.html).

<sup>2</sup> Kate Fitzpatrick, *NewsTalk STL is removed from YouTube permanently* (March 21, 2022), at <https://newstalkstl.com/newstalk-stl-is-removed-from-youtube-permanently/>.

caused by posting an interview “discussing the 2020 election and the need for election integrity legislation on the channel.”<sup>3</sup> The interviewee “focused on the perception many American voters have of election fraud, and how legislation aimed at making it easier to vote but harder to cheat would be essential in renewing trust in our elections.” *Id.* “A week later on March 21, the station reported that it had received an email from YouTube informing it that it had received a third and final strike for that [interview], resulting in a permanent ban from the site. All its content was deleted, and it could no longer post or share videos.” *Id.*

9. Another example of direct censorship of Missouri citizens involves concerned parents who objected to mandatory masking of their children in schools and wanted their schools to remain mask-optional.<sup>4</sup> For example, one parent who posted on nextdoor.com (a neighborhood-networking site operated by Facebook) an online petition to encourage his school to remain mask-optional found that his posts were quietly removed without notifying him, and his online friends never saw them. *Id.* Another parent in the same school district who objected to mask mandates for schoolchildren responded to Dr. Fauci on Twitter, and promptly received a warning from Twitter that his account would be banned if he did not delete the tweets criticizing Dr. Fauci’s approach to mask mandates. *Id.* These examples are just the sort of online speech by Missourians that it is important for me and the Missouri Attorney General’s Office to be aware of.

10. The kinds of speech discussed above and in the Complaint in this case—such as speech about the efficacy of COVID-19 restrictions, and speech about issues of election security and

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<sup>3</sup> Douglas Blair, *YouTube Bans St. Louis Talk Radio Station’s Channel for Discussing Election Integrity*, THE DAILY SIGNAL (March 31, 2022), at <https://www.dailysignal.com/2022/03/31/youtube-bans-st-louis-talk-radio-stations-channel-for-discussing-election-integrity/>.

<sup>4</sup> Jessica Marie Baumgartner, *Missouri Parents Censored Online for Opposing Mask Mandates in School*, THE EPOCH TIMES (Aug. 4, 2021), at [https://www.theepochtimes.com/missouri-parents-censored-online-for-opposing-mask-mandates-in-school\\_3933012.html?welcomeuser=1](https://www.theepochtimes.com/missouri-parents-censored-online-for-opposing-mask-mandates-in-school_3933012.html?welcomeuser=1).

election integrity—are matters of core interest and high importance to me in my work on behalf of the AGO. When such speech is censored on social media, it makes it much harder for me to do my job and to understand what Missourians really are concerned about.

11. Because online censorship acts as a prior restraint on speech, I will never know exactly how much speech by Missourians on social media never reaches my eyes because it is censored in advance, or as soon as it is posted. But based on these publicly available examples, it is clear that online censorship has blocked me from receiving and reviewing many important expressions of Missourians' concerns about issues of public importance. This censorship directly interferes with the ability of the Attorney General's Office to achieve its mission of acting as the chief legal officer on behalf of Missouri's six million citizens. If we do not know what Missourians' true concerns are, how can we craft messages and policies that are responsive to our citizens?

I swear or affirm under penalty of perjury that the foregoing is true and correct.

Dated: June 8, 2022

Signed: /s/ Patrick Flesch

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

STATE OF MISSOURI ex rel. ERIC S.  
SCHMITT, Attorney General, and

STATE OF LOUISIANA ex rel. JEFFREY  
M. LANDRY, Attorney General,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United States, *et*  
*al.*;

*Defendants.*

Case No. 3:22-cv-01213

**DECLARATION OF DR. AARON KHERIATY**

I, Dr. Aaron Kheriaty, declare as follows:

1. I am an adult of sound mind and make this statement voluntarily, based upon my knowledge, education, and experience.

2. I graduated from the University of Notre Dame with a double major in philosophy and pre-medical sciences. I earned my M.D. from Georgetown University, and completed residency training in psychiatry at the University of California Irvine. For many years, I was a Professor of Psychiatry at UCI School of Medicine and the Director of the Medical Ethics Program at UCI Health, where I chaired the ethics committee. I also chaired the ethics committee at the California Department of State Hospitals for several years. I am now a Fellow at the Ethics & Public Policy Center in Washington, DC, where I direct the program on Bioethics and American Democracy. I am also chief of psychiatry and ethics at Doc1 Health and chief of medical ethics at The Unity Project. I am a senior fellow and director of the Health and Human Flourishing Program at the

Zephyr Institute. I serve as a scholar at the Paul Ramsey Institute and on the advisory board at the Simone Weil Center for Political Philosophy.

3. I have authored numerous books and articles for professional and lay audiences on bioethics, social science, psychiatry, religion, and culture. My work has been published in the Wall Street Journal, the Washington Post, Arc Digital, The New Atlantis, Public Discourse, City Journal, and First Things. I have conducted print, radio, and television interviews on bioethics topics with The New York Times, the Los Angeles Times, CNN, Fox News, and NPR. I maintain social-media accounts, including the Twitter account @akheriaty, which has over 158,000 followers.

4. During the early months of the COVID-19 pandemic, I co-authored the University of California's pandemic ventilator triage guidelines for the UC Office of the President and consulted for the California Department of Public Health on the state's triage plan for allocating scarce medical resources. In early 2021, I was involved in developing the vaccine-allocation policy at the University of California when the demand for vaccines outstripped supply and there were ethical questions about who should get the vaccines first.

5. I also served as a psychiatric consultant at the UCI hospital and, in connection with treating patients at the hospital, I contracted COVID-19 in 2020.

6. In August 2021, while I was still professor at UCI School of Medicine and director of the Medical Ethics Program at UCI Health, the University of California implemented an employee vaccine mandate for COVID-19 that made no exceptions for those with infection-induced (or "natural") immunity. Having been previously infected with COVID-19, I had natural immunity to the virus. There is compelling scientific evidence, backed by centuries of experiences, that natural immunity is superior to vaccine-induced immunity. I objected to the vaccine mandate on

the ground, *inter alia*, that it is unethical to require individuals with natural immunity to receive a vaccine with known risks of side effects when the vaccine grants no material benefits to those individuals. I ultimately filed suit against the University of California's Board of Regents and its President to challenge the vaccine mandate.

7. In October 2021, the University of California placed me on unpaid leave, and on December 17, 2021, the University terminated my employment.

8. My termination by the University of California for my opposition to its one-size-fits-all vaccine mandate attracted widespread public attention. Stories about my opposition to the vaccine mandate and my termination were featured on national news media. This led to an increase in following on my social-media accounts, where I communicate with followers and the public about matters relating to bioethics, public health, vaccine mandates, and other issues.

9. Following my dismissal from the University and the publication of my story on my Substack newsletter,<sup>1</sup> my Twitter following grew from 5,000 to over 158,000 in the span of five months. Twitter users can opt to display their location on their Twitter page and scrolling through my followers it is evident that they come from all over the United States, including followers from Missouri and Louisiana, as well as followers from dozens of other countries. (I have family members in Missouri who tell me that many of their friends there follow my work closely.) Twitter drives most of the traffic to my Substack newsletter, which has become a significant source of personal income for me after losing my job at the University—income that supports my wife and five children.

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<sup>1</sup> <https://aaronkheriaty.substack.com/p/farewell-university-of-california>

10. My LinkedIn network has also grown considerably since I was let go from the University, from a few dozen to 1,333 connections. I share my work, including published articles and announcements on my forthcoming book, on both LinkedIn and Twitter.

11. I have always shared peer-reviewed research findings as well as my own opinions and perspectives on Twitter and LinkedIn. It was not until I began posting information about covid and our covid response policies, however, that I encountered censorship on the Twitter platform. This began in 2020 when I published an article on the adverse mental health consequences of lockdowns. The problem became more pronounced in 2021 when I shared my Wall Street Journal article and other information on ethical issues related to vaccine mandates. The Twitter censorship took several forms.

12. First, as new followers were added, which I could see and count on my “Notifications” page, my number of total followers would not increase commensurately. I finally figured out that as new followers were added, the platform would automatically “unfollow” some of my other followers. So, while new people followed me my total number of followers was clearly artificially suppressed and would plateau or grow only very slowly. Several of my followers reached out to me when they realized they had automatically been “unfollowed” by Twitter, and they had to “refollow” me, in some cases several times repeatedly. Most of those who were dropped would have no way of knowing that this happened unless they specifically took the trouble to check.

13. Shortly after it was announced that Elon Musk would buy Twitter, my following started growing much faster than usual, without me doing anything differently in terms of my engagement with the platform, number, frequency, or type of posts, etc. A few weeks later, when it appeared that Musk’s purchase of Twitter was hitting roadblocks, the pattern suddenly reverted and the growth of my following slowed again to the usual snail’s pace. Many other users commented at

that time that they had similar experiences. The platform may have been walking back some of its censorship tendencies to cover their tracks (Musk was talking about making the Twitter algorithm public), then reversing course when it appeared the sale might not happen.

14. Another problem I encountered frequently on Twitter was “shadow banning”. This occurs when my tweets do not appear in my followers’ feeds. Many followers commented that they had not seen anything from me for months, even though I post frequently—multiple times daily and multiple days per week. My impression was that tweets on topics like vaccine safety/efficacy were often not shared with many of my followers, while other tweets on non-covid-related topics would garner more attention from followers. Several followers messaged me to say that they could see certain tweets if they went to my timeline, but those same tweets never appeared in their feed.

15. This phenomenon of shadow-banning is well-known and well-documented by Twitter users. The posts most subject to this were those that challenged the federal government’s preferred covid policies. I encountered evidence of this shadow-banning in 2021 before I was let go from the University after I started posting on covid topics, and the problem intensified in 2022 following my dismissal, as I continued to post frequently on the ethics of vaccine mandates for competent adults.

16. I have several of my friends and colleagues—including Dr. Peter McCollough and Dr. Robert Malone—who were temporarily (McCollough) or permanently (Malone) banned from Twitter for posing peer-reviewed scientific findings regarding the covid vaccines. Even though the ethics of vaccine mandates is among my areas of expertise, and an area that has impacted me personally and professionally, I am extremely careful when posting any information on Twitter related to the vaccines, to avoid getting banned. This self-censorship has limited what I can say

publicly on topics where I have specific scientific and ethical expertise and professional experience.

17. One of my videos, an early interview I did with journalist Alyson Morrow, on the ethics of vaccine mandates, was temporarily removed from YouTube.<sup>2</sup> The company indicated it violated their misinformation policy but would not give any specifics regarding exactly what content from the interview was problematic. The video was only re-posted by YouTube after Morrow and others drew attention to the fact that YouTube had censored an academic medical ethicist for talking about the medical ethics of vaccine mandates—an absurd form of censorship.

18. The pattern of content censored on these social media platforms mirrors closely the CDC and Biden administration policies. In my experience using these platforms to discuss covid topics, any content that challenges those federal policies is subject to severe censorship, without explanation, on Twitter and YouTube—even when the information shared is taken straight from peer-reviewed scientific literature.

I swear or affirm under penalty of perjury that the foregoing is true and correct.



Dated: 3 June 2020

Signed: /s/ Aaron Kheriaty

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<sup>2</sup> Available at [https://www.youtube.com/watch?v=Ts8Zx1z\\_wac](https://www.youtube.com/watch?v=Ts8Zx1z_wac)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

STATE OF MISSOURI ex rel. ERIC S.  
SCHMITT, Attorney General, and

STATE OF LOUISIANA ex rel. JEFFREY  
M. LANDRY, Attorney General,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United States, *et*  
*al.*;

*Defendants.*

Case No. 3:22-cv-01213

**DECLARATION OF JILL HINES**

1. My name is Jill Hines. I am over 18 years of age and competent to testify about the matters discussed herein.

2. I am a Co-Director of Health Freedom Louisiana, a consumer and human rights advocacy organization. Because our organization recognizes the need to educate and inform the public of their rights regarding state and federal laws concerning vaccinations, we have experienced social media censorship of our speech regarding vaccine information. We have approximately 13,000 followers each on Health Freedom Louisiana and Reopen Louisiana.

3. My organization engages in public advocacy on behalf of Louisiana citizens on issues of health freedom and fundamental human rights. I have testified before the Louisiana legislature approximately 20 times on such issues.

4. Among other things, we have advocated against the imposition of mask mandates on children, especially during prolonged periods, as in schools. As I testified before the Louisiana

legislature, as a human rights advocate, the issue of lack of safety studies on the long-term mask use in children has been of tremendous concern to us. We have submitted requests of the Board of Secondary and Elementary Education (BESE), Louisiana Department of Health, and the CDC requesting the evidence of safety of long-term mask use in children. No agency has been able to fulfill that request and of course, we knew before we asked that there are no such studies. The imposition of an untested, unproven medical intervention on a weaker demographic of society is a human rights violation.

5. In February 2019, Congressman Adam Schiff sent a letter on congressional letterhead to Mark Zuckerberg, Chairman and Chief Executive Officer of Facebook, inquiring about the steps being taken to address the growing threat of “vaccine misinformation.” We pride ourselves in always providing well cited, accurate information. Many similar threats from federal officials followed Congressman Schiff’s letter, especially as covid became a public concern. In the last two years, any information that was not positive in nature or conveyed adverse events associated with shutdown or mitigation efforts was deemed “misinformation.” Dr. Anthony Fauci has used the term repeatedly and it has been adopted by the press and media. Even our governor and state’s public health officer used the term after a particularly contentious hearing in December 2021.

6. As covid became a concern in the U.S. in early 2020, and the human rights violations began to accumulate, I knew that Health Freedom Louisiana had to expand our cause to encompass the concerns of ever-growing government overreach. I launched a grassroots effort called Reopen Louisiana on April 16, 2020 to help expand our reach on social media and take on the issues surrounding the continued government shutdown. It is very much a human rights issue for the government to limit an individual’s access to their business and prohibit them from making an income to support and feed their family.

7. The overreach issues grew almost daily, and I took on the task of challenging the covid narrative relayed from the Louisiana Governor's office and the Louisiana Department of Health. Louisiana had implemented a statewide mask mandate in July 2020. The mask mandate was a serious concern. We had compiled a 10-page document of mask studies and had serious concerns about the lack of safety studies, particularly for children. At the time, we used social media exclusively as a means of coordinating rallies, protests, and testimonies at legislative hearings.

8. By October 2020, when our page started receiving significant hits from "fact checkers" and "warnings" from Facebook, our analytics showed that we were reaching approximately 1.4 million people in a month's time on one of our Facebook pages, but after sharing photos of the mouths of children suffering from impetigo from long-term mask use, our page received a warning and our reach was reduced to thousands.

9. This began a long series of attempts to censor our posts on Facebook and other social-media platforms. Posts pointing to lack of safety of masking were and are targeted, as well as articles that mention adverse events of vaccinations, including VAERS data. I was completely restricted from Facebook for 30 days starting in January 2022 for sharing the image of a display board used in a legislative hearing that had Pfizer's preclinical trial data on it. The most recent restriction, in late May 2022, was for re-posting an Epoch Times article that discussed a pre-print study detailing increased emergency calls for teens with myocarditis following covid vaccination.

10. One post in particular that was hit with a "community standards" warning on October 6, 2020, was a "call to action" asking people to contact their legislators to end the governor's mask mandate. On the same day, we were asking people to testify during the Legislature's Second Extraordinary Session regarding a bill, House Bill 49,<sup>1</sup> that would prohibit a covid vaccine

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<sup>1</sup> <https://legis.la.gov/legis/BillInfo.aspx?s=202ES&b=HB49&sbi=y>

employee mandate. I was prohibited from posting for 24 hours on all pages, including my own. When I was finally able to post again, our reach was significantly diminished, compared with our 1.4 million per month rate beforehand. Our page engagement was almost non-existent for months. It felt like I was posting in a black hole. Each time you build viewership up, it is knocked back down with each violation. Our current analytics show Reopen Louisiana is reaching around 98,000 in the last month and Health Freedom Louisiana is only reaching 19,000. There are warnings when you search for Health Freedom Louisiana. People that regularly interacted with our page were never heard from again. Some people who did find the page later on, asked us where we went.

11. Over the last year and a half since we noticed social-media censorship beginning in October 2020, my pages have been hit with numerous “fact checks” and “community standards” violations. Articles with health concerns related to mask wearing have been targeted, one in particular was from the website, The Healthy American, as well as articles relating to pregnant women being vaccinated. Pregnant women receiving a covid vaccine was a significant concern of ours considering pregnant women were not included in the preclinical trials but they were included in the vaccine mandate. That is a significant human rights violation. We had one post concerning a study with pregnant women that received a fact check. Data taken directly from VAERS was flagged as misinformation and we received “fact checks” for that as well, even if it contained a disclaimer about causation.

12. My personal Facebook page, and the Facebook pages of both Health Freedom Louisiana and Reopen Louisiana, are all under constant threat of being completely deplatformed. My personal account is currently restricted for 90 days. On many occasions, I have altered the spelling of words, used emoji's, or placed links in comments to avoid censorship.

13. In addition, two of our Facebook groups were completely deplatformed, effectively disbanding a group of more than two thousand people who were organized to engage in direct advocacy to our state legislature, on two separate occasions. There were two groups that were deplatformed: HFL Group and North Shore HFL. HFL Group was our initial closed group that required people to answer questions to gain entrance. It was deplatformed in July of 2021. We had an existing state regional closed group called North Shore HFL that we tried to move our members to, but even with using emoji's for masks and shots, and not putting links to articles in posts, it was only used for about 4 months before it was deplatformed as well in September of 2021. HFL Group had almost 2,000 people, and North Shore HFL had less than 500 before it was taken down.

14. The last post I made in our HFL Group on July 13, 2021, was a "call to action" for the upcoming Veto Session, asking people to contact legislators regarding health freedom legislation. During the regular legislative session, we had two bills that were passed successfully, but both were vetoed by the governor, including a hugely popular bill that prohibited the addition of vaccine information on a state issued driver's license. The other bill provided immunity from liability for businesses that did not impose a covid vaccine mandate. Removing our closed group at such a crucial time effectively stopped our ability to communicate with our representatives in the state legislature.

15. After North Shore was deplatformed, we looked for alternatives for daily communication. We were to the point of speaking in code on Facebook, so moving away from traditional social media was the only option. We currently have 80 members in a chat app called GroupMe. We have no statewide reach with that tool.

16. It has been incredibly frustrating knowing that the government's narrative is going unchallenged and that we have not been able to effectively communicate with people. Knowing that government agencies colluded with Facebook to suppress the messaging of groups like mine while paying exorbitant amounts to promote vaccinations and covid policies has been especially disheartening. To say the cards are stacked against me is an understatement.

17. It is a serious concern that speech in direct opposition to government policy was suppressed. The ability to voice concern or opposition to government policy is a bedrock of our country. We should all be concerned that while we MAY agree with current government policy, it only takes an election for that to change.

I swear or affirm under penalty of perjury that the foregoing is true and correct.

Dated: June 9, 2022

Signed: /s/ Jill Hines

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

STATE OF MISSOURI ex rel. ERIC S.  
SCHMITT, Attorney General, and

STATE OF LOUISIANA ex rel. JEFFREY  
M. LANDRY, Attorney General,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United States, *et*  
*al.*;

*Defendants.*

Case No. 3:22-cv-01213

**DECLARATION OF ASHLEY BOSCH**

1. My name is Ashely Bosch. I am over 18 years of age and make this declaration based on my personal knowledge and experience.

2. I am a Communications Officer for the Louisiana Department of Justice, where I have been employed part-time and full-time since May 20, 2019.

3. In my position, I monitor and update the Department's social media accounts. I work hard to ensure the information we provide to the public is distributed accurately, quickly, and effectively. For me to communicate with the people we serve, it is very important for me to understand their actual concerns.

4. Part of my job is to gather and synthesize topical subject matters that are important to Louisiana citizens, on behalf of the Department. Understanding what subject matters and issues are important to Louisianans is critical for the Department to formulate policies and messaging that will address the concerns expressed by our constituents. Not only is this information gathered

from traditional forms of communication such as mail, email, and phone calls to the Department; but this also includes monitoring activity and mentions on social media platforms, including Facebook, Instagram, Twitter, and YouTube.

5. Issues regarding COVID-19 responses and election security and integrity have been very important to Louisianans in recent months and years. For example, mask and vaccine mandates for students have been a very important source of concern and public discussion by Louisiana citizens over the last year. It is very important for me to have access to free public discourse on social media on these issues so I can understand what our constituents are actually thinking, feeling, and expressing about such issues, and so I can communicate properly with them.

6. Online censorship of Louisiana citizens by social media companies interferes with my ability to follow Louisianans' speech on these issues. For example, public comments questioning the efficacy of mask mandates have been widely censored on social media. This censorship directly interferes with my ability to follow and understand Louisiana citizens' concerns about mask mandates and other issues that are subject to social-media censorship.

7. Such social media censorship has directly affected Louisiana Department of Justice. For example, on August 18, 2021, YouTube censored our Department's video of Louisiana citizens expressing their opinions on the government's responses and proposals to COVID-19. We posted a video of Louisiana constituents who came to the State Capitol to testify and made comments critical of the efficacy of COVID-19 vaccines and masks and of government mandates—resulting in YouTube removing the content from their platform. We received a notice stating that the video we had posted supposedly violated YouTube's "medical misinformation policy." The notice stated that "YouTube does not allow content that spreads medical misinformation that contradicts' local health authorities' or the World Health Organization (WHO) medical information about COVID-

19.” The same email stated that any additional strike would result in a one-week suspension. With the threat of YouTube suspending our account, we were forced to not pursue a challenge further and to be careful about future content posted on YouTube.

8. Such censorship has also directly affected many other Louisianans, including elected officials and others whose concerns it is important for me to follow on social media. For example, Health Freedom Louisiana—a consumer and human rights advocacy organization—has experienced numerous cases of censorship as it has challenged the efficacy of COVID-19 vaccines and masks and of government mandates.

9. As another example, a Louisiana state representative had content he posted flagged as misleading and de-boosted by Facebook for violating its medical misinformation policy. The censored post merely restated guidance from the World Health Organization’s website about whether children should receive COVID-19 vaccines.

10. Louisianans’ speech about the efficacy of COVID-19 restrictions, and speech about issues of election security and election integrity are matters of great interest and importance to me in my work on behalf of the Louisiana Department of Justice. When such speech is censored on social media, it makes it much harder for me to do my job and to understand what Louisianans really are concerned about.

11. Because much content is blocked before I ever see it, I will never know exactly how much speech by Louisianans on social media never reaches my eyes because it is censored in advance, or as soon as it is posted. But based on publicly available examples, it is clear that online censorship has blocked me from receiving and reviewing many important expressions of Louisiana citizens’ concerns about issues of public importance. This censorship directly interferes with the ability of the Louisiana Department of Justice to serve our State’s citizens.

I swear or affirm under penalty of perjury that the foregoing is true and correct.

Executed on: June 14, 2022

Signed: /s/ Ashley Bosch

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

STATE OF LOUISIANA, STATE OF  
MISSOURI, *et al.*,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United States,  
*et al.*,

*Defendants.*

Case No. 3:22-cv-01213-TAD

**SUPPLEMENTAL DECLARATION OF DR. JAYANTA BHATTACHARYA**

1. My name is Dr. Jayanta Bhattacharya. I am over the age of 18 years and competent to testify to the matters expressed herein.

2. I have previously submitted a Declaration in this case, which is filed with the Court as Doc. 10-3 and Doc. 45-3. That prior Declaration is incorporated by reference herein.

3. In addition to my own experience with federally-induced censorship on social media, I am also a frequent reader and listener of content others post on social media platforms, including others who have suffered federally-induced social-media censorship.

4. I have a strong interest in being able to read and follow the speech and writings that others post on social media. My main goal is to understand the landscape of opinions expressed by influential people in this setting, whether I agree or disagree with them. I need to know this to perform my job, which is to research public health policies that will improve the health of the American public. Without understanding the full range of

opinions Americans hold about these topics, I cannot know what ideas will be acceptable to the American public, nor can I fully understand the constraints preventing Americans from being as healthy as they deserve to be. Doing this task has been challenging during the pandemic because government censorship of prominent voices on social media has driven many prominent figures to engage in their advocacy in other less accessible venues. There, they continue to exert influence and disseminate their ideas to the public, but in ways that are not easily visible to me. Having access to the uncensored views, speech, and opinions of others is thus central to my work.

5. I frequently read and listen to the speech and writings on social media of other speakers and writers whom federal officials may have explicitly targeted for censorship such as: Alex Berenson, Robert F. Kennedy, Jr., Peter McCoullough, Robert Malone, Alex Washburne, Alina Chan, Simone Gold, Jan Jekielek, John Ioannidis, Michael Levitt, Scott Atlas, Mark Changizi, Michael Senger, Daniel Kotzin, Tucker Carlson, Laura Ingraham, A.J. Kitchen, Craig Wax, Tracy Beth Hoeg, Cristine Stabel Benn, Joseph Fraiman, Joe Ladapo, Dr. Drew, and anonymous accounts like @boriquagato, @contrarian4data.

6. As I explained in my prior Declaration, I am often forced to engage in self-censorship on social media to avoid severe consequences like de-platforming, suspension, and receiving strikes. I am aware of others I follow on social media engaging in self-censorship out of fear of more severe penalties. I have heard from prominent signatories of the Great Barrington Declaration, including tenured professors of epidemiology and other relevant disciplines, who have described retaliation they have experienced at work for signing the document, including up to the point of losing their jobs. I have also received

messages from junior and senior professors who have told me they are hesitant to state publicly views that oppose government policy. They fear the social stigma that comes from being censored on social media or from prominent government figures labeling them as “fringe” thinkers, as former NIH director Francis Collins did in my case. I am confident that there are many others who react similarly, though they do not contact me to tell me. Federally induced censorship thus prevents me from having access to those speakers’ and writers’ frank and uncensored speech, thoughts, opinions, and ideas.

7. This case is of great interest to me. I have been closely monitoring it since my involvement with it began. I am familiar with the facts and legal theories in the case and communicate regularly with my counsel about the case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed On: March 15, 2023

/s/ Jayanta Bhattacharya  
Dr. Jayanta Bhattacharya

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

STATE OF LOUISIANA, STATE OF  
MISSOURI, *et al.*,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United States,  
*et al.*,

*Defendants.*

Case No. 3:22-cv-01213-TAD

**SUPPLEMENTAL DECLARATION OF DR. MARTIN KULLDORFF**

1. My name is Martin Kulldorff. I am a biostatistician and epidemiologist, a professor of medicine at Harvard University (on leave), over the age of 18 years and competent to testify to the matters expressed herein.

2. I have previously submitted a Declaration in this case, which is filed with the Court as Doc. 10-4 and Doc. 45-4. That prior Declaration is incorporated by reference herein.

3. In addition to my own experience with censorship on social media, I am also a frequent reader and listener of content that others post on social-media platforms, including others who have suffered social-media censorship.

4. I have a strong interest in being able to read and follow the speech and writings that others post on social media, to quickly learn about the work of other scientists, and to engage in important scientific discussions. Having access to the uncensored views about science is central to my work as a scientist. Science cannot thrive without open

scientific discourse and the public cannot trust the scientific community if such discourse is hampered. Even inaccurate information must be openly available to be properly refuted with evidence based scientific arguments rather than censored and hidden as if there are no available counter arguments.

5. I frequently read the writings and/or listen to the speech of others who have been targeted for censorship on social media, such as Dr. Jay Bhattacharya, Dr. Craig Wax, Dr. Scott Atlas, Dr. Robert Malone, Dr. Sunetra Gupta, Dr. Peter McCoullough, Dr. Mark Changizi, Dr. David Thunder, Dr. Roberto Strongman, and Robin Monotti, among many others.

6. I have been forced to engage in self-censorship on social media to avoid severe consequences like de-platforming, suspension, and receiving strikes, and I am also aware of other scientists on social media that are also engaging in self-censorship out of fear of such penalties. Social media censorship thus prevents me from having access to their frank and uncensored speech, thoughts, opinions, and ideas.

7. This case is of critical importance to the future of scientific discoveries and trust in the scientific community. I have been closely monitoring it since my involvement with it began.

I declare under penalty of perjury that the foregoing is true and correct.

Executed On: March 15, 2023



/s/ Martin Kulldorff  
Dr. Martin Kulldorff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

STATE OF LOUISIANA, STATE OF  
MISSOURI, *et al.*,

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JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United States,  
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*Defendants.*

Case No. 3:22-cv-01213-TAD

**SUPPLEMENTAL DECLARATION OF DR. AARON KHERIATY**

1. My name is Dr. Aaron Kheriaty. I am over the age of 18 years and competent to testify to the matters expressed herein.

2. I have previously submitted a Declaration in this case, which is filed with the Court as Doc. 10-7 and Doc. 45-7. That prior Declaration is incorporated by reference herein.

3. In addition to my own experience with censorship on social media, I am also a frequent reader and listener of content that others post on social-media platforms, including others who have suffered federally-induced social-media censorship.

4. I have a strong interest in being able to read and follow the speech and writings that others post on social media. For example, Twitter is an important platform where I connect and stay up-to-date on the work of other scientists, physicians, public health professionals, journalists, and policy experts. This is a forum for sharing studies and other relevant sources of information, engaging in scientific and policy debates, disseminating my

own work and commentary through reposting retweeting, or commenting on the contributions of others. This ongoing open conversation and debate on Twitter and other social media platforms is characteristic of good science and public policy work. Having access to the uncensored views, speech, and opinions of others – both those with whom I agree and others with whom I disagree – is central to my work because it allows my own views to be challenged, augmented, corrected or revised based upon the best available information, analysis, and arguments.

5. I frequently read and listen to the speech and writings on social media of other speakers, writers, and policy analysts whom federal officials have specifically targeted for censorship on social media, such as: Dr. Jay Bhattacharya, Dr. Martin Kulldorff, Alex Berenson, Tucker Carlson, Robert F. Kennedy, Jr., Rizza Islam, Dr. Robert Malone, the New York Post, Michael Yeadon, James O’Keefe, James Woods, Dr. Pierre Kory, Dr. Harvey Risch, Dr. Paul Marik, the Epoch Times, the Great Barrington Declaration, Del Bigtree, Children’s Health Defense, Naomi Wolf, Mark Changizi, Michael Senger, Daniel Kotzin, A.J. Kitchen, and Dr. Andrew Bostrom.

6. I also frequently read and listen to the speech and writings on social media of other speakers and writers who speak and write on matters relating to COVID-19 and elections with viewpoints disfavored by federal officials, and have experienced censorship, such as Justin Hart, Dr. Lynn Fynn, Dr. Aseem Malholtra, Dr. Drew Pinsky, Dr. Ryan Cole, Dr. Mary Makary, Dr. Gabe Vorobiof, Dr. Tracy Hoeg, Paul Thacker, The Unity Project, The Brownstone Institute, Bret Weinstein, and Jeffrey Tucker, among others.

7. As I explained in my prior Declaration, I am often forced to engage in self-censorship on social media to avoid severe consequences like de-platforming, suspension,

and receiving strikes. I am aware of others whom I follow on social media engaging in self-censorship out of fear of more severe penalties as well. We discuss this problem frequently when not on social media. For example, many of the above authors resorted routinely to speaking in “code words” or utilizing vague, allusive phrases when referring to topics like covid vaccine-related injuries or side-effects, for fear that these posts would be flagged for censorship. This included highly qualified physicians and scientists speaking from their clinical experience or commenting on published data. Federally induced censorship thus prevents me from having access to those speakers’ and writers’ frank and uncensored speech, thoughts, opinions, and ideas.

8. Among the adverse effects of this pervasive censorship of covid topics and other topics on social media, the government was able to project the false impression of a scientific consensus on favored covid policies – from lockdowns and school closures to vaccine mandates and vaccine passports, among others – where in fact no such consensus existed. Instead, one side of the debate on these policies was suppressed by aggressive government-sponsored censorship. When challenging some of these policies on social media, I and other doctors, scientists, and policy analysts were then falsely characterized as holding a minority opinion that few others shared. This was said in attempts to discredit our opinions, even when those opinions managed to make it through the censorship “filters”.

9. Widespread social media censorship thus created a self-reinforcing feedback loop – an echo chamber that failed to accurately represent the opinions and judgments of highly credible and qualified voices on issues of enormous public consequence.

10. This case is of great interest to me. I have been closely monitoring it since my involvement with it began, I am familiar with the facts and legal theories in the case, and I communicate regularly with my counsel about the case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed On: March 9, 2023



/s/ Aaron Kheriaty  
Dr. Aaron Kheriaty

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

STATE OF LOUISIANA, STATE OF  
MISSOURI, *et al.*,

*Plaintiffs,*

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JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United States,  
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*Defendants.*

Case No. 3:22-cv-01213-TAD

**SUPPLEMENTAL DECLARATION OF JIM HOFT**

1. My name is Jim Hoft. I am over the age of 18 years and competent to testify to the matters expressed herein.

2. I have previously submitted a Declaration in this case, which is filed with the Court as Doc. 10-12 and Doc. 45-12. That prior Declaration is incorporated by reference herein.

3. I am the founder and publisher of [www.TheGatewayPundit.com](http://www.TheGatewayPundit.com), a political news and opinion blog visited nearly three million times per day by readers.

4. In addition to my own experience with censorship on social media, I am also a frequent reader and listener of content that others post on social-media platforms, including others who have suffered federally induced social-media censorship.

5. I have a strong interest in being able to read and follow the speech and writings that others post on social media. As the publisher and editor of The Gateway Pundit, I write dozens of articles per day and edit many others. For the blog that I founded and which constitutes my livelihood, it is essential that I be able to engaging in scientific debate, be exposed to news and

ideas, generate for myself and my site, our own content by reposting, retweeting, or reposting with comments the content that others post, and have access to the uncensored views, speech, and opinions of others. Simply put my life's work consists of publicly sharing and discussing ideas, opinions, facts, and theories about events and issues that affect the United States, but also the world.

6. I frequently read and listen to the speech and writings on social media of other speakers and writers whom federal officials have specifically targeted for censorship on social media, such as (but not limited to): Tucker Carlson, Alex Berenson, Robert F. Kennedy, Jr., Fox News, Candace Owens, Dr. Robert Malone, Rogan O'Handley (aka "DC Drano"), the New York Post, Dr. Simone Gold, Dr. Stella Immanuel, Dr. Peter McCullough, America's Frontline Doctors, Charlie Kirk, Breitbart News, Donald Trump Jr., James O'Keefe, James Woods, the Epoch Times, Right Side Broadcasting Network, the Great Barrington Declaration, Children's Health Defense, Dr. Naomi Wolf, Robert Malone, Liz Wheeler, and many others.

7. I also frequently read and listen to the speech and writings on social media of other speakers and writers who speak and write on matters relating to COVID-19 and elections with viewpoints disfavored by federal officials, and have experienced censorship, such as my brother, Joseph Hoft, Mike Lindell, President Donald J. Trump, Sidney Powell, One America News Network, Chanel Rion, Eric Metaxas, Christina Bobb, Stephen Miller, Dr. Peter Navarro, Gen. Michael Flynn, among many others.

8. As I explained in my prior Declaration, I am often forced to engage in self-censorship on social media to avoid severe consequences like de-platforming, suspension, and receiving strikes. I am aware of others whom I follow on social media engaging in self-censorship out of fear of more severe penalties as well, such as Patty McMurray, Christina Laila, Alicia Powe,

Cassandra McDonald, Jordan Conradson, Cara Castronuova, Kari Lake, Breitbart News, @Catturd2, Rogan O’Handley (aka “DC Drano”), Emerald Robinson, @Kanekoa.substack.com (aka “Kanekoa the Great”). Federally induced censorship thus prevents me from having access to those speakers’ and writers’ frank and uncensored speech, thoughts, opinions, and ideas. The reality is that so many conservative thinkers have been censored in recent years, it’s hard to think of anyone who doesn’t self-censor online, out of fear of deplatforming. Moreover, readers are often afraid to retweet and share my/ Gateway Pundit content for fear of having their own account suspended.

9. Considered as a whole, the effect of all of the mass censorship has led me to deeply distrust all aspects of every branch of the federal government. I am firmly convinced that our Republic is severely damaged. Lacking actual free speech, I don’t feel like a free citizen. I feel like a second class citizen in the so-called “land of the free.” I feel oppressed by my own government. The Gateway Pundit and I each live under constant threat of deplatforming and censorship – and by extension, the death of the publication. If I cannot receive and share information, I can’t publish – or, perhaps I can publish, but no one could read – and the result is the prospective destruction of my website. This is no way to live – not in a country that supposedly has the Constitution and the protection of the First Amendment.

I declare under penalty of perjury that the foregoing is true and correct.

Executed On: March 20, 2023

/s/ Jim Hoft  
Jim Hoft

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

STATE OF LOUISIANA, STATE OF  
MISSOURI, *et al.*,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United States,  
*et al.*,

*Defendants.*

Case No. 3:22-cv-01213-TAD

**SUPPLEMENTAL DECLARATION OF JILL HINES**

1. My name is Jill Hines. I am over the age of 18 years and competent to testify to the matters expressed herein.

2. I have previously submitted a Declaration in this case, which is filed with the Court as Doc. 10-12 and Doc. 45-12. That prior Declaration is incorporated by reference herein.

3. In addition to my own experience with censorship on social media, I am also a frequent reader and listener of content that others post on social-media platforms, including others who have suffered federally-induced social-media censorship.

4. I have a strong interest in being able to read and follow the speech and writings that others post on social media. I have a vested interest through my work as a consumer and human rights advocate to ensure that information that the government provides to the public is accurate and, if not, I have the ability to provide a counter argument. The ability to re-share scientific articles, commentaries, videos, and legislative testimonies

is vital to our goal of educating the public and those individuals in the legislature that represent us.

5. I frequently read and listen to the speech and writings on social media of other speakers and writers whom federal officials have specifically targeted for censorship on social media, such as Del Bigtree, The Highwire, Toby Rogers Phd., Dr. Robert Malone, Knut Wittkowski, Robert F. Kennedy Jr., Children's Health Defense, Dr Peter McCullough, Candace Owens, Tucker Carlson, Breitbart, Georgia Coalition for Vaccine Choice, Informed Choice Maryland, Tennessee Coalition for Vaccine Choice, Your Health Freedom, Stand for Health Freedom, Leah Wilson, Sandi Marcus, Mississippi Parents for Vaccine Rights, Texans for Vaccine Choice, Health Freedom Pennsylvania, Health Freedom Alabama, Sayer Ji, Ginger Taylor, Angelia Desselle, Health Freedom South Dakota, Health Choice Maine, Kristen Meghan Kelly, Tammy Clark, Health Freedom Florida, Michigan for Vaccine Choice, Oklahomans for Health and Parental Rights, Informed Health Choice Missouri, South Carolina Health Coalition, Epoch Times, Jennifer Margulis, Jeff Childers, Dr. Pierre Kory, Front Line Covid-19 Critical Care Alliance, Dr. Ryan Cole, Donald Trump, Alex Berenson, Peggy Hall, Aaron Siri, Denis Rancourt, Mark Changizi, The Babylon Bee, Mary Holland, Turning Point USA, Charlie Kirk, J B Handley, Michael Lunsford, Citizens for a New Louisiana, Dr. Scott Atlas, The Great Barrington Declaration, Sharyl Attkisson, Michael Senger, Daniel Kotzin, American Institute for Economic Research, Barry Brownstein, Brownstone Institute, Jeffrey Tucker, Paul Alexander, Tracy Beanz, Dr. Mary Talley Bowden, Ed Dowd, Project Veritas, James O'Keefe, Dr. Mollie James, Dr. Tracy Beth Hoeg, Dr Joseph Ladapo, Simon Goddek, Ben Tapper, Rizza Islam, Kevin Jenkins, Dr Stella Immanuel, Michael Yeadon, Geert Vanden

Bossch, James Woods, Adam Gaertner, Steve Bannon, Dr. Aaron Kheriarty, Dr. Jay Bhattacharya, Dr. Martin Kulldorff, Jim Hoft, Gateway Pundit, Dr. Jessica Rose, and Dr. Meryl Nass.

6. I also frequently read and listen to the speech and writings on social media of other speakers and writers who speak and write on matters relating to COVID-19 and elections with viewpoints disfavored by federal officials, and have experienced censorship, such as Dr. James Lyons-Weiler, Melissa Floyd, Nic James, Daniel Horowitz, Steve Deace, Ty Bollinger, Sherri Tenpenny, Ohio Advocates for Medical Freedom, Health Freedom Defense Fund, Leslie Manookian, Dr Paul Thomas, Leigh Dundas, Tom Fitton, and Dr. Naomi Wolf.

7. As I explained in my prior Declaration, I often feel forced to engage in self-censorship on social media to avoid severe consequences like de-platforming, suspension, and receiving strikes. I am aware of others whom I follow on social media engaging in self-censorship out of fear of more severe penalties as well. Many of the people I follow on social media use code words or emojis to avoid censorship, others post pictures or article headlines upside down. Brett Wilcox often resorts to posting headlines upside down or very small print. Author Jennifer Margulis PhD refers to covid vaccines as carrots or cupcakes on Facebook. Mississippi Parents for Vaccine Rights places stickers or emojis over controversial words like ivermectin, vaccines, or masks in headlines. Federally induced censorship thus prevents me from having access to those speakers' and writers' frank and uncensored speech, thoughts, opinions, and ideas.

8. In the spring of 2020, two doctors from California posted a video detailing disease progression and severity of covid-19. The video was shared many times from our

social media until it was taken down completely. There was another video of a New York physician detailing covid treatment in his hospital - his video was removed and scrubbed from the internet. These stories were vital to share with my community of followers, which includes medical professionals, and yet these physicians were not allowed to provide first-hand accounts of successful covid treatment or protocols. When I shared the White Coat presentation on the steps of the Supreme Court in the fall of 2020, and the physicians advocated for early treatment with hydroxychloroquine, Facebook censors took down the video and our page viewership was reduced immensely.

9. This case is of great interest to me. I have been closely monitoring it since my involvement with it began, I am familiar with the facts and legal theories in the case, and I communicate regularly with my counsel about the case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed On: March 16, 2023

/s/ Jill Hines

Jill Hines

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

STATE OF MISSOURI, STATE OF  
LOUISIANA, *et al.*,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United States,  
*et al.*,

*Defendants.*

Case No. 3:22-cv-01213-TAD

**SECOND SUPPLEMENTAL DECLARATION OF JILL HINES**

1. My name is Jill Hines. I am over the age of 18 years and competent to testify to the matters expressed herein.

2. I have previously submitted two Declarations in this case, filed with the Court as Doc. 10-12 (45-12) and Doc. 227-9. Those prior Declarations are incorporated by reference herein.

3. My previous two Declarations detailed some examples of injury I have experienced due to censorship of speech, both from censorship of my own speech and of speech of others with which I would otherwise have been able to engage. They even detail self-censorship I have felt compelled to do to avoid further harm.

4. As described in my previous Declarations, my advocacy work through Health Freedom Louisiana and Reopen Louisiana includes work to educate and inform the public of their rights regarding certain state and federal laws, and work to coordinate rallies, protests, and testimonies at legislative hearings to seek legislative change for the people of Louisiana. The

platform of social media has been essential to complete this work and to effectively communicate with our state representatives.

5. The harms I experience due to censorship of speech on social media are ongoing.

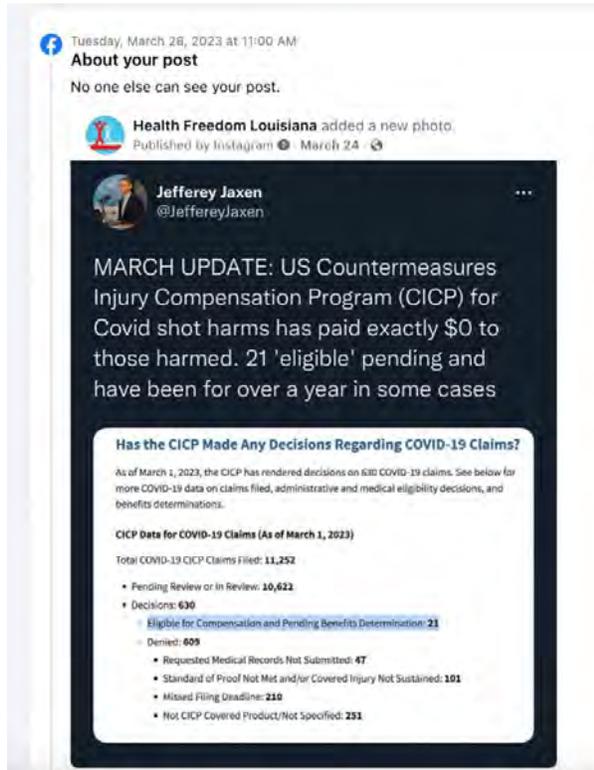
6. Leading up to the Louisiana legislative session in April 2023, I received a series of troubling penalties on Facebook that caused my personal page and public pages, Health Freedom Louisiana and Reopen Louisiana, to be restricted.

7. The penalties included downgrading the visibility of my posts in Facebook's News Feed (thereby limiting its reach to other users), downgrading the visibility of my posts in my Facebook Groups, and an approximately 24-hour moratorium on my ability to create Facebook Events.

8. On February 8, 2023, my Health Freedom Louisiana page received a violation for simply sharing a Tweet from attorney Aaron Siri regarding the amount of money vaccine manufacturers grossed while setting no money aside for Covid vaccine injury victims. No one else was permitted to view or engage with the post.

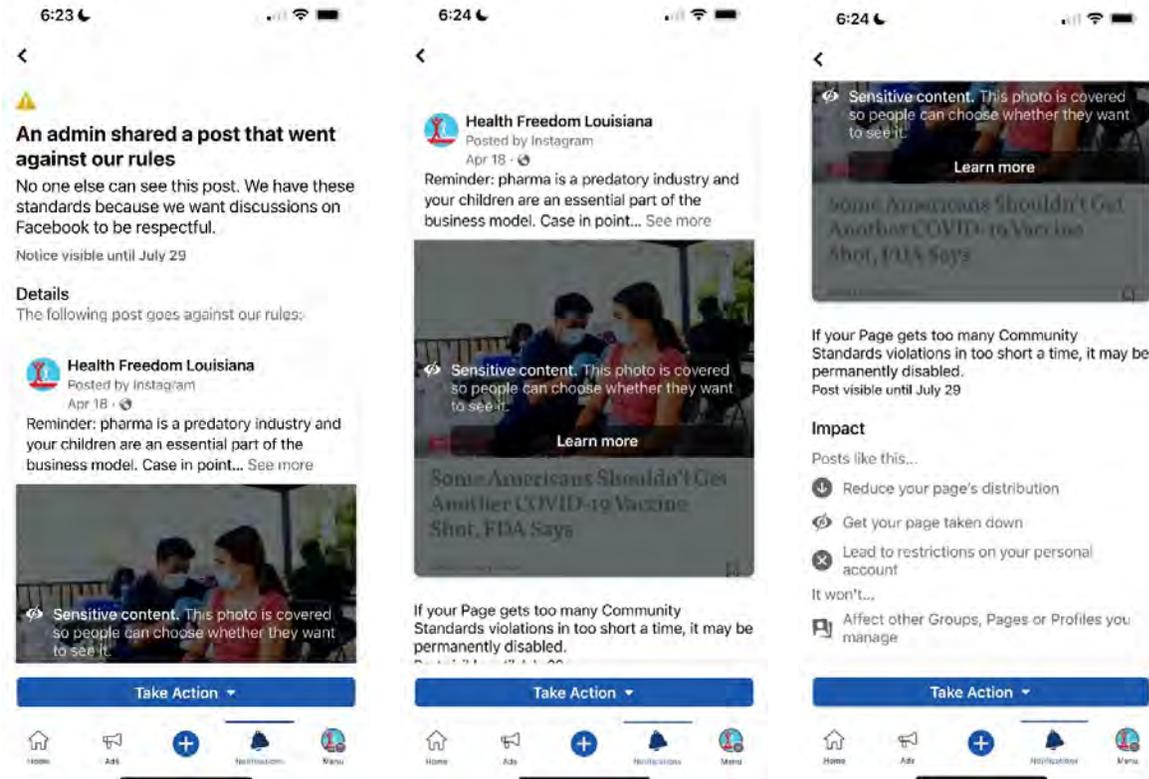


9. On March 28, 2023, the page received another violation for sharing a Tweet regarding the amount of money that had been paid out of the U.S. Countermeasures Injury Compensation Program (CICP). No one else was permitted to view or engage with the post.



10. On April 3, 2023, the page received another violation for sharing a Fox News Tweet regarding the World Health Organization’s latest Covid vaccine recommendations for children.

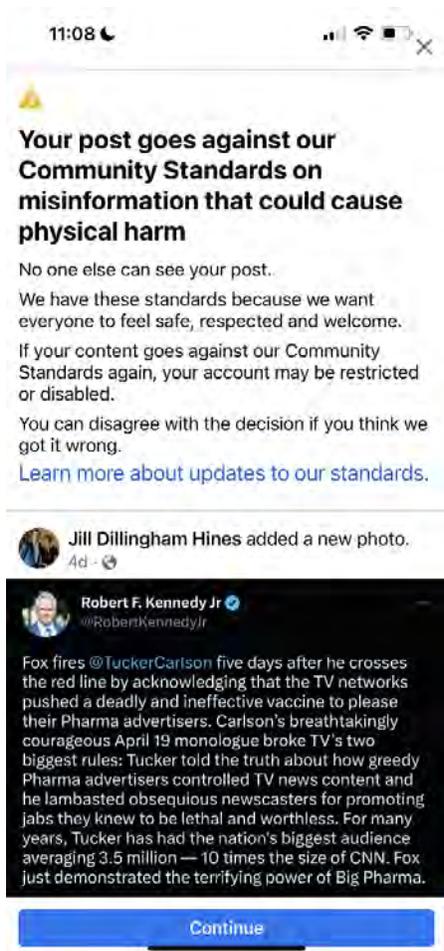
11. On April 18, 2023, a post on Health Freedom Louisiana’s Facebook page linking to a piece entitled “Some Americans Shouldn’t Get Another COVID-19 Vaccine Shot, FDA Says,” and commenting on how children factor into the business model of the pharmaceutical industry was issued a violation. No one else was permitted to view or engage with the post.



12. On April 26, 2023, one of my posts with a screenshot of a Daily Mail headline about the dangers of masks had a “missing context” banner placed on it, and my page received a warning. As a result, I removed the post from other pages I had shared it to.



13. On April 28, 2023, I received a warning for a screenshot of a Robert F. Kennedy, Jr. Tweet, and I removed the post because of the warning. I further removed the post from other pages that I had shared it to in an effort to avoid any more violations. No one else was permitted to view or engage with the post.



14. All of these examples pertain to speech of public interest. This censorship of my speech interrupts my ability, and the ability of Health Freedom Louisiana, to reach the public during the Louisiana legislative session on issues of public concern. It is truly demoralizing, and it suppresses speech and engagement in the political process.

15. This ongoing harm I experience is one reason this case is “of great interest to me” (Hines Suppl. Decl., ¶9). The injuries I have experienced are imminent and ongoing. The injuries stem from the category of speech disfavored by and targeted by Defendants in this case. Consider, as a prime example, the evidence showing the Surgeon General’s office collaborating with the Virality Project to target “health freedom” groups, such as my group Health Freedom Louisiana. I anticipate an order putting a halt to the Federal Defendants’ contribution to the censorship enterprise of social media speech would, accordingly, bring me immediate and noticeable relief.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed On: May 17, 2023

/s/ Jill Hines

Jill Hines

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

STATE OF MISSOURI, STATE OF  
LOUISIANA, *et al.*,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United States,  
*et al.*,

*Defendants.*

Case No. 3:22-cv-01213-TAD

**SECOND SUPPLEMENTAL DECLARATION OF JIM HOFT**

1. My name is Jim Hoft. I am over the age of 18 years and competent to testify to the matters expressed herein.

2. I have previously submitted two Declarations in this case, filed with the Court as Doc. 10-5 (45-5) and Doc. 227-8. Those prior Declarations are incorporated by reference herein.

3. My previous two Declarations detailed some examples of injury I have experienced due to censorship of speech, both from censorship of my own speech, the speech of others with which I would otherwise have been able to engage, and the self-censorship of readers of my blog, The Gateway Pundit, for fear of retaliation from social media companies. They even detail self-censorship I have felt compelled to do to avoid further harm.

4. As described in my previous Declarations, my online publication, The Gateway Pundit, is a news and opinion blog seen by readers millions of times every day. The Gateway Pundit is my sole means of earning a living. Social media platforms can be a very important means of gaining exposure to Gateway Pundit articles and engaging in public debate. However, Gateway

Pundit has been the victim of a federal-private organized and targeted censorship campaign that has lasted several years, and this campaign has regularly interfered with and interrupted my ability to communicate with my readers.

5. The harms I experience due to censorship of speech on social media are ongoing.

6. For example, to avoid being permanently banned by Facebook and other platforms, I have self-censored the Gateway Pundit articles that are posted there. Rather than freely posting my site's content on these platforms, to this day I have and continue to deliberately withhold content – particularly on matters relating to COVID-19, vaccination for the same, and the 2020 election. I continue to do this out of fear of reprisals from social media. In fact, Facebook continuously warns me and Gateway Pundit that we should be careful to toe their narrative line or else we will be permanently banned. See screenshots below, taken May 19, 2023.

Gateway Pundit

## Page Quality

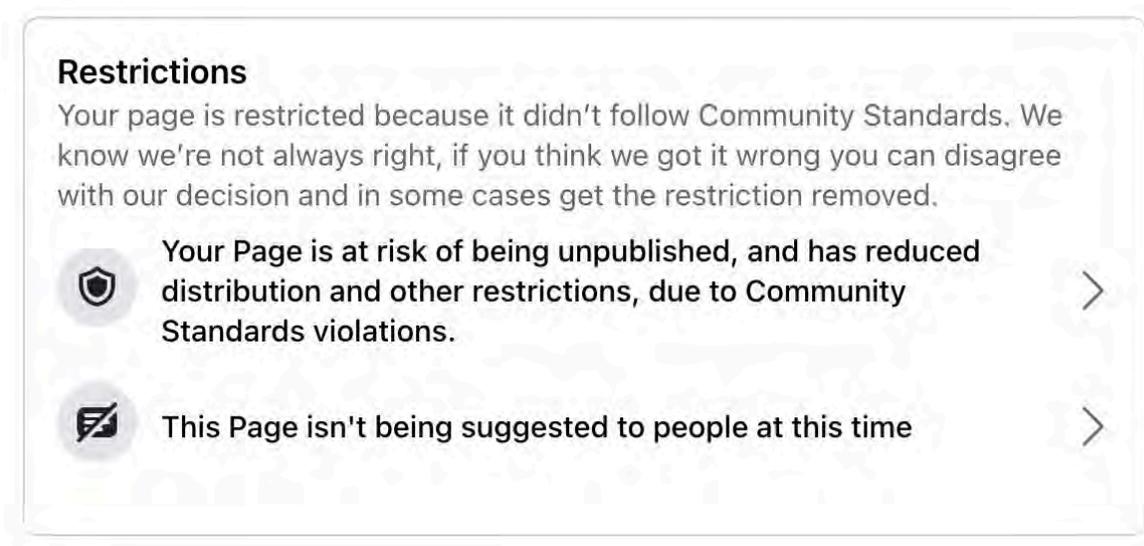
 Page is at risk



### Don't lose your Page!

Your Page is at risk due to Community Standards violations. Any additional violations could get your Page taken down permanently.

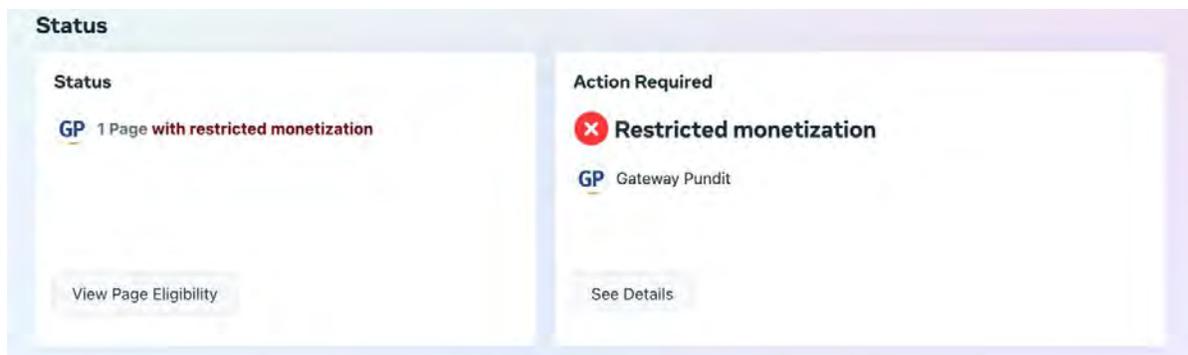
[Learn More](#)

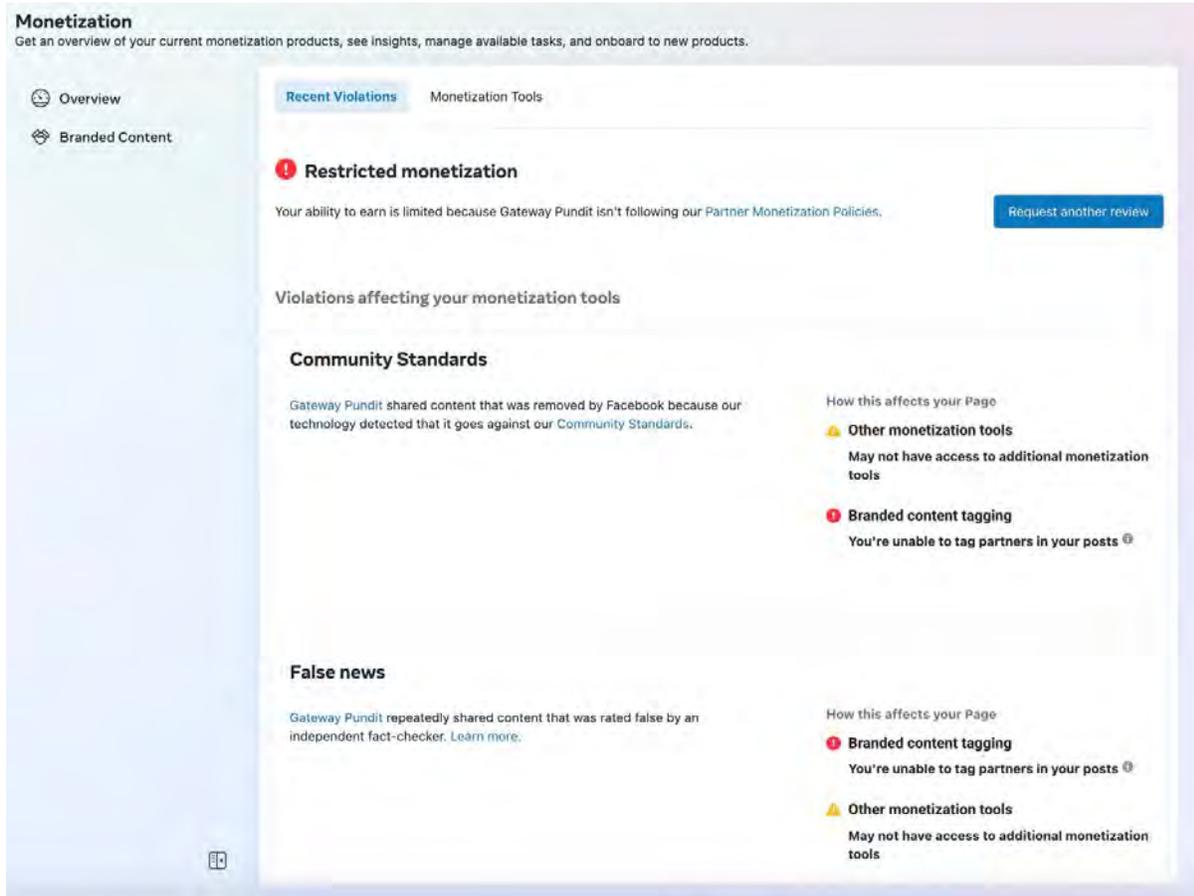


7. And not only have I withheld content, I have deliberately reduced *and continue to reduce* the volume of overall content posted to social media for the very same reasons.

8. As seen from the screenshots above, Facebook and other social media sites are reducing the visibility of Gateway Pundit's Facebook posts, reducing distribution, and imposing other restrictions as well, on an ongoing basis.

9. As only one example, Facebook restricts Gateway Pundit's ability to monetize its posts, restricts its ability to tag partners in posts, and restricts content due to "false news" allegations.





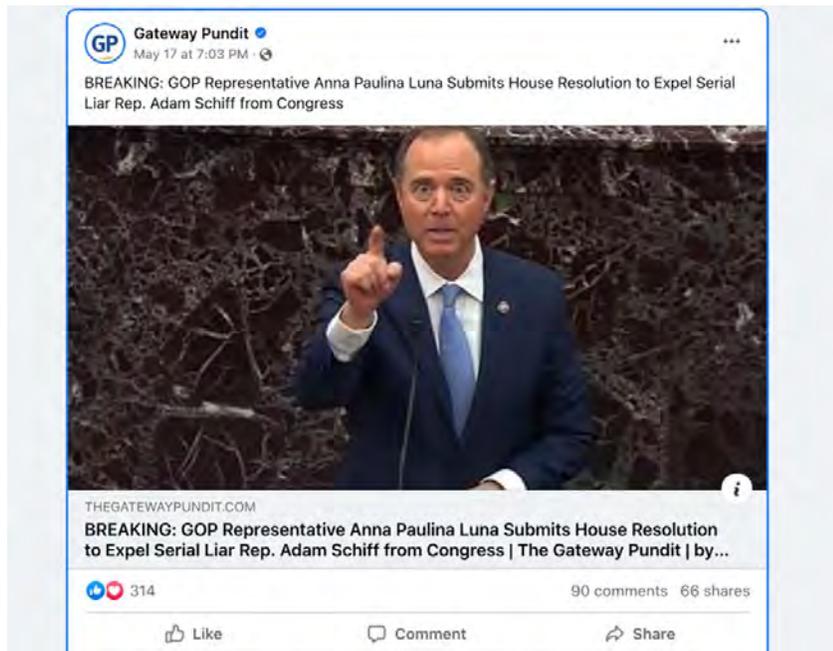
10. The past reprisals have included downgrading the visibility of my posts in Facebook's News Feed (thereby limiting its reach to other users), downgrading the visibility of my posts in my Facebook Groups, temporary banning, permanent banning (in the case of Twitter), flagging, and a wide variety of other forms of censorship.

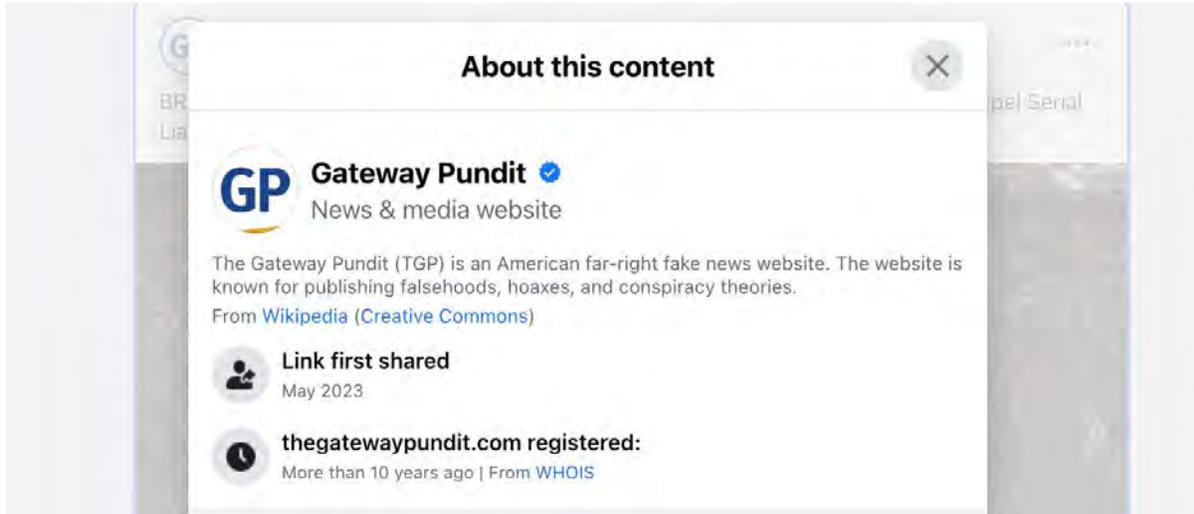
11. Despite my efforts at self-censorship, Gateway Pundit is also besieged by malicious government-funded propaganda outfits that style themselves "fact-checkers." As one recent example, Gateway Pundit published an article detailing the federal government provisioning thousands of illegal immigrants with taxpayer-funded smart phones. See <https://www.thegatewaypundit.com/2023/05/member-trusted-news-initiative-currently-being->

[sued-collusively/?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=member-trusted-news-initiative-currently-being-sued-collusively](#). The article was “fact-checked” by Agence France Presse Fact Check (AFP). Despite AFP learning that what we reported was true – illegal immigrants were, in fact, gifted smart phones bought and continually paid for by the federal government – AFP still reported that our article was false.

12. I also know from communications with readers that there are many readers who refuse to post Gateway Pundit articles to their social media accounts out of fear of social media reprisals. The readers self-censor because either they or their family members or friends have been previously banned or shadow-banned, or otherwise attacked and censored by social media companies after posting articles which were against the federal government’s preferred narrative.

13. As a further example of ongoing social media censorship, Facebook continues to attach a defamatory smear against Gateway Pundit to each and every Gateway Pundit Facebook post. The most recent example is from May 17, 2023; see below:





14. All of these examples censored speech pertain to speech of public interest. This censorship interrupts the ability of The Gateway Pundit to reach its readers. It is not only demoralizing, but it prevents me – and my readers – from engaging in public debate on public issues, and it erodes the democratic process. When the government limits the range of thought and permitted viewpoints, one cannot say they live in a functioning republic, and cannot honestly say they possess freedom.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed On: May 19, 2023

/s/ Jim Hoft

Jim Hoft

**From:** Humphrey, Clarke EOP/WHO [REDACTED]@who.eop.gov]  
**Sent:** 1/23/2021 11:04:39 AM  
**To:** [REDACTED]@twitter.com]; [REDACTED]@twitter.com]  
**CC:** Flaherty, Robert EOP/WHO [REDACTED]@who.eop.gov]  
**Subject:** Flagging Hank Aaron misinfo

Hey folks —

Wanted to flag the below tweet and am wondering if we can get moving on the process for having it removed ASAP:

<https://twitter.com/RobertKennedyJr/status/1352748139665645569>

And then if we can keep an eye out for tweets that fall in this same ~genre that would be great.

Thanks!  
Clarke



---

**From:** [REDACTED]@twitter.com]  
**Sent:** 1/23/2021 1:08:36 AM  
**To:** Humphrey, Clarke EOP/WHO [REDACTED]@who.eop.gov]  
**CC:** [REDACTED]@twitter.com]; Flaherty, Robert EOP/WHO [REDACTED]@who.eop.gov]  
**Subject:** [EXTERNAL] Re: Flagging Hank Aaron misinfo

Thanks. We recently escalated this.

On Fri, Jan 22, 2021 at 8:05 PM Humphrey, Clarke EOP/WHO [REDACTED]@who.eop.gov> wrote:  
Hey folks —

Wanted to flag the below tweet and am wondering if we can get moving on the process for having it removed ASAP:

><https://twitter.com/RobertKennedyJr/status/1352748139665645569><

And then if we can keep an eye out for tweets that fall in this same ~genre that would be great.

Thanks!  
Clarke

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—

[REDACTED]  
Twitter, Inc. | Public Policy  
[@TwitterGov](#) & [@Policy](#)

**From:** [REDACTED]@twitter.com>  
**To:** Flaherty, Robert EOP/WHO  
**Sent:** 2/7/2021 3:00:29 PM  
**Subject:** Re: [EXTERNAL] Re: Urgent: Finnegan Biden imposter

Hi Rob,

Glad that we could help resolve the issue last night. To help streamline the process, and ensure that you have expedited help, we would strongly recommend the following:

**1. Consult with the White House IT Department to unblock emails from Twitter's Support Ticketing System.** The issues you're experiencing are due to the White House's system prohibiting emails. The two prior administrations also experienced this issue and it is fixable within your internal systems. This is particularly critical to resolve at large because if there is an issue with your account, we would notify you through email.

**2. Designate a list of authorized White House staff for Twitter's Partner Support Portal.** We sent over instructions about this on January 28th and also discussed this with Christian during our call on February 4th. This is the same system we had in place for the previous two administrations for their support issues, as well as the transition and campaign teams.

Once you assign and we enroll these authorized reporters, whenever they submit a ticket through the Help Center it will be prioritized automatically, without having to contact our team, and you won't need to add your personal information. To enroll your designated reporters to the Partner Support Portal, we simply need the list of @usernames (up to 10) that are registered with a White House email address.

**3. Streamlined coordination with ODS.** We are committed to making sure your team is properly trained and equipped with all of the tools and best practices for both content development and triaging issues. To deliver the best service, we would prefer to have a streamlined process strictly with your team as the internal liaison. That is the most efficient and effective way to ensure we are prioritizing requests. In a given day last week for example, we had more than four different people within the White House reaching out for issues. The more we can empower your team to be the in-house experts, the better service and partnership we can provide.

I would welcome a conversation about the aforementioned if you have specific questions.

Thanks,

[REDACTED]

[REDACTED]  
Twitter, Inc. | Public Policy  
[@TwitterGov](#) & [@Policy](#)

On Sat, Feb 6, 2021 at 11:09 PM Flaherty, Robert EOP/WHO [REDACTED]@who.eop.gov> wrote:  
Thanks

Sent from my iPhone

On Feb 6, 2021, at 10:32 PM, [REDACTED]@twitter.com> wrote:

Update for you - account is now suspended.

On Sat, Feb 6, 2021 at 9:47 PM Flaherty, Robert EOP/WHO [REDACTED]@who.eop.gov> wrote:  
Great. Cannot stress the degree to which this needs to be resolved immediately.

Sent from my iPhone

On Feb 6, 2021, at 9:47 PM, [REDACTED]@twitter.com> wrote:

Thank you for sending over. We'll escalate for further review from here.

On Sat, Feb 6, 2021 at 9:45 PM Flaherty, Robert EOP/WHO [REDACTED]@who.eop.gov> wrote:  
I have tried using your form three times and it won't work — it is also ridiculous that I need to upload my id to a form prove that I am an authorized representative of Finnegan Biden.

Please remove the is account immediately:

>>><https://twitter.com/bidenfinnegan><<<;;

I have CC'd Anthony Bernal, the First Lady's senior advisor, in case you have any further questions.

Sent from my iPhone

--

[REDACTED]  
Twitter | Public Policy  
[REDACTED]

--

[REDACTED]  
Twitter | Public Policy  
[REDACTED]

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**From:** [REDACTED]@fb.com]  
**Sent:** 2/11/2021 10:17:22 AM  
**To:** Flaherty, Robert EOP/WHO [REDACTED]@who.eop.gov]; Rowe, Courtney M. EOP/WHO [REDACTED]@who.eop.gov]; Humphrey, Clarke EOP/WHO [REDACTED]@who.eop.gov]  
**CC:** [REDACTED]@fb.com]; [REDACTED]@fb.com]; [REDACTED]@fb.com]; [REDACTED]@fb.com]; [REDACTED]@fb.com]  
**Subject:** [EXTERNAL] Re: COVID-19 Outreach to communities worldwide

Hi Rob,

Quickly following up to see when you would like to have a meeting arranged to speak to our misinformation team reps about the latest updates. They also have a more detailed misinformation analysis prepared based on the discussions/questions from the previous meetings during the transition time period.

Best,

[REDACTED]

Get [Outlook for iOS](#)

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**From:** [REDACTED]@fb.com>  
**Sent:** Tuesday, February 9, 2021 5:57:52 PM  
**To:** Flaherty, Robert EOP/WHO [REDACTED]@who.eop.gov>; Rowe, Courtney M. EOP/WHO [REDACTED]@who.eop.gov>; Humphrey, Clarke EOP/WHO [REDACTED]@who.eop.gov>  
**Cc:** [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>  
**Subject:** Re: COVID-19 Outreach to communities worldwide

Good evening Rob,

We have provided responses to your initial questions with input from the various teams below. We are happy to discuss these and additional questions as per your recent note. Do let us know a few windows that work for you.

**Can you share more about your framework here? May, of course, is very different than “will.” Is there a strike policy, ala Youtube? Does the severity of the claims matter?**

We don't disclose the details of our thresholds publicly due to concerns about users gaming the system to avoid enforcement, however we do notify Groups, Pages, and Advertisers when we've removed content that violates our Community Standards. We start placing restrictions on accounts, Pages, and Groups for multiple violations, including restrictions on their ability to share content for increasing periods of time and limitations on their ability to reach their audience. If violations continue, we will suspend the entire Page, Group, or account. Additionally, when we review Pages and Groups we look at how they describe themselves and may restrict or remove them if the title or description violate our policies.

**And as far as your removal of claims, do you have data on the actual number of claims-related posts you've removed? Do you have a sense of how many are being flagged versus how many are being removed? Are there actions (downranking, etc) that sit before removal?**

It is a bit too early to be sure - We will begin enforcing this policy immediately, with a particular focus on Pages, Groups and accounts that violate these rules, and we'll continue to expand our enforcement over the coming weeks. There is a

range of content that can violate these policies, and it will take some time to train the reviewers and systems on enforcement.

**How are you handling things that are dubious, but not provably false?**

In consultation with leading health organizations, we continuously expand the list of false claims that we remove about COVID-19 and vaccines during the pandemic. We remove claims public health authorities tell us have been debunked or are unsupported by evidence.

Content which does not qualify for removal may be eligible to be fact-checked by our network of over 80 fact-checking organizations. When one of our independent fact-checking partners debunk a post, we reduce its distribution and add strong warning labels with more context, so fewer people see the post. We do not remove the content, but are focusing on improvement efforts that will help us to better address content that contributes to unfounded hesitancy towards the COVID-19 vaccine.

For example, we're working to proactively prevent posts discouraging vaccines from going viral on our platforms; address content that experts believe dissuades people from getting the vaccine, but does not violate our misinformation policies, through the use of information labels; and prevent recommendations for Groups, Pages, and Instagram accounts that repeatedly push content discouraging vaccines.

-On Behalf of the Facebook team

## FACEBOOK

[REDACTED]  
U.S. Public Policy  
[Facebook](#)

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**From:** "Flaherty, Robert EOP/WHO" [REDACTED]@who.eop.gov>  
**Date:** Tuesday, February 9, 2021 at 4:59 PM  
**To:** [REDACTED]@fb.com>, "Rowe, Courtney M. EOP/WHO" [REDACTED]@who.eop.gov>, "Humphrey, Clarke EOP/WHO" [REDACTED]@who.eop.gov>  
**Cc:** [REDACTED]@fb.com>, [REDACTED]@fb.com>, [REDACTED]@fb.com>  
**Subject:** RE: COVID-19 Outreach to communities worldwide

All, 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." I am seeing that you will no longer promote civic and health related groups, but I am wondering if the reforms here extend further? Are there other growth vectors you are controlling for?

Happy to put time on the calendar to discuss further.

---

**From:** Flaherty, Robert EOP/WHO  
**Sent:** Monday, February 8, 2021 1:37 PM  
**To:** [REDACTED]@fb.com>; Rowe, Courtney M. EOP/WHO [REDACTED]@who.eop.gov>; Humphrey, Clarke EOP/WHO [REDACTED]@who.eop.gov>

Cc: [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>  
Subject: RE: COVID-19 Outreach to communities worldwide

[REDACTED] Thanks.

This line, of course, stands out:

*that repeatedly share these debunked claims may be removed altogether.*

Can you share more about your framework here? May, of course, is very different than "will." Is there a strike policy, ala Youtube? Does the severity of the claims matter?

And as far as your removal of claims, do you have data on the actual number of claims-related posts you've removed? Do you have a sense of how many are being flagged versus how many are being removed? Are there actions (downranking, etc) that sit before removal? How are you handling things that are dubious, but not provably false?

Thanks

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From: [REDACTED]@fb.com>  
Sent: Monday, February 8, 2021 1:18 PM  
To: Rowe, Courtney M. EOP/WHO [REDACTED]@who.eop.gov>; Flaherty, Robert EOP/WHO [REDACTED]@who.eop.gov>; Humphrey, Clarke EOP/WHO [REDACTED]@who.eop.gov>  
Cc: [REDACTED]@fb.com>; [REDACTED]@fb.com>; [REDACTED]@fb.com>  
Subject: [EXTERNAL] COVID-19 Outreach to communities worldwide

Good afternoon Courtney, Rob, and Clarke,

We wanted to make sure you saw our announcements today about running the largest worldwide campaign to promote authoritative COVID-19 vaccine information and expanding our efforts to remove false claims on Facebook and Instagram about COVID-19, COVID-19 vaccines and vaccines in general during the pandemic. More details are in our Newsroom: [authoritative COVID-19 vaccine information](#) and [COVID-19 and vaccine misinformation](#).

#### Helping People Find Where and When They Can Get Vaccinated

- Starting this week, we'll feature links in the COVID-19 Information Center to local ministry of health websites to help people understand whether they're eligible to get vaccinated and how to do so.
- And in the coming weeks, as more information becomes available, we'll continue to improve this feature, making it easier for people to see where and when they can get vaccinated in just a few taps.

#### Sharing Credible Information About COVID-19 Vaccines

- We're working with health organizations and community leaders to run campaigns on our platform promoting accurate information about COVID-19 vaccines and encouraging people to get vaccinated.
- We're giving over \$120 million in ad credits to help health ministries, NGOs and UN agencies reach billions of people around the world with COVID-19 vaccine and preventive health information.
- In the US, we're partnering with the Johns Hopkins Bloomberg School of Public Health to reach Native American communities, Black communities and Latinx communities, among others, with science and evidence-based content that addresses the questions and concerns these communities have.
- We're also working with AARP to reach Americans over 50 with educational content about COVID-19 vaccines, including Spanish-language content designed to reach Latinx and Hispanic communities.

#### Combating Vaccine Misinformation

- We are expanding our efforts to remove false claims on Facebook and Instagram about COVID-19, COVID-19 vaccines and vaccines in general during the pandemic. Since December, we've [removed false claims](#) about COVID-19 vaccines that have been debunked by public health experts.
- Today, following consultations with leading health organizations, including the [World Health Organization](#) (WHO), we are expanding the list of false claims we will remove to include additional debunked claims about the coronavirus and vaccines. We already [prohibit these claims](#) in ads.
- Groups, Pages and accounts on Facebook and Instagram that repeatedly share these debunked claims may be removed altogether. We are also requiring some admins for groups with admins or members who have violated our COVID-19 policies to temporarily approve all posts within their group.
- When people search for vaccine or COVID-19 related content on Facebook, we promote relevant, authoritative results and provide third-party resources to connect people to expert information about vaccines. On Instagram, in addition to surfacing authoritative results in Search, in the coming weeks we're making it harder to find accounts in search that discourage people from getting vaccinated.
- [As we noted last month](#) in response to guidance from the Oversight Board, we are committed to providing more transparency around these policies. You can read the detailed updates in Facebook's [Community Standards](#) and in our [Help Center](#).

#### **Providing Data to Inform Effective Vaccine Delivery**

- Last year, we began collaborating with Carnegie Mellon University Delphi Research Group and the University of Maryland on COVID-19 surveys about symptoms people are experiencing, mask wearing behaviors and access to care. With over 50 million responses to date, the survey program is one of the largest ever conducted and has helped health researchers better monitor and forecast the spread of COVID-19.
- To help guide the effective delivery of COVID-19 vaccines, the survey data will provide a better understanding of [trends in vaccine intent](#) across sociodemographics, race, geography and more. The scale of the survey will also allow for faster updates on changes in trends, such as whether vaccine intent is going up or down in California in a given week and better insights on how vaccine intent varies at a local level. We'll share these new insights including [vaccine attitudes at a county level](#) in the US as well as [globally](#).

These new policies and programs will help us continue to take aggressive action against misinformation about COVID-19 and vaccines and help people find where and when they can get vaccinated. You can read more about how we're supporting COVID-19 relief efforts and keeping people informed at our [COVID-19 action page](#).

-On Behalf of the Facebook team

**FACEBOOK**

  
U.S. Public Policy  
[Facebook](#)

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**From:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov]  
**Sent:** 3/15/2021 3:20:54 AM  
**To:** [REDACTED]@fb.com]  
**CC:** Humphrey, Clarke EOP/WHO [REDACTED]@who.eop.gov]; Peck, Joshua (HHS/ASPA) [REDACTED]@hhs.gov];  
Rowe, Courtney M. EOP/WHO [REDACTED]@who.eop.gov]; [REDACTED]@fb.com]; [REDACTED]  
[REDACTED]@fb.com]; [REDACTED]@fb.com]  
**Subject:** Re: [EXTERNAL] Survey Findings: Jan 10 - Feb 27

[REDACTED] thanks. Good insights here.

I'm more interested in the data that was outlined in the Washington Post  
(<https://www.washingtonpost.com/technology/2021/03/14/facebook-vaccine-hesistancy-qanon>)

And what interventions you are testing/their effectiveness.

-Rob

Sent from my iPhone

On Mar 12, 2021, at 4:59 PM, [REDACTED]@fb.com> wrote:

Hi All,

Following up on our commitment to share our survey data on vaccine uptake. We're happy to share these findings regularly moving forward to help inform your teams and strategies. Attached are our findings from January 10 -- February 27, 2021. On Monday the report will be available online, and I'll be sure to send a link when it's published.

Note that highlights of the findings are up top, a robust executive summary follows, and then a deep dive into the methodology, greater detail on state trends, occupations, barriers to acceptance etc. Hopefully, this format works for the various teams and audiences within the White House / HHS that may find this data valuable. We're also open to feedback on the formatting.

Please let us know if you have specific questions about the findings or the survey itself, we're happy to track down answers or book time.

Best,

[REDACTED]

[REDACTED]

facebook, inc. | politics & government

[REDACTED]@fb.com [REDACTED]@fb.com>

<CMU\_Topline\_Vaccine\_Report\_20210312.pdf>

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**From:** [REDACTED]@fb.com]  
**Sent:** 3/16/2021 11:17:59 PM  
**To:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov]  
**CC:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov]  
**Subject:** Re: [EXTERNAL] Re: You are hiding the ball

Thanks Andy, and apologies for the delay in getting back. We are absolutely invested in getting you the specific information needed to successfully manage the vaccine rollout. We want to share information with you that we trust is statistically significant and derived from sound analysis, so that it can actually be helpful. The information cited in the WaPo article over the weekend was leaked and was not vetted internally to understand how accurate it is or the ramifications that could result from it. But I understand your point regarding how we communicate, and that we need to share information with you in a way that prioritizes what we are seeing in as close to real time as possible. I'd like to set up a conversation with our research leads to walk your team through ongoing research we are currently conducting and our approach; and then we can prioritize sharing results as quickly as possible.

Moreover, the data we sent on Friday and will continue to send throughout the year represents the information we are using internally to shape our own thinking on this content — we believe this data addresses many of the questions that have been posed (because it has been so helpful to guide our own internal efforts). We'd appreciate the opportunity to go through it in detail with whomever is interested on your team.

I know you're extremely busy. If it's ever helpful to connect by phone instead of over email I am at [REDACTED]

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**From:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Date:** Monday, March 15, 2021 at 7:11 PM  
**To:** [REDACTED]@fb.com>  
**Cc:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** Re: [EXTERNAL] Re: You are hiding the ball

I appreciate being copied on the note. It would nice to establish trust. I do feel like relative to others, interactions with Facebook are not straightforward and the problems are worse — like you are trying to meet a minimum hurdle instead of trying to solve the problem and we have to ask you precise questions and even then we get highly scrubbed party line answers. We have urgency and don't sense it from you all. 100% of the questions I asked have never been answered and weeks have gone by.

Internally we have been considering our options on what to do about it.

Regards,

Andy

Sent from my iPhone

On Mar 15, 2021, at 6:42 PM, [REDACTED]@fb.com> wrote:

Thanks, Rob. Called and left you a message earlier. I understand why you'd read the WaPo piece and come away feeling like we are not leveling with you. The piece inflated unconfirmed and leaked work that's being done by a small team. It's exploratory work and is not close to being a finalized work product - in fact the team that briefed you (including me) wasn't aware of the work at the time we briefed you. This was not a "massive study" as depicted by the Post - this was a small team experimenting with applying a relatively new system to COVID19 content. At any given time, there are many research projects similar to this being conducted by data scientists across the platform--as we've discussed, we're working hard to understand and address this type of content. Our definition of vaccine hesitancy is evolving - it is not a mature concept. This is early work and we have not gone through the kind of quality assurance we'd usually do before sharing the learnings externally. The data that leaked and was reported on should not be interpreted to be anything more than one of many efforts underway to better inform how we tackle this problem. As we develop them further, we will definitely keep you updated.

We obviously have work to do to gain your trust. You mention that you are not trying to play "gotcha" with us—I appreciate the approach you are taking to continued discussions. We are also working to get you useful information that's on the level. That's my job and I take it seriously—I'll continue to do it to the best of my ability, and I'll expect you to hold me accountable.

If interested, I can schedule time to give you more context on how this work is done and why we wouldn't include it in a briefing.

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**From:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Date:** Monday, March 15, 2021 at 1:10 PM  
**To:** [REDACTED]@fb.com>  
**Cc:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** RE: You are hiding the ball

I don't think this is a misunderstanding, [REDACTED] I've been asking you guys pretty directly, over a series of conversations, for a clear accounting of the biggest issues you are seeing on your platform when it comes to vaccine hesitancy, and the degree to which borderline content—as you define it—is playing a role. I've also been asking for what actions you have been taking to mitigate it as part of your "lockdown"—which in our first conversation, was said to be in response to concerns over borderline content, in our 1:1 convo you said was not out of any kind of concern over borderline content, and in our third conversation never even came up.

You said you would commit to us that you'd level with us. I am seeing in the press that you have data on the impact of borderline content, and its overlap with various communities. I have asked for this point blank, and got, instead, an overview of how the algorithm works, with a pivot to a conversation about profile frames, and a 45-minute meeting that seemed to provide you with more insights than it provided us.

I am not trying to play "gotcha" with you. We are gravely concerned that your service is one of the top drivers of vaccine hesitancy—period. I will also be the first to acknowledge that borderline content offers no easy solutions. But we want to know that you're trying, we want to know how we can help, and we want to know that you're not playing a shell game with us when we ask you what is going on.

This would all be a lot easier if you would just be straight with us.

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**From:** [REDACTED]@fb.com>  
**Sent:** Monday, March 15, 2021 10:22 AM  
**To:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Cc:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** [EXTERNAL] Re: You are hiding the ball

Thanks Rob—I think there is a misunderstanding on what this story is covering with respect to research that's happening—I will call to clear up. Certainly not hiding the ball.

Also flagging our announcement that went live this morning—this is the announcement I mentioned on Friday's call.

[>>>https://about.fb.com/news/2021/03/mark-zuckerberg-announces-facebooks-plans-to-help-get-people-vaccinated-against-covid-19/](https://about.fb.com/news/2021/03/mark-zuckerberg-announces-facebooks-plans-to-help-get-people-vaccinated-against-covid-19/)<<<;

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**From:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Date:** Sunday, March 14, 2021 at 11:13 PM  
**To:** [REDACTED]@fb.com>  
**Cc:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** You are hiding the ball

[>>>https://www.washingtonpost.com/technology/2021/03/14/facebook-vaccine-hesistancy-qanon/](https://www.washingtonpost.com/technology/2021/03/14/facebook-vaccine-hesistancy-qanon/)<<<;

Sent from my iPhone

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**From:** [REDACTED]@fb.com]  
**Sent:** 3/24/2021 1:42:30 PM  
**To:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov]  
**CC:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov]  
**Subject:** Re: [EXTERNAL] Re: Follow up - Friday call w [REDACTED]

Look forward to talking today at 4:00. [REDACTED] will plan on giving an overview of her role and the work across the teams at the top and of course will respond to questions, as that's the objective of having her in touch with you regularly over the coming weeks. One additional participant on our end will be [REDACTED]—just to make sure we're tracking all follow ups.

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**From:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Date:** Tuesday, March 23, 2021 at 11:16 AM  
**To:** [REDACTED]@fb.com>  
**Cc:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** RE: [EXTERNAL] Re: Follow up - Friday call w [REDACTED]

Great. I can do 4!

**From:** [REDACTED]@fb.com>  
**Sent:** Tuesday, March 23, 2021 11:03 AM  
**To:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Cc:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** Re: [EXTERNAL] Re: Follow up - Friday call w [REDACTED]

Rob--we're good to schedule around your avail Wednesday afternoon if that works.

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**From:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Date:** Monday, March 22, 2021 at 11:21 PM  
**To:** [REDACTED]@fb.com>  
**Cc:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** Re: [EXTERNAL] Re: Follow up - Friday call w [REDACTED]

[REDACTED]—I believe you mentioned in a previous conversation that large meetings like that are not the most productive way to exchange information on this topic. I certainly have not found them to be especially illuminating. If we're going to do another large format meeting, can you outline what you'll be bringing to the table? Otherwise, it seems like a smaller group may be more productive.

Sent from my iPhone

On Mar 22, 2021, at 10:58 PM, [REDACTED]@fb.com> wrote:

Thanks Rob—appreciate the context below. For the meeting with [REDACTED]—possible that we could aim for Wednesday? I'll rally our folks if you have a window in the afternoon that will work.

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**From:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Date:** Monday, March 22, 2021 at 4:51 PM  
**To:** [REDACTED]@fb.com>, Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** RE: Follow up - Friday call w [REDACTED]

Awesome [REDACTED] Similarly to how we're looking out for your gameplan on tackling vaccine hesitancy spread on your platform, we'll look out for how you plan to help close the gap on equitable access.

Had a chance to connect with Andy earlier to download on his call with [REDACTED] - seems like there's alignment here.

Excited to meet [REDACTED] Could talk tomorrow in the 4-5 hour ET tomorrow.

Afa sharing data, that's great. Again, as I've said, what we are looking for is the universe and scale of the problem. You noted that there is a level below sensational stories that get down-ranked, which took the form of general skepticism. I think it is helpful to know where you think the biggest issue is. I think we are all aligned that the problem does not sit in "microchips"-land, and that it seems plausible that the things that drive the most actual hesitancy sit in "sensational" and "skeptical." If you're downranking sensational stuff - great - but I want to know how effective you've seen that be from a market research perspective. And then, what interventions are being taken on "skepticism?" I could see a range of actions, including hitting them good information, boosting information from sources they've indicated they trust, promoting content from their friends who have been vaccinated.....what are you trying here, and again, how effective have you seen it be. And *critically*, what amount of content is falling into all of these buckets? Is there wider scale of skepticism than sensationalism? I assume given the Carnegie data and the studies I've seen in the press that you have this. While I think you and I both know that access to the study's topline and a crowdtangle account aren't going to get us the info we're looking for, it shows to me that you at least understand the ask.

As I've said: this is not to playgotcha. It is to get a sense of what you are doing to manage this. This is a really tricky problem. You and I might disagree on the plan, but I want to get a sense of the problem and a sense of what you solutions are.

On whatsapp, which I may seem like I'm playinggotcha, but I guess I'm confused about how you're measuring reduction of harm. If you can't see the message, I'm genuinely curious - how do you know what kinds of messages you've cut down on? Assuming you've got a good mousetrap here, that's the kind of info we're looking for above: what interventions you've taken, and what you've found to work and not work? And how effective are you seeing the good information on Whatapp be? Are you doing crossplatform campaign work to try to reduce people's exposure on whatsapp? As we worry about equity and access, Whatsapp is obviously a central part of that given its reach in immigrant communities and communities of color.

You've given us a commitment to honest, transparent conversations about this. We're looking for that, and hoping we can be partners here, even if it hasn't worked so far. I know Andy is willing to get on the phone with [REDACTED] a couple of times per week if its necessary to get all of this.

Looking forward.

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**From:** [REDACTED]@fb.com>  
**Sent:** Monday, March 22, 2021 12:53 PM  
**To:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Cc:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** [EXTERNAL] Re: Follow up - Friday call w [REDACTED]

Thanks Andy. Also—wanted to flag a discussion we are scheduled to have with [REDACTED] regarding some work around equitable vaccine adoption—just a touch-base conversation to talk through ideas we have for closing the adoption gap in communities disproportionately impacted by Covid and to discuss how we can be supportive overall in the US re: an equity strategy. We were connected with [REDACTED] who scheduled the conversation—just didn't want any surprises.

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**From:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Date:** Monday, March 22, 2021 at 9:37 AM  
**To:** [REDACTED]@fb.com>  
**Cc:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** RE: Follow up - Friday call w [REDACTED]

Thanks [REDACTED] and I will connect and follow up.

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**From:** [REDACTED]@fb.com>  
**Sent:** Sunday, March 21, 2021 11:25 PM  
**To:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Cc:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** [EXTERNAL] Follow up - Friday call w [REDACTED]

Andy,

Thanks for taking the time to connect on Friday. Per our discussion, I wanted to follow up with next steps:

1. **Consistent Product Team POC:** As discussed, we will make [REDACTED] who has been coordinating the product work that matters most to your teams, available on a regular basis. If it makes sense, we can schedule some time for [REDACTED] to connect with you and/or Rob (and whomever else makes sense) early this week.
2. **Sharing Additional Data:** [REDACTED] mentioned the new internal analytics that we are developing to help us understand and monitor the most viral COVID vaccine-related content. This is a top priority for us, and we will keep you updated on our progress and when we expect to be able to share the data with you.
3. **Levers for Tackling Vaccine Hesitancy Content:** You also asked us about our levers for **reducing virality of vaccine hesitancy content**. In 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. As you know, in addition to removing vaccine misinformation, we have been focused on reducing the virality of content discouraging vaccines that does not **contain actionable misinformation**. **This is often-true content**, which we allow at the post level because experts have advised us that it is important for people to be able to discuss both their personal experiences and concerns about the vaccine, 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. More on this front as we proceed to implement.
4. **WhatsApp:** Finally—[REDACTED] mentioned the policies that apply to WhatsApp. WhatsApp's approach to misinformation focuses on limiting the virality of messages, preventing coordinated abuse, and empowering users to seek out reliable sources of information both in and out of the product. Our product includes features to limit the spread of viral content, such as forward limits and labels, privacy settings to help users decide who can add them to groups, and simple ways for users to block accounts and make reports to WhatsApp if they encounter problematic messages. Additional limitations we placed in April 2020 on forwarding of messages that have been forwarded many times reduced these kinds of messages by over 70%.

Along with these commitments, we'll continue to provide updated data from our COVID-19 Symptom Survey, and would be happy to walk through this data with our research director, if helpful.

Thanks again--and please let me know if there's anything I'm missing or can follow up to clarify.



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**From:** [REDACTED]@fb.com]  
**Sent:** 4/10/2021 9:33:25 PM  
**To:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov]  
**Subject:** [EXTERNAL] Re: Follow up--WA responses

Understood. I thought we were doing a better job through [REDACTED] responding to this – and we are working to get the data that will more clearly show the universe of the Covid content that’s highest in distribution with a clear picture of what percentage of that content is vax hesitancy content, and how we are addressing it. I know [REDACTED] told Andy that would take a bit of time to nail down and we are working on that universe of data. I will make sure we’re more clearly responding to your questions below.

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**From:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Date:** Friday, April 9, 2021 at 2:56 PM  
**To:** [REDACTED]@fb.com>  
**Subject:** RE: Follow up--WA responses

Thanks for this, [REDACTED] Hoor should be trying to land a time.

Will say I’m really mostly interested in what effects the interventions and products you’ve tested have had on increasing vaccine interest within hesitant communities, and which ones have shown promise. Really couldn’t care less about products unless they’re having measurable impact. And while the product safari has been interesting, at 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. I definitely have what I believe to be a non-comprehensive list of products you’re building but I still don’t have a good, empirical answer on how effective you’ve been at reducing the spread of vaccine -skeptical content and misinformation to vaccine fence sitters in the now-folded “lockdown.” If [REDACTED] can speak to those things, great. [REDACTED] hasn’t been able to, but I’m sure someone there can.

In the electoral context, you tested and deployed an algorithmic shift that promoted quality news and information about the election. This was reported in the New York Times and also readily apparent to anyone with cursory social listening tools. 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. And then you turned it back off. I want some assurances, based in data, that you are not doing the same thing again here.

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**From:** [REDACTED]@fb.com>  
**Sent:** Friday, April 9, 2021 2:16 PM  
**To:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** [EXTERNAL] Follow up--WA responses

Hi Rob,

Wanted to follow up on your additional questions about WhatsApp -- responses to your questions embedded in line and in blue below, along with a few attachments that are discussed in-line. Happy to discuss further.

Also—happy to schedule our next session with [REDACTED] for Monday if you’re interested. I know she was hoping to bring her colleague [REDACTED] to brainstorm on some ideas with you and Courtney. We can do this Monday or anytime next week.

Thanks,



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We also wanted to follow up on your questions about WhatsApp. I'm sure you're already attuned to this, but think it's worth noting some of the key differences between a private messaging app like WhatsApp, and social media like Facebook and Instagram. Approximately 90 percent of the messages sent on WhatsApp are one-to-one, and the majority of group chats include fewer than ten people. WhatsApp does not promote content, and users do not build audiences or discover new people as they would on social media.

**Very aware 😊**

You're right that without being able to see the content of messages on WhatsApp, we're not able to measure prevalence (and, relatedly, reduction) of particular types of content. WhatsApp seeks to control the spread of misinformation and inform users through deliberate, content-agnostic product interventions -- things like labeling and limiting message forwards. The underlying idea there is that messages that did not originate from a close contact are less personal compared to typical messages sent on WhatsApp, and may be more prone to contain misinformation. The labels ("forwarded"; and "forwarded many times" if the message has been forwarded five times or more) are intended to prompt people to stop and think when they are reading a message and before they forward something, which may not be accurate. The forward limits (no more than five chats at a time; one chat a time for highly forwarded messages), are intended to reduce their spread. As mentioned in my earlier note, when WhatsApp rolled out the limitation for highly forwarded messages to one chat at a time in April 2020, this resulted in a 70% reduction of those messages globally. Of course, not all forwards are misinformation, so these are by nature somewhat blunt tools, but they are important ones -- and ones that many other messaging services don't provide.

A few additional things to note:

1. WhatsApp also employs best-in-class spam detection technology to **spot accounts engaging in mass messaging behavior, so they can't be used to spread spam or viral misinformation**. We ban over 2 million accounts per month for bulk messaging behavior, 75% of them without a recent user report, which means our automated systems stop abuse before users can report them. (This [white paper](#) describes these systems in further detail.)

**We have a thing where we can't click links from emails -- can you send me the white paper?**  
[White Paper](#) is attached in PDF to this email.

2. Another aspect of what WhatsApp does -- again without accessing the content of messages -- is to **provide tools to empower users to seek out reliable sources of information**. One way we've done this in the product is through a "search the web" feature we rolled out last August, which allows users to easily double check highly forwarded messages they receive on WhatsApp by tapping a magnifying glass button in the chat to initiate a web search on their device browser. This helps users find news results or other sources of authoritative information about messages they have received from outside their close contacts -- and is available in English, Spanish, and other languages.

**Can you show me what this might look like? What kind of testing have you seen around effectiveness? Are there other tactics you've deployed? Does exposure to forwarded messages change in any way the kinds of positive information they're exposed to on Facebook or Instagram?**

Attached is an image explaining how "Search the Web" functions on WhatsApp - and you can find more info at this link: <https://blog.whatsapp.com/search-the-web/?lang=en>. As we have rolled out Search the Web over the past year, we have conducted research - through interviews and surveys - to understand how users interact with this feature, what level of awareness they have about it and particularly, how it is used by low digital literacy users. Along similar lines, we are continuing to experiment with different forward depths that classify a message as a "Highly Forwarded Message" and bring up the magnifying glass button for that message. We will use these insights to design further product features that limit virality on WhatsApp.

With respect to your question about COVID-related information people may be exposed to Facebook and Instagram, that is not related to users' personal messaging activity on WhatsApp.

3. WhatsApp also has partnerships with fact checking organizations, government agencies, and international organizations, like the WHO, around the world **to make authoritative information about COVID-19 and vaccines available via WhatsApp**. WhatsApp donated \$1M to the International Fact Checking Network (IFCN) to support the CoronaVirusFacts Alliance, which brought together more than 100 fact checkers in 70+ countries in 40+ languages. These organizations have produced 9,000+ unique fact checks, all of which are accessible through a global fact-checking bot jointly created by the IFCN and WhatsApp.

**How do they make the information available?**

COVID-19 information is made available on WhatsApp by WHO, government health ministries, and third-party fact checkers through our WhatsApp Business API solution, which supports two-way conversational messaging and one-way notifications. These organizations access our API through approved business solutions providers (BSPs) to build chatbots on the WhatsApp Business API that are capable of returning automated responses to user queries. We support government partners by waiving WhatsApp fees associated with the API and making available Facebook ads credits to publicize these chatbots. For some fact checkers, we cover the BSP and end client costs through annual grants.

Users click on a link on the organization's website to open the chat or text "hi" to the chatbot's phone number. This brings them to a greeting message where they are presented with options to search for information on a COVID-related topic, access latest fact checks, or get tips to fight misinformation, among other things. The requested information is then provided in a variety of ways.

The WHO Health Alert on WhatsApp, for example, provides information about how vaccines work and how they are tested as a text message in response to a user query. It also provides users with links to videos of WHO's "Science in 5" series where scientists discuss commonly asked questions about the Covid-19 Vaccines. The latest edition of this discussion is also sent to the user's chat as an audio clip for ease of access.

The IFCN chatbot which leverages the CoronaVirusFacts Alliance database of COVID-19 misinformation allows users to search for fact checks based on keywords and will provide the latest fact-checks from networks in the user's country as determined by the user's phone number.

Screenshots of the WHO Health Alert and IFCN chatbot are attached.

4. We're very cognizant of WhatsApp's use among immigrant communities in the U.S. and we're **focused on ensuring these sorts of resources noted above are available in Spanish as well as English.** During the 2020 election we partnered with Univision and Telemundo to make IFCN's election-related fact checks available in Spanish. Both Univision and Telemundo are now in the process of getting approved as certified IFCN fact checkers, which will enable them to set up their own Spanish-language fact checks directly on WhatsApp with financial support from Facebook. This will add to existing Spanish-language resources available via WhatsApp, including the search the web feature and the CoronaVirusFacts Alliance bot mentioned above.

**Is this true in other languages? I'm thinking specifically about languages that have prevalence in south Asian countries. And in the electoral context, what did you do there that worked and you're taking into this body of work?**

We encourage our partners to make their resources available as widely as possible. The IFCN CoronaVirusFacts Alliance chatbot is already available in the US in 4 languages - English, Hindi, Spanish and Portuguese. The Search the Web feature is currently available in English, Spanish, German, Italian and French; we have been working to expand the feature and it's available to South Asian language markets in Android Beta (~25M users) but the quality of search results is not yet high enough for a full launch.

US 2020 was the biggest fact checking effort that WhatsApp supported and we're pleased that these efforts have helped to spur progress in the broader fact checking ecosystem. The partnerships we built with Telemundo and Univision, helped lead to both companies establishing their own specialized Spanish-language fact checking units - *EL Detector* and *T Verifica*, respectively - and hiring data analysts and translators to aid their fact checking efforts.

We are also proud of the work that we did with IFCN during the US 2020 election to help create a consortium of fact checkers, which allowed these organizations to pool resources and scale their operations. We have been building on the success of this model elsewhere in the world - including in India where we have worked with six Indian fact checking organizations to build a similar coalition that will consolidate fact checks and trends on a common website.

One other initiative we are focused on are partnerships with governments, private healthcare providers, and pharmacies to support COVID-19 vaccination efforts through chat tools on WhatsApp. We've launched these successfully so far in Indonesia, Brazil, South Africa, and Argentina, among other countries, and are very interested in exploring ways to replicate some of these efforts in the U.S., especially in boosting the vaccination effort within the Latinx community. We are in discussions with the CDC and with officials in California, Delaware, and Los Angeles, and we are keen to work together to expand the scope and reach of these partnerships.

**I guess I have the same question here as I do on Facebook on Instagram. Do you guys think you have this under control? You're obviously going to say yes to that, so I guess the real question is, as ever: how are you measuring success? Reduction in forwarding? Measured impact across Facebook properties?**

On WhatsApp, reduction in forwards is just one of the signals that we use to measure how well we are doing in reducing viral activity on our platform. We also ban accounts that engage in mass marketing or scam behaviors - including those that seek to exploit COVID-19 misinformation. Our efforts in this space are more comprehensive than anything that our peers in private messaging or SMS do, and we are constantly innovating to stay ahead of future challenges.

We also track engagement with some of the tools available on WhatsApp that provide access to fact checks and other authoritative sources of information. For instance, 3 billion messages related to COVID-19 have been sent by governments, nonprofits and international organizations to citizens through official WhatsApp chatbots, and over 300 million messages have been sent over COVID-19 vaccine helplines on WhatsApp during the 1st quarter of 2021.

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**From:** [REDACTED]@fb.com]  
**Sent:** 4/14/2021 5:23:05 PM  
**To:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov]  
**CC:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov]  
**Subject:** [EXTERNAL] Re: tucker

Thanks—I saw the same thing when we hung up. Running this down now.

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---

**From:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Sent:** Wednesday, April 14, 2021 1:10:41 PM  
**To:** [REDACTED]@fb.com>  
**Cc:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** tucker

Since we've been on the phone – the top post about vaccines today is tucker Carlson saying they don't work. Yesterday was Tomi Lehren saying she won't take one. This is exactly why I want to know what "Reduction" actually looks like –if "reduction" means "pumping our most vaccine hesitant audience with tucker Carlson saying it doesn't work" then...I'm not sure it's reduction!

**Rob Flaherty**  
Director of Digital Strategy  
The White House  
Cell: [REDACTED]

---

**From:** [REDACTED]@fb.com]  
**Sent:** 4/14/2021 6:14:25 PM  
**To:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov]; Rowe, Courtney M. EOP/WHO [REDACTED]@who.eop.gov]  
**Subject:** Re: [EXTERNAL] Re: Connecting

Hey—I'm really sorry, I missed this ahead of the 11:00. We will definitely prioritize for future. And working on both immediate follow ups—running down question on Tucker and working on getting you report by end of week.

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---

**From:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Sent:** Wednesday, April 14, 2021 10:50 AM  
**To:** [REDACTED] Rowe, Courtney M. EOP/WHO  
**Subject:** RE: [EXTERNAL] Re: Connecting

[REDACTED]— Given the briefing at 11 and Andy's interest in joining, I am wondering if it might be good to consider pushing back. If we were to do that, would anything between noon and 1:30 work? If not, we can proceed and folks can join as they get free.

---

**From:** [REDACTED]@fb.com>  
**Sent:** Wednesday, April 14, 2021 10:15 AM  
**To:** Rowe, Courtney M. EOP/WHO [REDACTED]@who.eop.gov>; Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** Re: [EXTERNAL] Re: Connecting

Great thanks—Courtney we will follow up on anything that comes out of the 11:00.

---

**From:** Rowe, Courtney M. EOP/WHO [REDACTED]@who.eop.gov>  
**Date:** Wednesday, April 14, 2021 at 10:12 AM  
**To:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>, [REDACTED]@fb.com>  
**Subject:** RE: [EXTERNAL] Re: Connecting

We have our press briefing this morning at 11 so I won't be there.

Thanks for sending the stuff below. I just pinged CDC on the FAQ and we will share as soon as they have

---

**From:** Flaherty, Rob EOP/WHO  
**Sent:** Wednesday, April 14, 2021 10:07 AM  
**To:** [REDACTED]@fb.com>; Rowe, Courtney M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** RE: [EXTERNAL] Re: Connecting

I will be there, yes.

---

**From:** [REDACTED]@fb.com>  
**Sent:** Wednesday, April 14, 2021 10:04 AM  
**To:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>; Rowe, Courtney M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** Re: [EXTERNAL] Re: Connecting

Just confirming with you both that 11:00 this morning still works? You should have calendar invites—Courtney I saw you were not on our invite but added you.

---

**From:** [REDACTED]@fb.com>  
**Date:** Tuesday, April 13, 2021 at 11:29 PM  
**To:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>, Rowe, Courtney M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** Re: [EXTERNAL] Re: Connecting

Hi Rob, Courtney,

Thanks for this quick response - it was super helpful in informing our overall strategy today. I have some responses in blue below. I'm looking forward to the meeting tomorrow and hoping we can spend some time responding to Rob's feedback from last week as well as further discussing the J&J news and how we can hopefully partner together.

Courtney - as we discussed, we also wanted to send over some examples of content we see on our platform that we remove (misinformation & harm) as well as content we take other actions on, but do not remove (vaccine hesitancy). I have included some examples at the bottom of this email and happy to set up time to talk through this more with you as well, if helpful.

Talk soon,  
[REDACTED]

Some kind of thing that puts the news in context if folks have seen it (like your current "COVID news" panel) that has 3-4 pieces of info (eg: Adverse events are very rare - 6 cases out of nearly 7 million, the FDA and CDC are reviewing so it health care providers know how to treat any of the rare events, this does not affect pfizer or moderna, which vaccinate via a different mechanism). Happy to provide what those things should be. If the ultimate product pulls in social from others, we're happy to put something together there as well.

Thanks very much for the suggestion -- we are consistently updating the news module to provide timely and relevant context to users, such as article(s) that provide context on the rarity of experiencing blood clots. We would love any suggestions you all would have on trends you're seeing.

- CDC is working through an FAQ that we'd love to have amplified in whatever way possible - maybe through the COVID info panel.

Thanks--we'll be on the lookout for the FAQ and can discuss tomorrow.

- A commitment from you guys to make sure that a favorable review reaches as many people as the pause, either through hard product interventions or algorithmic amplification

Would love to talk through this one a bit more. Our goal is to ensure that people have access to authoritative info about the vaccine. We're looking forward to talking more tomorrow about our approach to sharing authoritative info and what we've done today in support of that goal given the J&J announcement.

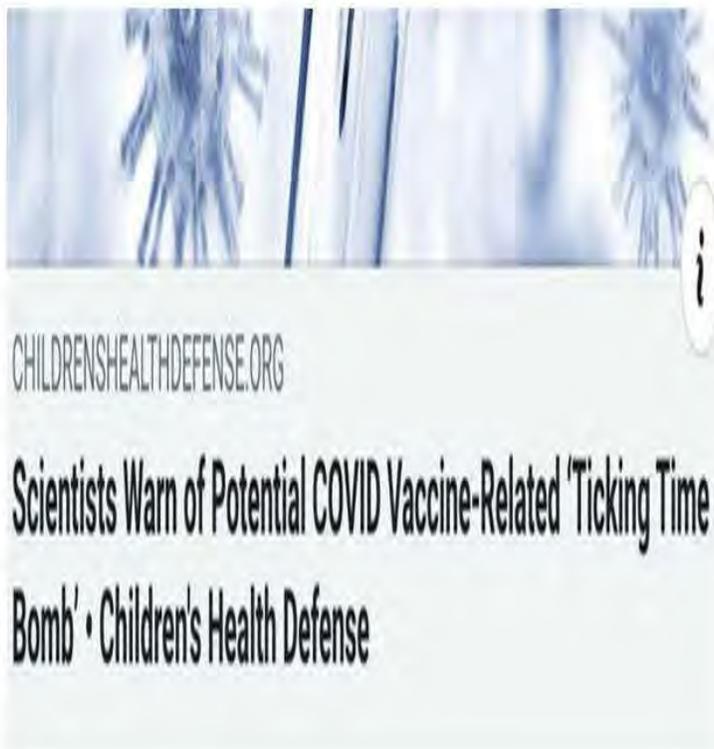
More broadly: we share [REDACTED] concern about knock-on effects and are curious to get a read from your CMU data about what you're seeing and with whom. Moreover, I want to make sure you have eyes on what might be spinning off the back end of this - that the news about J&J doesn't spin off misinformation. Would be great to get a 24 hour report -back on what behavior you're seeing.

We will look to get you insights as soon as we have them. We are going to be watching to see how this plays out over the next couple of days. [REDACTED] is joining tomorrow and plans to share a couple things we are seeing emerge from the

CMU survey and what we are going to be watching over the next few days. Also, we are proactively monitoring and seeing what themes emerge from content on-platform and happy to share out when we have stuff collected.

**VACCINE HESITANCY EXAMPLES:**

The following examples of content are those that do not violate our Misinformation and Harm policy, but may contribute to vaccine hesitancy or present a barrier to vaccination. This includes, for example, content that contains sensational or alarmist vaccine misrepresentation, disparaging others based on the choice to or to not vaccinate, true but shocking claims or personal anecdotes, or discussing the choice to vaccinate in terms of personal and civil liberties or concerns related to mistrust in institutions or individuals. We utilize a spectrum of levers for this kind of content that is both proportionate and also helps our users make informed decisions. Actions may include reducing the posts' distribution, not suggesting the posts to users, limiting their discoverability in Search, and applying Inform Labels and/or reshare friction to the posts. Depending on the category of content, we scale our interventions to have the highest public health impact, while understanding that healthy debate and expression is important.





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**Scientists Warn of Potential COVID Vaccine-Related 'Ticking Time Bomb' • Children's Health Defense**



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**Scientists Warn of Potential COVID Vaccine-Related 'Ticking Time Bomb' • Children's Health Defense**



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**Scientists Warn of Potential COVID Vaccine-Related 'Ticking Time Bomb' • Children's Health Defense**



**Examples of Content Removed for Violating our Misinformation & Harm Policy**

The following are examples of posts we have removed for violation of our Misinformation & Harm Policy.







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**From:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Date:** Tuesday, April 13, 2021 at 1:33 PM  
**To:** [REDACTED]@fb.com>, Rowe, Courtney M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** RE: [EXTERNAL] Re: Connecting

Hi [REDACTED] --

Thanks for reaching out. Andy might reply to [REDACTED] separately, but here's some thoughts .

I'm putting our public messaging below, which will be updated and we'll be sure to send to you.

But generally, I think some combo of the following would be helpful:

- Some kind of thing that puts the news in context if folks have seen it (like your current "COVID news" panel) that has 3-4 pieces of info (eg: Adverse events are very rare – 6 cases out of nearly 7 million, the FDA and CDC are reviewing so it health care providers know how to treat any of the rare events, this does not affect pfzier or moderna, which vaccinate via a different mechanism). Happy to provide what those things should be. If the ultimate product pulls in social from others, we're happy to put something together there as well.

- CDC is working through an FAQ that we'd love to have amplified in whatever way possible – maybe through the COVID info panel.
- A commitment from you guys to make sure that a favorable review reaches as many people as the pause, either through hard product interventions or algorithmic amplification

More broadly: we share [REDACTED] concern about knock-on effects and are curious to get a read from your CMU data about what you're seeing and with whom. Moreover, I want to make sure you have eyes on what might be spinning off the back end of this – that the news about J&J doesn't spin off misinformation. Would be great to get a 24 hour report-back on what behavior you're seeing.

Message below, and thanks

-Rob

*As of April 12, nearly 7 million J&J doses have been administered. CDC and FDA are investigating 6 cases of an extremely rare type of blood clot in individuals after receiving the J&J vaccine. [As CDC and FDA noted in their statement](#), right now these adverse events appear to be extremely rare. Out of an abundance of caution as they review these rare cases, CDC and FDA are recommending vaccine providers pause on administering the J&J vaccine. [As FDA noted this morning](#), they hope to review this quickly over the next few days. This pause is important so health care providers know how to treat any individuals who may experience these rare events.*

*This announcement will not have a significant impact on our vaccination plan: J&J vaccine makes up less than 5 percent of the recorded shots in arms in the United States to date. Based on actions taken by the President earlier this year, the U.S. has secured enough Pfizer and Moderna doses for 300 million Americans. You can read the full statement from White House COVID-19 Response Coordinator Jeff Zients on the impact on supply [here](#).*

*We will be back in touch soon to share additional resources and messaging on this issue, as well as our broader efforts to advance vaccine confidence and protect America's health.*

**From:** [REDACTED]@fb.com>  
**Sent:** Tuesday, April 13, 2021 12:21 PM  
**To:** Rowe, Courtney M. EOP/WHO [REDACTED]@who.eop.gov>; Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** FW: [EXTERNAL] Re: Connecting

Courtney and Rob – making sure you also receive this message – we want to get ahead of this but also want to make sure we are amplifying the right messages. Let us know if helpful to connect quickly today?

---

**From:** [REDACTED]@fb.com>  
**Date:** Tuesday, April 13, 2021 at 12:18 PM  
**To:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Cc:** [REDACTED]@fb.com>  
**Subject:** Re: [EXTERNAL] Re: Connecting

Hi Andy

Hope this finds you well?

Re the J+J news, we're keen to amplify any messaging you want us to project about what this means for people - it obviously has the risk of exacerbating vaccine hesitancy, so we're keen to get ahead of the knock-on effect. Don't hesitate to tell me - or via your teams - how we can help to provide clarity/reassurance via Facebook.

All v best



---

**From:** [REDACTED]@fb.com]  
**Sent:** 4/16/2021 8:45:51 PM  
**To:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov]  
**CC:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov]  
**Subject:** Re: [EXTERNAL] FW: Tucker Carlson anti-vax message.

Hey Rob—understood and sorry for the delay. The team has been heads-down since our conversation to produce the report we discussed on Wednesday afternoon. We are aiming to get you something tonight ahead of the weekend. We want to respond to your questions below as well but I have been hoping to get this work completed and then to schedule a call to discuss. Would that work?

---

**From:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Date:** Friday, April 16, 2021 at 4:37 PM  
**To:** [REDACTED]@fb.com>  
**Cc:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** RE: [EXTERNAL] FW: Tucker Carlson anti-vax message.

These questions weren't rhetorical

---

**From:** Flaherty, Rob EOP/WHO  
**Sent:** Wednesday, April 14, 2021 11:35 PM  
**To:** [REDACTED]@fb.com>  
**Cc:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** Re: [EXTERNAL] FW: Tucker Carlson anti-vax message.

And sorry — if this was not one of the most popular posts about the vaccine on Face book today, then what good is crowdangle?

[REDACTED] said that Tomis video was the most popular yesterday based on your data, which reflected what CT was showing. Tuckers video was top on CT today. What is different about this video, then?

Sent from my iPhone

On Apr 14, 2021, at 11:29 PM, Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov> wrote:

I guess this is a good example of your rules in practice then — and a chance to dive in on questions as they're applied.

How was this not violative? The second half of the segment is raising conspiracy theories about the government hiding that all vaccines aren't effective. It's not about just J&J. What exactly is the rule for removal vs demoting?

Moreover: you say reduced and demoted. What does that mean? There's 40,000 shares on the video. Who is seeing it now? How many? How effective is that?

And we've gone a million rounds on this in other contexts so pardon what may seem like deja vu — but on what basis is "visit the covid-19 information center for vaccine resources" the best thing to tag to a video that says the vaccine doesn't work?

Not for nothing but last time we did this dance, it ended in an insurrection.

Sent from my iPhone

On Apr 14, 2021, at 11:11 PM, [REDACTED]@fb.com> wrote:

Making sure you receive--

---

**From:** [REDACTED]@fb.com>  
**Date:** Wednesday, April 14, 2021 at 10:51 PM  
**To:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Cc:** [REDACTED]@fb.com>  
**Subject:** Re: Tucker Carlson anti-vax message.

Hi Andy - have looked into this some more.

I realize it may be of limited comfort at this moment, but this was not the most popular post about vaccines on Facebook today. Our data is slightly lagging, and we'll get back to you with more detail on this specific post tomorrow. Right now, it appears that it probably was among the top 100 most-viewed vaccine posts. I'm including a few examples of posts that were more popular today at the end of this note.

Regardless of popularity, the Tucker Carlson video does not qualify for removal under our policies. Following the government's decision yesterday, we are allowing claims that the Johnson and Johnson vaccine causes blood clots, but we still do not allow categorical claims that it or other vaccines are unsafe or ineffective.

That said, the video is being labeled with a pointer to authoritative COVID information, it's not being recommended to people, and it is being demoted.

The team is working on the follow ups from the meeting this morning, including more details on most viewed/ranked content on Facebook and [REDACTED] will be in touch shortly on that - I'm v keen that we follow up as we'd agreed, and I can assure you the teams here are on it.

Given the timeline that was provided today for further decision about the J&J vaccine, it would be great to get your guidance about what affirmative messages we should amplify right now. Consistent with the message we heard at the press conferences, we're currently emphasizing the safety and efficacy of the Moderna and Pfizer vaccines in the Covid Information Center.

Popular Vaccine-Related Content on Facebook Today:

CNN: >><https://www.cnn.com/2021/04/13/health/blood-clots-johnson-johnson-vaccine-wellness/index.html><<  
ABC: >><https://www.facebook.com/10160902498218812><<  
NBC: >><https://www.nbcnews.com/health/health-news/what-do-if-you-got-johnson-johnson-vaccine-n1263927><<  
NY Times: >><https://www.nytimes.com/2021/04/13/us/politics/johnson-johnson-vaccine-blood-clots-fda-cdc.html><<  
CDC: >><https://www.facebook.com/10159031890151026><<  
CBS: >><https://www.facebook.com/10159467409732010><<  
Heather Cox Richardson: >><https://www.facebook.com/297363371758902><<

All v best

[REDACTED]

On 4/14/21, 10:52 AM, [REDACTED]@fb.com> wrote:

Ok - sorry to hear about call today, will dig in now. [REDACTED]

On 4/14/21, 10:01 AM, "Slavitt, AndrewM. EOP/WHO" [REDACTED]@who.eop.gov> wrote:

Number one on Facebook. Sigh.

Big reveal call with FB and WH today. No progress since we spoke. Sigh.

Sent from my iPhone

---

**From:** [REDACTED]@fb.com]  
**Sent:** 4/21/2021 9:01:51 PM  
**To:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov]  
**Subject:** Re: [EXTERNAL] FW: Tucker Carlson anti-vax message.

Rob— thanks for catching up earlier and sorry for the delay in getting these back to you. We can schedule time to discuss any of this further if helpful.

How was the Tucker post not violative?

- while we remove content that explicitly directs people not to get the vaccine, as well as content that contains explicit misrepresentations about vaccines, we reviewed this content in detail and it does not violate those policies.

Moreover: you say reduced and demoted. What does that mean? There's 40,000 shares on the video. Who is seeing it now? How many? How effective is that?

- The video received 50% demotion for seven days while in the queue to be fact checked, and will continue to be demoted even though it was not ultimately fact checked.

Why does CT tell a different story than our internal number?

- Crowdtangle shows engagement not views, and a simple text search for "vaccine" in Crowdtangle doesn't have the same recall as our classifiers, i.e., doesn't include all of the posts about vaccines. The data that we provided doesn't include the Tucker Carlson video because our data pipelines don't populate that quickly—we provided data for the week before. (The delay in data doesn't mean we aren't able to find and remove violating content in real time—our systems do this automatically).

Why label this content with a generic "visit the covid information center" message?

- Our more granular label about vaccine safety previously said "COVID-19 vaccines go through many test for safety and effectively before they're approved". In light of the decision to pause the J&J vaccine, vaccine safety discussion evolved past "approval," and we were concerned that this was a confusing/irrelevant message to be applying to content discussion the decision to pause J&J without revoking approval. We temporarily reverted to a more generic message and are updating the more specific label for posts about vaccine safety to say "COVID-19 vaccines go through many tests for safety and effectiveness and then are monitored closely" to try to adapt to the changing factual situation and evolving discussion. This new message is being rolled out and should appear instead of the generic label now.

---

**From:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Date:** Friday, April 16, 2021 at 4:37 PM  
**To:** [REDACTED]@fb.com>  
**Cc:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** RE: [EXTERNAL] FW: Tucker Carlson anti-vax message.

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---

**From:** Flaherty, Rob EOP/WHO  
**Sent:** Wednesday, April 14, 2021 11:35 PM  
**To:** [REDACTED]@fb.com>  
**Cc:** Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** Re: [EXTERNAL] FW: Tucker Carlson anti-vax message.

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██████████ said that Tomis video was the most popular yesterday based on your data, which reflected what CT was showing. Tuckers video was top on CT today. What is different about this video, then?

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Making sure you receive--

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**From:** ██████████@fb.com>  
**Date:** Wednesday, April 14, 2021 at 10:51 PM  
**To:** Slavitt, Andrew M. EOP/WHO ██████████@who.eop.gov>  
**Cc:** ██████████@fb.com>  
**Subject:** Re: Tucker Carlson anti-vax message.

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That said, the video is being labeled with a pointer to authoritative COVID information, it's not being recommended to people, and it is being demoted.

The team is working on the follow ups from the meeting this morning, including more details on most viewed/ranked content on Facebook and [REDACTED] will be in touch shortly on that - I'm v keen that we follow up as we'd agreed, and I can assure you the teams here are on it.

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Popular Vaccine-Related Content on Facebook Today:

CNN: >><https://www.cnn.com/2021/04/13/health/blood-clots-johnson-johnson-vaccine-wellness/index.html><<;

ABC: >><https://www.facebook.com/10160902498218812><<;

NBC: >><https://www.nbcnews.com/health/health-news/what-do-if-you-got-johnson-johnson-vaccine-n1263927><<;

NY Times: >><https://www.nytimes.com/2021/04/13/us/politics/johnson-johnson-vaccine-blood-clots-fda-cdc.html><<;

CDC: >><https://www.facebook.com/10159031890151026><<;

CBS: >><https://www.facebook.com/10159467409732010><<;

Heather Cox Richardson: >><https://www.facebook.com/297363371758902><<;

All v best

[REDACTED]

On 4/14/21, 10:52 AM, [REDACTED]@fb.com> wrote:

Ok - sorry to hear about call today, will dig in now. [REDACTED]

On 4/14/21, 10:01 AM, "Slavitt, AndrewM. EOP/WHO" [REDACTED]@who.eop.gov> wrote:

Number one on Facebook. Sigh.

Big reveal call with FB and WH today. No progress since we spoke. Sigh.

Sent from my iPhone



getting people to get vaccinated, we'll be in the barrel together here. We've worked with a number of platform partners to track down similar information based on internal data, including partners of similar scale. I am feeling a bit like I don't have a full sense of the picture here. We speak with other platforms on a semi-regular basis. We'd love to get in this habit with you. Perhaps bi-weekly?

Looking forward to more conversation.

-Rob

**Rob Flaherty**  
Director of Digital Strategy  
The White House  
Cell: [REDACTED]

---

**From:** Flaherty, Rob EOP/WHO [REDACTED]  
**Sent:** 5/6/2021 6:17:28 PM  
**To:** [REDACTED]@fb.com]  
**Subject:** RE: [EXTERNAL] FW: COVID Genomic Sequencing

So I guess I have two questions here:

1. He references the “three” widest reach posts, of which I believe this is one:

<https://www.facebook.com/DeeBlock253/posts/3528944520539112>

For one, it’s still up and seems to have gotten pretty far. And it’s got 365k shares with four comments. We’ve talked about this in a different context, but how does something like that happen? The top post, the one from the Wisconsin news station, has 2.1 million comments. Am I looking at one instance of sharing (so, one of the 365,000 shares) or is this genuinely a post that has been shared nearly 400,000 times but only four people commented on it? What is your assessment of what is going on here?

Won’t come as a shock to you that we’re particularly interested in your demotion efforts, which I don’t think we have a good handle on (and, based on the below, it doesn’t seem like you do either). Not to sound like a broken record, but how much content is being demoted, and how effective are you at mitigating reach, and how quickly? As I’ve said, I don’t think our position is that you should remove vaccine hesitant stuff. However, slowing it down seems reasonable. I just can’t describe what it means or how you know its working.

Also, health groups: sure. But it seems more likely that anti-vax stuff is moving in groups that are not about health but are...mom centric, or other spaces. Strikes me as the issue here is less from single-use anti-vaccine accounts and more about people who...do other things and are also vaccine hesitant. Seems like your “dedicated vaccine hesitancy” policy isn’t stopping the disinfo dozen – they’re being deemed as not dedicated -- so it feels like that problem likely carries over to groups.

As a last thing, I’d be interested in seeing this 100 ranking in terms of reach from things that you aren’t actively promoting in the info panel. EG: the unicef one’s reach is because you’re putting it in a big, giant box that says “Facebook” on it, versus the way it distributes naturally.

---

**From:** [REDACTED]@fb.com>  
**Sent:** Saturday, May 1, 2021 2:10 PM  
**To:** Flaherty, Rob EOP/WHO <[REDACTED]@who.eop.gov>  
**Subject:** FW: [EXTERNAL] FW: COVID Genomic Sequencing

Making sure you see this from [REDACTED] to Andy as well — around anytime to discuss any and all things...

---

**From:** [REDACTED]@fb.com>  
**Date:** Saturday, May 1, 2021 at 1:53 PM  
**To:** Slavitt, Andrew M. EOP/WHO <[REDACTED]@who.eop.gov>  
**Cc:** [REDACTED]@fb.com>  
**Subject:** Re: [EXTERNAL] FW: COVID Genomic Sequencing

Hi Andy,

Thanks to your team for sharing the research work with us - the team have spent some time reviewing these and I wanted to send over some details on where we're developing work in this space (and where we aren't).

Firstly, I know [REDACTED] has sent the latest version of the Top 100 content report to Rob yesterday evening and I wanted to send you a quick note on the three pieces of vaccine content that were seen by a high number of people before we demoted them. Although they don't violate our community standards, we should have demoted them before they went viral and this has exposed gaps in our operational and technical process.

The teams have spent the last 24 hrs analysing these gaps and are making a number of changes starting next week, including setting up more dedicated monitoring for Covid vaccine content on the cusp of going viral, applying stronger demotions to a broader set of content, and setting up daily review and analysis so that we have a better real-time view of what is being seen by lots of people. I will be checking on this closely to make sure that these additional steps show results - the stronger demotions in particular should deliver real impact. Please let me know if you'd like to discuss any of this in more detail.

Returning to the points raised by the research - much of this is fair comment and actually includes many of the integrity efforts we've already deployed and are actively improving on, or are related to planned launches in the coming months.

**Non-English mis/disinformation circulating without moderation (Spanish, Arabic, Chinese, among others) and; ISD reports evidence of the global threat that anti-vaccination disinformation and misinformation represents across languages and borders:** Rolling our efforts out globally and in other countries will take us some time, given the complexity and scale - we think that this will take a number of months before we've fully scaled this work and we are prioritizing languages where we know vaccine hesitancy is likely to be higher based on external data.

**Do not distribute or amplify vaccine hesitancy, and Facebook should end group recommendations for groups with a history of COVID-19 or vaccine misinformation:** Much of the research you shared called on us to ensure that our systems don't amplify vaccine hesitancy content and this is top of mind for us. In addition to the changes I mentioned above, we have already removed all health groups from our recommendation feature on Facebook, and on Instagram we filter vaccine-related accounts from our "accounts you may follow feature". We also remove accounts that may discourage vaccination from search features. We currently enforce on hashtags we know are shared to promote vaccine hesitancy content and are working to improve our automated systems here.

**Monitoring events that host anti-vaccine and COVID disinformation:** From our analysis, events do not make up a high proportion of borderline vaccine content that people see on Facebook right now, but we are working to improve automatic detection for events hosting anti-vaccine and COVID content. Our viral monitoring efforts will also help us detect events that are gaining views on Facebook, and we do remove events coordinating in-person gatherings that involve or encourage people who have COVID-19 to join.

**12 accounts are responsible for 73% of vaccine misinformation:** Lastly, we continue to review accounts associated with the 12 individuals identified in the CCDH "Disinformation Dozen" report, but many of those either do not violate our policies or have ceased posting violating content. Our "Dedicated Vaccine Discouraging Entity" policy is designed to remove groups and pages that are dedicated to sharing vaccine discouraging content and we continue to review and enforce on these where we become aware of them.

I realise that our position on this continues to be a particular concern for you which is why our teams regularly engage with a range of experts to check whether we are striking the right balance here. In early March, for instance, we discussed our planned approach with members of the "High Level Panel on Vaccine Confidence & Misinformation" (organized by London School of Hygiene and Tropical Medicine and the Center for Strategic and International Studies) and we have checked more recently with [REDACTED] of the Vaccine Confidence Project too.

Among experts we have consulted, there is a general sense that deleting more expressions of vaccine hesitancy might be more counterproductive to the goal of vaccine uptake because it could prevent hesitant people from talking through their concerns and potentially reinforce the notion that there's a cover-up (especially, though not exclusively, in the US). Given how complicated this continues to be, especially due to the recent news cycle about the safety of some vaccines, we will of course continue to speak with experts on our position here and adapt our approach as needed.

Hope this update is helpful – and obviously I'm happy to speak any time.

Best

██████████

On 4/27/21, 3:33 AM, "Slavitt, Andrew M. EOP/WHO" ██████████@who.eop.gov> wrote:

Thanks ██████████ I assume you may have staff there. I hope they are well.

Sent from my iPhone

> On Apr 27, 2021, at 12:11 AM, ██████████@fb.com> wrote:

>

> Hi Andy

>

> I know you're focusing on India a fair amount. Just fyi, we're doing the following:

>

> - Amplifying localized authoritative information and services specific to this crisis (e.g., symptom triage information / when to go or not go to a hospital given systems are overwhelmed) on platform and via ad credits;

> - Activating WhatsApp Bots for symptom tracking and to connect users to nearby health resources;

> - Curating relevant content across CIC, News, and Latest Updates for India;

> - Proactively reviewing misinformation content in English, Hindi, and Bengali; and

> - Making an up to \$10M financial contribution to support some immediate needs in country (e.g., extending medical supplies to underprivileged, augmenting oxygen supply shortages, etc.)

>

> And ██████████ is keen to see what more we can do

>> ><https://www.facebook.com/zuck/posts/10112926954780791><<;

>

> ██████████ & team are in touch with USAID - but don't hesitate to point us to other next steps where we could be helpful.

>

> We also received the recommendations/observations from the research organizations you met re covid misinfo etc this afternoon - the teams are now looking at them carefully, and I'll get back to you once that's done.

>

> Best

>

> ██████████

>

> On 4/22/21, 7:23 PM, "Slavitt, Andrew M. EOP/WHO" ██████████@who.eop.gov> wrote:

>

> I will arrange a call. Please let ██████████ know the information on who to include. Thanks

>

> Sent from my iPhone

>

>> On Apr 22, 2021, at 7:58 PM, ██████████@fb.com> wrote:

>>

>> Hi Andy

>>

>> As promised, more info from ██████████ below and slides re the CZI work attached. Do tell me how an useful connection can be made.

>>

>> Thx

>>

>> [REDACTED]

>>

>>

>> Thanks for looking into this. CZI has been working in this area since before the pandemic. We built IDSeq (Link<>>><https://www.discoveridseq.com/><<<< and technical write up attached) to sequence unknown pathogens and then adapted it to do genomic sequencing for COVID and California Departments of public health. Right now we are working with local departments that are deploying these funds to build up their internal capacity. However, we can't figure out if there is a centralized vision of how all of these individual efforts are supposed to come back together and if they do what the public officer facing tool is. Slides on the issue we are trying to address is also attached.

>>

>> Would love to try to learn about any central plan to ensure that our work ends up being compatible and share back any learning if helpful.

>>

>>

>>

>

---

**From:** Flaherty, Rob EOP/WHO [REDACTED]  
**Sent:** 5/12/2021 2:52:18 PM  
**To:** [REDACTED]@fb.com]  
**CC:** Rowe, Courtney M. EOP/WHO [REDACTED]@who.eop.gov]  
**Subject:** RE: [EXTERNAL] FB Newsroom post tomorrow re: our Covid work

Sure. They're first connected to authoritative information, but then you, as of last night, were presenting an anti-vaccine account with less than 1000 followers alongside, at level, with those pinned accounts!

Here's the thing. You know and I know that the universe of undecided people searching Instagram for "vaccines" – as compared to, say, Google -- is probably low. But "removing bad information from search" is one of the easy, low-bar things you guys do to make people like me think you're taking action. If you're not getting *that* right, it raises even more questions about the higher bar stuff. You say in your note that you remove accounts that discourage vaccination from appearing in recommendations (even though you're using "primarily" to give yourself wiggle room). You also said you don't promote those accounts in search. Not sure what else there is to say.

Youtube, for their warts, has done pretty well at promoting authoritative info in search results while keeping the bad stuff off of those surfaces. Pinterest doesn't even show you any results other than official information when you search for "vaccines." I don't know why you guys can't figure this out.

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**From:** [REDACTED]@fb.com>  
**Sent:** Wednesday, May 12, 2021 9:35 AM  
**To:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov>  
**Cc:** Rowe, Courtney M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** Re: [EXTERNAL] FB Newsroom post tomorrow re: our Covid work

Thanks Rob – both of the accounts featured in the tweet have been removed from Instagram entirely for breaking our policies. We're looking into what happened.

Taking a step back, when searching for terms related to vaccines on Instagram, people are first connected with resources from experts. That means that before anything, if someone is looking to get information about COVID-19 or vaccines, they are encouraged to seek that information out from the most credible sources. To do this, anyone who searches for information related to COVID-19 or vaccines on Instagram is first shown an educational pop-up on top of search results connecting them, in the U.S., to the CDC website (as shown in the tweet). We've also pinned authoritative accounts in the top search results which is why you also see the CDC and Gavi, the Vaccine Alliance Instagram accounts first in the results page.

We are continuing to develop technology to improve the quality of search results at scale across Instagram – this is a continual process built on new technology to address adversarial accounts. Our goal is to not recommend accounts like those shown in the tweet in search, which again shouldn't have been on our platform to begin with. We also remove accounts that may discourage vaccination from search by developing and using this new technology to find accounts on Instagram that discourage vaccines, and remove these accounts from search altogether. We've also removed accounts that primarily discourage vaccination from appearing where we recommend new accounts to follow, such as accounts you may like, and suggested accounts.

We clearly still have work to do to, but wanted to ensure you were aware of the authoritative resources we're pointing people to first as we continue investing in removing accounts from search that may discourage vaccination.

**From:** Flaherty, Rob EOP/WHO <[REDACTED]@who.eop.gov>  
**Date:** Tuesday, May 11, 2021 at 8:08 PM  
**To:** [REDACTED]@fb.com>  
**Cc:** Rowe, Courtney M. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** Re: [EXTERNAL] FB Newsroom post tomorrow re: our Covid work

Hard to take any of this seriously when you're actively promoting anti-vaccine pages in search

><https://twitter.com/jessreports/status/1392182161512361984?s=21><

Sent from my iPhone

On May 10, 2021, at 7:53 PM, [REDACTED]@fb.com> wrote:

Rob and Courtney—I wanted to preview a newsroom post and some additional press outreach that we plan to put out tomorrow with some updates on our Covid efforts - a large part of which will be focused on what we've been doing to help meet vaccination goals.

Since January, we and our partners have been using trusted messengers and personalized messaging on our platforms to increase vaccine acceptance, and we're seeing positive impact at scale. For example:

- Over 3.3 million people have visited the vaccine finder tool since its launch on March 11, using it to get appointment information from a provider's website, get directions to a provider, or call a provider. In addition, we're showing people reliable information about whether and when they're eligible to get vaccinated through News Feed promotions and our [COVID-19 Information Center](#). West Virginia's Department of Health and Human Resources reported that their vaccine registrations increased significantly after Facebook started running these notifications.
- Since January, we've provided more than \$30 million in ad credits to help governments, NGOs and other organizations reach people with COVID-19 vaccine information and other important messages. These information campaigns resulted in an estimated 10 billion ad impressions globally.
- More than 5 million people globally have used these profile frames. And more than 50% of people in the US on Facebook have already seen someone use the COVID-19 vaccine profile frames. We spun up this effort in partnership with HHS/CDC after public health experts told us that people are more likely to get a vaccine when they see someone they trust doing it.
- As you know, since April 2020, we've been collaborating with Carnegie Mellon University and University of Maryland on a global survey of Facebook users to gather insights about COVID-19 symptoms, testing, vaccination rates and more. In the US:
  - Vaccine acceptance has been increasing steadily since January, increasing nearly 10% among all US adults.
  - We observed a particularly large increase in vaccine acceptance within certain populations in the US. Vaccine acceptance increased 26% among Black adults and 14% among Hispanic adults.
  - Vaccine access also remains a challenge. Among adults who intend to get vaccinated (but have not yet), 36% feel uninformed about how to get a vaccine and only 22% reported that they have an appointment in April.

We saw the announcement last week of the 70% goal, and we're eager to help support your efforts to reach that goal by July 4th. In particular, through our work on both voter registration and vaccines, we've had success with a targeted strategy for our in-product messages. If there are specific states/regions (or other population segments) you're targeting to reach that goal that you can share with us, we can look at how we might be able to adjust our in-product efforts to

help amplify your efforts. We'd be happy to schedule a follow-up call with the right people to drill down on how we might be able to help with these efforts.

As always let me know if you have any questions.

Thanks,

■

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**From:** [REDACTED]@fb.com]  
**Sent:** 7/17/2021 10:23:47 PM  
**To:** [REDACTED]@fb.com]; Flaherty, Rob R. EOP/WHO [REDACTED]@who.eop.gov]; Dunn, Anita B. EOP/WHO [REDACTED]@who.eop.gov]  
**Subject:** [EXTERNAL] Re: hoping to connect

Thanks [REDACTED] Hi Anita and Rob — definitely agree and look forward to connecting.

Sending a post that went live this afternoon with information that I know we've discussed in the past. We had a conversation with the Surgeon General's office yesterday to discuss the advisory in more detail and hope to continue to work to address concerns.

Along with [REDACTED]—I am really hoping to close the gap in terms of what's playing out publicly and what we might be able to accomplish working together.

Rob—I'm around anytime for a conversation.

[>https://about.fb.com/news/2021/07/support-for-covid-19-vaccines-is-high-on-facebook-and-growing/<](https://about.fb.com/news/2021/07/support-for-covid-19-vaccines-is-high-on-facebook-and-growing/)

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**From:** [REDACTED]@fb.com>  
**Sent:** Saturday, July 17, 2021 6:14 PM  
**To:** Flaherty, Rob R. EOP/WHO; Dunn, Anita B. EOP/WHO; [REDACTED]  
**Subject:** RE: hoping to connect

Thanks Anita, and thanks Rob. I appreciate the willingness to discuss. We'd love to find a way to get things back to a productive conversation. Adding in [REDACTED] to help us here — obviously Rob and [REDACTED] have a tight working relationship already.

---

**From:** Flaherty, Rob R. EOP/WHO [REDACTED]@who.eop.gov>  
**Sent:** Saturday, July 17, 2021 3:06 PM  
**To:** Dunn, Anita B. EOP/WHO [REDACTED]@who.eop.gov>  
**Cc:** [REDACTED]@fb.com>  
**Subject:** Re: hoping to connect

Hi [REDACTED] Happy to connect.

Sent from my iPhone

On Jul 17, 2021, at 5:56 PM, Dunn, Anita B. EOP/WHO [REDACTED]@who.eop.gov> wrote:

Hi, [REDACTED] and thanks for reaching out. I'm adding Rob Flaherty, our Office of Digital Services Director, to this chain as well because he has been following your platform (and others) closely when it comes to flow of information and misinformation.

Perhaps it makes sense to schedule a conversation?

Anita

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**From:** [REDACTED]@fb.com>  
**Sent:** Saturday, July 17, 2021 5:52 PM  
**To:** Dunn, Anita B. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** [EXTERNAL] hoping to connect

Hi Anita - hope you are well,

Would love to connect with you on the President's comments on Covid misinformation and our work there. Really could use your advice and counsel on how we get back to a good place here.

While there's always been a disagreement on where the lines should be on misinformation generally, we have genuinely tried to work with the administration in good faith to address the gaps and solve the problems. As I hope you know, we've been doing a significant amount of work to both fight the misinformation and fight the pandemic through authoritative information. Obviously, yesterday things were pretty heated, and I'd love to find a way to get back to pushing together on this - we are 100% on the same team here in fighting this and I could really use your advice.

Thanks,

[REDACTED]

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**From:** [REDACTED]@google.com]  
**Sent:** 7/21/2021 1:03:37 AM  
**To:** Flaherty, Rob R. EOP/WHO [REDACTED]@who.eop.gov]  
**CC:** [REDACTED]@google.com]  
**Subject:** Re: [EXTERNAL] YouTube Announcement

Rob,

To clarify, the content was not in violation of our policies and therefore not subject to removal. But for all content on YouTube, we apply our 4R framework we have previously described to raise authoritative voices while reducing visibility on borderline content. External evaluators use [these guidelines](#) which are then used to inform our machine learning systems that limits the spread of borderline content.

Best Regards,

[REDACTED]

On Tue, Jul 20, 2021 at 8:36 PM Flaherty, Rob R. EOP/WHO <[REDACTED]@who.eop.gov> wrote:  
So this actually gets at a good question — the content [REDACTED] points out isn't defined as "borderline" and therefore isn't subject to recommendation limitations?

Sent from my iPhone

On Jul 20, 2021, at 8:27 PM, [REDACTED]@google.com> wrote:

Rob -

I'll check with our team and share any additional data points we have available. Per our COVID-19 medical misinformation policy, we will remove any content that contradicts local health authorities' or the World Health Organization's (WHO) medical information about COVID-19. To date, approximately 89% of videos removed for violations of this policy were removed with 100 views or less. With regards to the specific videos you referenced, the content was not in violation of our community guidelines.

Best Regards,

[REDACTED]

On Tue, Jul 20, 2021 at 3:58 PM Flaherty, Rob R. EOP/WHO [REDACTED]@who.eop.gov> wrote:

I see that's your goal – what is the actual number right now?

I guess: does the content that [REDACTED] references in his tweet count as violative content that has slipped through? Or is it that generally the stuff he's posting is in-bounds?

**From:** [REDACTED]@google.com>  
**Sent:** Tuesday, July 20, 2021 2:36 PM  
**To:** Flaherty, Rob R. EOP/WHO [REDACTED]@who.eop.gov>  
**Cc:** [REDACTED]@google.com>  
**Subject:** Re: [EXTERNAL] YouTube Announcement

Thanks Rob,

We appreciate your interest in our announcement yesterday. With regards to your question on the Tweet, it is important to keep in mind that borderline content accounts for a fraction of 1% of what is watched on YouTube in the United States. We use machine learning to reduce the recommendations of this type of content, including potentially harmful misinformation. In January 2019, we announced changes to our recommendations systems to limit the spread of this type of content which resulted in a 70% drop in watchtime on non-subscribed recommended content in the U.S. and our goal is to have views of non-subscribed, recommended borderline content below 0.5%. I will keep you updated with any new policy or product improvements that we make as we continue our work to help people find authoritative health information on YouTube.

Best Regards

[REDACTED]

On Tue, Jul 20, 2021 at 10:57 AM Flaherty, Rob R. EOP/WHO [REDACTED]@who.eop.gov> wrote:

[REDACTED] - Thanks for this. Interested to see it in action.

I'm curious: Saw this tweet. >>><https://twitter.com/ddale8/status/1417130268859772929><<<;

I think we had a pretty extensive back and forth about the degree to which you all are recommending anti-vaccination content. You were pretty emphatic that you are not. This seems to indicate that you are. What is going on here?

Thanks!

-Rob

**From:** [REDACTED]@google.com>  
**Sent:** Monday, July 19, 2021 1:27 PM  
**To:** Flaherty, Rob R. EOP/WHO [REDACTED]@who.eop.gov>  
**Cc:** [REDACTED]@google.com>  
**Subject:** [EXTERNAL] YouTube Announcement

Rob,

We wanted to share an announcement that we recently made regarding a few new ways in which we are making it easier for people to find authoritative information on health topics on YouTube.

Starting this week, you'll see two new features next to some health-related searches and videos. These include a new health source information panel that will surface on videos to provide context about authoritative sources, and a new health content shelf that more effectively highlights videos from these sources when you search for specific health topics. These context cues are intended to help people more easily navigate and evaluate credible health information.

To identify the sources that will be eligible to be included in these new features, we applied the principles recently developed and published by an expert panel convened by the National Academy of Medicine.

You can find more information about our announcement [here](#). We'd be happy to set up time to walk you through these new features or answer any questions you may have - please let me know what works best for you.

Best Regards,

[REDACTED]

--

[REDACTED] Government Affairs & Public Policy Manager,  
YouTube | [REDACTED]@google.com | [REDACTED]

--

[REDACTED] Government Affairs & Public Policy Manager,  
YouTube | [REDACTED]@google.com | [REDACTED]

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[REDACTED] Government Affairs & Public Policy Manager,  
YouTube | [REDACTED]@google.com | [REDACTED]

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[REDACTED] Government Affairs & Public Policy Manager,  
YouTube | [REDACTED]@google.com | [REDACTED]

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**From:** [REDACTED]@fb.com]  
**Sent:** 8/3/2021 12:11:33 AM  
**To:** Tom, Christian L. EOP/WHO [REDACTED]@who.eop.gov]  
**CC:** Flaherty, Rob R. EOP/WHO [REDACTED]@who.eop.gov]; O'Neill, Tegan E. EOP/WHO [REDACTED]@who.eop.gov]; [REDACTED]@fb.com]; Qureshi, Hoor A. EOP/WHO [REDACTED]@who.eop.gov]  
**Subject:** [EXTERNAL] Re: Follow up on WH questions

Happy to.

Hoor, could you surface some times that work for your folks and we can go from there?

[REDACTED]

[REDACTED]

facebook, inc. | politics & government

[REDACTED]@fb.com

On Aug 2, 2021, at 6:04 PM, Tom, Christian L. EOP/WHO [REDACTED]@who.eop.gov> wrote:

Thanks [REDACTED] for the info. A call might be helpful, if we can do something early next week? Adding Hoor here but appreciate your email and making time to talk further about it!

---

**From:** [REDACTED]@fb.com>  
**Sent:** Monday, August 2, 2021 1:14 PM  
**To:** Tom, Christian L. EOP/WHO [REDACTED]@who.eop.gov>; Flaherty, Rob R. EOP/WHO [REDACTED]@who.eop.gov>; O'Neill, Tegan E. EOP/WHO [REDACTED]@who.eop.gov>; [REDACTED]@fb.com>  
**Subject:** [EXTERNAL] FW: Follow up on WH questions

Hi All,

Per my and Christian's phone call last Tuesday, I gathered more details for you and your team; happy to set up a call to discuss further as well.

As you know, we take aggressive steps to reduce the spread of vaccine hesitancy and vaccine misinformation on our platforms and we deploy technology to do so. As part of our efforts on Instagram, we have measures to help ensure we don't recommend people follow accounts that promote vaccine hesitancy at scale. For two weeks in April (April 14-28) this measure was impacted by over-enforcement on a signal we used -- accounts that were posting far above normal vaccine-related content -- and removed these otherwise eligible accounts from being recommended as an account to follow. This did not impact reach or distribution of content in Feed or Stories or other areas of account discovery on Instagram, such as search or Explore.

Per your request for remediation, while we cannot boost your account in our recommendations, we are always here to help with content strategy, best practices, and further opportunities to collaborate.

Again, happy to discuss further on a call.

Best,

[REDACTED]

---

**From:** [REDACTED]@fb.com>  
**Date:** Thursday, July 15, 2021 at 4:06 PM  
**To:** Flaherty, Rob R. EOP/WHO [REDACTED]@who.eop.gov>, O'Neill, Tegan E. EOP/WHO [REDACTED]@who.eop.gov>, [REDACTED]@fb.com>  
**Subject:** Re: Follow up on WH questions

Hi Rob – I totally understand how frustrating that is. This was due to a bug in our recommendation surface, and was resolved in late May. Accounts affected did not specifically lose any followers as a result, nor was their presence reduced in Search or Explore, however. If you want to hop on the phone to discuss it, I'm at [REDACTED] anytime.

---

**From:** "Flaherty, Rob R. EOP/WHO" [REDACTED]@who.eop.gov>  
**Date:** Thursday, July 15, 2021 at 3:29 PM  
**To:** "O'Neill, Tegan E. EOP/WHO" [REDACTED]@who.eop.gov>, [REDACTED]@fb.com>, [REDACTED]@fb.com>  
**Subject:** RE: Follow up on WH questions

Are you guys fucking serious? I want an answer on what happened here and I want it today.

---

**From:** O'Neill, Tegan E. EOP/WHO  
**Sent:** Thursday, July 15, 2021 3:29 PM  
**To:** [REDACTED]@fb.com>; [REDACTED]@fb.com>; Flaherty, Rob R. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** RE: Follow up on WH questions

++ @Flaherty, Rob R. EOP/WHO

---

**From:** [REDACTED]@fb.com>  
**Sent:** Thursday, July 15, 2021 3:20 PM  
**To:** O'Neill, Tegan E. EOP/WHO [REDACTED]@who.eop.gov>; [REDACTED]@fb.com>  
**Subject:** [EXTERNAL] Re: Follow up on WH questions

Hi Tegan – from what we understand it was an internal technical issue that we can't get into, but it's now resolved and should not happen again.

---

**From:** "O'Neill, Tegan E. EOP/WHO" [REDACTED]@who.eop.gov>  
**Date:** Thursday, July 15, 2021 at 2:28 PM  
**To:** [REDACTED]@fb.com>, [REDACTED]@fb.com>  
**Subject:** RE: Follow up on WH questions

Thanks [REDACTED]  
Could you tell me more about the technical issues affecting audience growth? Was this just us and do you have a sense of what the issue was?

---

**From:** [REDACTED]@fb.com>  
**Sent:** Thursday, July 15, 2021 2:27 PM  
**To:** O'Neill, Tegan E. EOP/WHO [REDACTED]@who.eop.gov>; [REDACTED]@fb.com>  
**Subject:** [EXTERNAL] Follow up on WH questions

Hi again Tegan!

Coming back here on a few things:

-First, the technical issues that had been affecting follower growth on @potus have been resolved. Though there is still the issue of bot accounts being removed as normal, you should start to see your numbers trend back upwards, all things being equal and notwithstanding the big spike you saw this week given the collaboration with Olivia Rodrigo. Thanks for your patience as we investigated this.

-The answers to your aspect ratio, video quality and thumbnail questions can all be found in our Help Center here: >>>><https://www.facebook.com/help/instagram/381435875695118><<<<;; and in the links on that page. Regarding 1:1 or 4:5 for feed video, I don't have any specific recommendations on it. Obviously we know social managers are busy creating video for multiple platforms, so rest assured there is no algorithmic downside to using one crop over another.

-Finally, I can't release any numbers related to the performance of difference video formats, or light mode vs. dark mode usage unfortunately.

Let me know if you have any outstanding questions on these.

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**From:** "O'Neill, Tegan E. EOP/WHO" [REDACTED]@who.eop.gov>  
**Date:** Tuesday, July 13, 2021 at 11:42 AM  
**To:** [REDACTED]@fb.com>, [REDACTED]@fb.com>  
**Subject:** RE: IG optimization questions

Appreciate it!

---

**From:** [REDACTED]@fb.com>  
**Sent:** Tuesday, July 13, 2021 11:41 AM  
**To:** O'Neill, Tegan E. EOP/WHO [REDACTED]@who.eop.gov>; [REDACTED]@fb.com>  
**Subject:** [EXTERNAL] Re: IG optimization questions

Hi Teagan! Let me round up some answers to these questions and come back to you shortly. Attached is the last edition of our IGTV video specs for you to check out in the interim.

Speak soon!

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**From:** "O'Neill, Tegan E. EOP/WHO" [REDACTED]@who.eop.gov>  
**Date:** Tuesday, July 13, 2021 at 10:15 AM  
**To:** [REDACTED]@fb.com>, [REDACTED]@fb.com>  
**Subject:** IG optimization questions

Hi [REDACTED]

Hope you're both well! I'm updating specs and guide lines for our video team and had a few quick questions.

- Do you have a guide/recommendation on codec/video quality? We've seen some issues with video files that display crisply on other platforms

- Do you have an updated thumbnail guide for IGTV and reels?
- Do you see any difference in performance between black, white, and branded video mattes on square videos in vertical placements?
- Do more people use night mode than day mode?
- For in-feed video (not sure what to call this but non-IGTV, non-reel video) do you recommend 1:1 or 4:5 these days?

Thank you!

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**From:** [REDACTED]@twitter.com>  
**To:** Flaherty, Rob R. EOP/WHO  
**Sent:** 12/17/2021 10:44:52 PM  
**Subject:** Re: [EXTERNAL] Re: Doctored video on Twitter of the First Lady

Hi Rob -  
I'm around if you'd like to dial me. [REDACTED]

Best.  
[REDACTED]

On Fri, Dec 17, 2021 at 5:33 PM Flaherty, Rob R. EOP/WHO - [REDACTED]@who.eop.gov> wrote

New to the thread here, but this all reads to me like you all are bending over backwards to say that this isn't causing confusion on public issues. If the AP deems it confusing enough to write a fact check, and you deem it confusing enough to create an event for it, how on earth is it not confusing enough for it to at least have a label?

Total Calvinball.

---

**From:** Tom, Christian L. EOP/WHO  
**Sent:** Friday, December 17, 2021 5:24 PM  
**To:** [REDACTED]@twitter.com>  
**Cc:** LaRosa, Michael J. EOP/WHO [REDACTED]@who.eop.gov>, Flaherty, Rob R. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** RE: [EXTERNAL] Re: Doctored video on Twitter of the First Lady

Thanks [REDACTED] The policy at the top says:

## What is in violation of this policy

In order for content with **misleading media** (including images, videos, audios, gifs, and URLs hosting relevant content) to be labeled or removed under this policy, it must:

- Include media that is significantly and deceptively altered, manipulated, or fabricated,
- or

- Include media that is shared in a deceptive manner or with false context, and
- Include media likely to result in widespread confusion on public issues, impact public safety, or cause serious harm

I've highlighted the above sections which say that the first condition can be met alone OR the second and third can be met.

So that section that you've quoted makes sense, except this media is unto itself "significantly and deceptively altered, manipulated or fabricated." And thus it should meet the criteria as outlined in the first bullet point.

Is that right?

**From:** [REDACTED]@twitter.com>  
**Sent:** Friday, December 17, 2021 5:01 PM  
**To:** Tom, Christian L. EOP/WHO [REDACTED]@who.eop.gov>  
**Cc:** LaRosa, Michael J. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** Re: [EXTERNAL] Re: Doctored video on Twitter of the First Lady

Hi Christian,

I huddled with our enforcement teams on this who confirmed that the media does not meet our threshold for either significant or moderate risk of harm. Due to the low risk associated, the team found it to not meet the requirements for a label. They've specifically pointed to this language in our Help Center article:

*Tweets that share misleading media are subject to removal under this policy if they are likely to cause serious harm. Some specific harms we consider include:*

- *Threats to physical safety of a person or group*

- *Incitement of abusive behavior to a person or group*
- *Risk of mass violence or widespread civil unrest*
- *Risk of impeding or complicating provision of public services, protection efforts, or emergency response*
- *Threats to the privacy or to the ability of a person or group to freely express themselves or participate in civic events, such as:*

Unfortunately, there isn't anything further here I can do in regards to our enforcement teams. If anything changes, we'll be sure to let you know. Appreciate your continued partnership and please don't hesitate to let us know if you have additional Tweets for review, anytime.

On Fri, Dec 17, 2021 at 3:49 PM Tom, Christian L. EOP/WHO [REDACTED] <[REDACTED]@who.eop.gov> wrote:

Hi [REDACTED]

Wanted to follow-up before we hit EOW. Even if this particular moment is not as much in the public eye right now, it's really important to us that this is addressed -- both on this particular one as well as a precedent for other moments when this might come up.

So, we appreciate your response and update here when you can provide.

Thanks,

--- Christian

**From:** [REDACTED] <[REDACTED]@twitter.com>  
**Sent:** Monday, December 13, 2021 4:05 PM  
**To:** Tom, Christian L. EOP/WHO [REDACTED] <[REDACTED]@who.eop.gov>  
**Cc:** LaRosa, Michael J. EOP/WHO [REDACTED] <[REDACTED]@who.eop.gov>  
**Subject:** Re: [EXTERNAL] Re: Doctored video on Twitter of the First Lady

Hello! Apologies as I have been out of the office. I am working with the internal teams for clarity around your specific questions, so I will let you know as soon as I hear.

Appreciate your continued feedback here!

On Mon, Dec 13, 2021 at 12:16 PM Tom, Christian L. EOP/WHO [REDACTED]@who.eop.gov> wrote:

[REDACTED] hope you had a good weekend. Wanted to make sure we addressed this! Please let us know if you have a few mins to chat or if you can help us to make sure the enforcement of the policy is consistent.

---

**From:** Tom, Christian L. EOP/WHO

**Sent:** Thursday, December 9, 2021 4:37 PM

**To:** LaRosa, Michael J. EOP/WHO [REDACTED]@who.eop.gov>; [REDACTED]@twitter.com>

**Subject:** RE: [EXTERNAL] Re: Doctored video on Twitter of the First Lady

Hi [REDACTED]

I wanted to follow-up here. Know this particular moment might have "passed" in terms of the scale/reach of it but in order to help us understand the Twitter processes best, would appreciate clarification on this when you're able.

Thanks,

-- Christian

---

**From:** LaRosa, Michael J. EOP/WHO

**Sent:** Wednesday, December 1, 2021 5:13 PM

**To:** [REDACTED]@twitter.com>

**Cc:** Tom, Christian L. EOP/WHO [REDACTED]@who.eop.gov>

**Subject:** RE: [EXTERNAL] Re: Doctored video on Twitter of the First Lady

Thank you!

Michael LaRosa

The White House

Press Secretary | Office of the First Lady

[REDACTED]@who.eop.gov

**From:** [REDACTED]<[REDACTED]@twitter.com>

**Sent:** Wednesday, December 1, 2021 5:09 PM

**To:** LaRosa, Michael J. EOP/WHO [REDACTED]<[REDACTED]@who.eop.gov>

**Cc:** Tom, Christian L. EOP/WHO [REDACTED]<[REDACTED]@who.eop.gov>

**Subject:** Re: [EXTERNAL] Re: Doctored video on Twitter of the First Lady

Of course. Let me pass these additional questions along to the policy team directly for their insights and consideration. I'll let you know from there!

On Wed, Dec 1, 2021 at 5:05 PM LaRosa, Michael J. EOP/WHO [REDACTED]<[REDACTED]@who.eop.gov> wrote:

Thanks, Christian. Hi [REDACTED]. Let me know if we should hop on the phone to clarify. I am curious as to what would classify as "likely" so it is indisputable that the video is "deceptively altered," "fabricated," and "shared in a deceptive manner."

Michael LaRosa

The White House

Press Secretary | Office of the First Lady

[REDACTED]@who.eop.gov

**From:** Tom, Christian L. EOP/WHO  
**Sent:** Wednesday, December 1, 2021 2:19 PM  
**To:** [REDACTED]@twitter.com>  
**Cc:** LaRosa, Michael J. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** RE: [EXTERNAL] Re: Doctored video on Twitter of the First Lady

OK thanks [REDACTED] think this one does not fall under the “likely to impact public safety or cause serious harm” but it **does** fall under the first two in the chart, which includes “significantly and deceptively altered or fabricated” and “shared in a deceptive manner?”

And if the first two are met but the third is not, the chart says it is “likely to be removed.” Can you share any other info about why this one is not getting what Twitter would otherwise say is the “likely” outcome?

Also happy to chat on the phone this afternoon with Michael (who is the First Lady’s Press Secretary) if helpful

**From:** [REDACTED]@twitter.com>  
**Sent:** Wednesday, December 1, 2021 11:11 AM  
**To:** Tom, Christian L. EOP/WHO [REDACTED]@who.eop.gov>  
**Cc:** LaRosa, Michael J. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** Re: [EXTERNAL] Re: Doctored video on Twitter of the First Lady

Appreciate you following up. After escalating this to our team, the Tweet and video referenced will not be labeled under our synthetic and manipulated media policy. Although it has been significantly altered, the team has not found it to cause harm or impact public safety.

The team was able to create this Twitter Moment (here) and event page for more context and details:  
>>>>><https://twitter.com/i/events/1465769009073123330><<<<<

Appreciate your feedback, as always.

On Wed, Dec 1, 2021 at 9:14 AM Tom, Christian L. EOP/WHO [REDACTED]@who.eop.gov> wrote:

Just wanted to follow-up here.

It looks like from the rubric that this fits the first two criteria, which means it is “likely” to be labeled:

>>>>>><https://help.twitter.com/en/rules-and-policies/manipulated-media><<<<<<<<

Thanks again [REDACTED]

-- Christian

---

**From:** Tom, Christian L. EOP/WHO  
**Sent:** Tuesday, November 30, 2021 8:54 PM  
**To:** [REDACTED]@twitter.com>; LaRosa, Michael J. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** RE: [EXTERNAL] Re: Doctored video on Twitter of the First Lady

Thanks [REDACTED] Will you apply the "Manipulated Media" disclaimer to the video asset itself?

Both the linked tweet below and the original source of the video:

>>>>>><https://twitter.com/PapiTrumpo/status/1465439569965424643><<<<<<<<

Thanks [REDACTED]

-- Christian

**From:** [REDACTED]@twitter.com>  
**Sent:** Tuesday, November 30, 2021 7:31 PM  
**To:** LaRosa, Michael J. EOP/WHO [REDACTED]@who.eop.gov>  
**Cc:** Tom, Christian L. EOP/WHO [REDACTED]@who.eop.gov>  
**Subject:** Re: [EXTERNAL] Re: Doctored video on Twitter of the First Lady

Update for you - The team was able to create this event page for more context and details: >>>>>>>><https://twitter.com/i/events/1465769009073123330><<<<<<<<<<<<<<





Public Policy

Public Policy

Public Policy

Public Policy

**From:** Flaherty, Rob R. EOP/WHO [REDACTED]@who.eop.gov]  
**Sent:** 8/11/2022 5:28:09 PM  
**To:** [REDACTED]@twitter.com]  
**CC:** [REDACTED]@twitter.com]; Lee, Jesse C. EOP/WHO [REDACTED]@who.eop.gov]  
**Subject:** Re: [EXTERNAL] Re: Joe Weisenthal on Twitter: "Wow, this note that twitter added to Biden's tweet is pure gibberish. Imagine adding this, and thinking this is helpful to the public's understanding in any way. (HT: @trynafarm) https://t.co/ECQAoczCA4" /...

Happy to talk through it but if your product is appending misinformation to our tweets that seems like a pretty fundamental issue

On Aug 11, 2022, at 1:23 PM, [REDACTED]@twitter.com> wrote:

Hi Rob,

Thanks for reaching out. I believe you're referring to our [Birdwatch product feature](#). Here's the latest [information](#) about how it works.

We'd be happy to arrange a meeting to walk you through how it works. We're also collecting feedback for our teams.

Best,

On Thu, Aug 11, 2022 at 12:31 PM Flaherty, Rob R. EOP/WHO [REDACTED]@who.eop.gov> wrote:  
Adding [REDACTED] since [REDACTED] seems to be out

> On Aug 11, 2022, at 12:21 PM, Flaherty, Rob R. EOP/WHO [REDACTED]@who.eop.gov> wrote:  
 >  
 > Happy to connect you with some economists who can explain the basics to you guys  
 >  
 > <https://mobile.twitter.com/gasbuddyguy/status/1555541573835886592/photo/1>

--



[REDACTED]  
Head of U.S. Public Policy  
Follow me [REDACTED]

The linked image cannot be displayed.

---

**From:** [REDACTED]@twitter.com>  
**To:** Lee, Jesse C. EOP/WHO  
**CC:** Flaherty, Rob R. EOP/WHO; [REDACTED]  
**Sent:** 8/11/2022 8:23:50 PM  
**Subject:** Re: [EXTERNAL] Re: Joe Weisenthal on Twitter: "Wow, this note that twitter added to Biden's tweet is pure gibberish. Imagine adding this, and thinking this is helpful to the public's understanding in any way. (HT: @trynafarm) <https://t.co/ECQAoczCA4>" /...

Hi Jesse- I just tried you on your cell. I'm at [REDACTED]

Best,  
[REDACTED]

On Thu, Aug 11, 2022 at 1:28 PM Lee, Jesse C. EOP/WHO <[REDACTED]@who.eop.gov> wrote:  
Thanks [REDACTED] I like the feature! But this note is factually inaccurate. This is a very technical question but you don't have it right, and you are in effect calling the President a liar when his tweet is actually accurate. I'm happy to discuss this with whoever is the right person.

Cell: [REDACTED]

Sent from my iPhone

On Aug 11, 2022, at 1:23 PM, [REDACTED]@twitter.com> wrote:

Hi Rob,

Thanks for reaching out. I believe you're referring to our [Birdwatch product feature](#). Here's the latest [information](#) about how it works.

We'd be happy to arrange a meeting to walk you through how it works. We're also collecting feedback for our teams.

Best,  
[REDACTED]

On Thu, Aug 11, 2022 at 12:31 PM Flaherty, Rob R. EOP/WHO <[REDACTED]@who.eop.gov> wrote:  
Adding [REDACTED] since [REDACTED] seems to be out

> On Aug 11, 2022, at 12:21 PM, Flaherty, Rob R. EOP/WHO <[REDACTED]@who.eop.gov> wrote:

>

> Happy to connect you with some economists who can explain the basics to you guys

>

> <https://mobile.twitter.com/gasbuddyguy/status/1555541573835886592/photo/1>

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ELVIS CHAN 11/29/2022

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1 A P P E A R A N C E S

2 ---o0o---

3 FOR THE PLAINTIFF:

4 MISSOURI ATTORNEY GENERAL'S OFFICE  
Superior Court Building

5 221 West High Street

Jefferson City, Missouri 65101

6 BY: D. JOHN SAUER, ESQ. (Remote)

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7 KEN CAPPS, ESQ. (Remote)

(573) 751-8870

8 john.sauer@ago.mo.gov

9

10 FOR THE DEFENDANT:

11

DEPARTMENT OF JUSTICE

12 1100 L Street Northwest

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13 BY: INDRANEEL SUR, ESQ.

AMANDA CHUZI, ESQ.

14 (202) 532-5748

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15 amanda.k.chuzi@usdoj.gov

16

FOR THE PLAINTIFF NEW CIVIL LIBERTIES ALLIANCE:

17

NEW CIVIL LIBERTIES ALLIANCE

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19 BY: JENIN YOUNES, ESQ. (Remote)

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FOR THE PLAINTIFF JIM HOFT:

22

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23 P.O. Box 191250

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24 BY: JOHN BURNS, ESQ. (Remote)

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25 john@burns-law-firm.com

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A P P E A R A N C E S

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FOR THE PLAINTIFF STATE OF LOUISIANA:

LOUISIANA DEPARTMENT OF JUSTICE  
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(516) 671-2688

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1 REMOTE VIA ZOOM, CALIFORNIA, NOVEMBER 29, 2022

2 ---o0o---

3 BE IT REMEMBERED that on Tuesday, the 29th  
4 day of November 2022, commencing at the hour of  
5 9:07 a.m. thereof, remotely via Zoom, California,  
6 before me, Balinda Dunlap, a Certified Shorthand  
7 Reporter in and for the County of San Francisco,  
8 State of California, remotely appeared:

9 THE VIDEOGRAPHER: Okay. Good morning,  
10 everyone. We are on the record. Today's date is  
11 November 28 -- I'm sorry, 29th, 2022. The time is  
12 9:07 a.m.

13 This is the video-recorded deposition of  
14 Elvis Chan in the matter of State of Missouri  
15 versus Joseph R. Biden, filed in U.S. District  
16 Court for the Western District of Louisiana, Monroe  
17 Division.

18 This deposition is being held at the U.S.  
19 Attorney's Office, Northern District of California,  
20 in San Francisco.

21 The reporter's name is Balinda Dunlap. My  
22 name is Ruslan Gurzhiy. I am the legal  
23 videographer. We are here with Lexitas Legal.

24 Will the attorneys present please  
25 introduce themselves and the parties they

1 represent.

2 MR. SAUER: John Sauer on behalf of the  
3 Missouri Attorney General's Office and State of  
4 Missouri. I am joined by my colleagues Ken Capps  
5 and Todd Scott, as well as John Burns and Jenin  
6 Younes on behalf of private plaintiffs.

7 MR. SUR: I am Indraneel; my last name is  
8 Sur, S-u-r. I'm at the Phoenix Department of  
9 Justice, Civil Division, Federal Programs Branch,  
10 representing the defendants in this matter.

11 (Discussion off the record.)

12 THE VIDEOGRAPHER: Okay. Any feedback  
13 now? Okay. Somebody hold this. Please continue.

14 MR. SUR: I am Indraneel; my last name is  
15 Sur, S-u-r. I am at the United States Department  
16 of Justice, Civil Division, Federal Programs  
17 Branch; and we are representing the defendants  
18 today, and some of my colleagues are as well.

19 MR. BERGER: Okay. I am just announcing  
20 myself. I don't know if I am out of order, though.  
21 Berger, Lawrence Berger. I represent Elvis Chan.

22 (Discussion off the record.)

23 //

24 //

25 //

1 ELVIS CHAN  
2 called as a witness by the Plaintiff,  
3 having been sworn to tell the truth, the whole  
4 truth, and nothing but the truth, was examined and  
5 testified as follows:

6 EXAMINATION BY MR. SAUER

7 Q. Would you please state your name for the  
8 record.

9 A. My name is Elvis Chan, E-l-v-i-s, C-h-a-n.

10 Q. And what's your occupation, sir?

11 A. My title is the Assistant Special Agent in  
12 Charge of the Cyber Branch for San Francisco  
13 Division of the Federal Bureau of Investigation.

14 Q. How long have you worked for the San  
15 Francisco Division of the FBI?

16 A. I have worked for the FBI for over 17  
17 years.

18 Q. Have you been in San Francisco the whole  
19 time?

20 A. Minus three years at headquarters.

21 Q. Was that in Washington, D.C.?

22 A. Yes. From 2011 to 2014.

23 Q. Have you ever given a deposition before?

24 A. No, I have not.

25 Q. Is this your first deposition?

1 A. Yes. This is my first civil deposition.

2 Q. How about criminal depositions?

3 A. I have not given criminal depositions  
4 before.

5 Q. Can I just go over a few kind of common  
6 ground rules with you?

7 First of all, as I'm asking the questions  
8 today, can you listen carefully to the question  
9 that I'm asking and answer the question that I ask?  
10 Can you do that?

11 A. Yes.

12 Q. And if you don't understand the question,  
13 could you please ask me for clarification instead  
14 of guessing at what my meaning might be in  
15 responding to a question that you're not sure is  
16 what I'm asking? Can you do that?

17 A. Yes.

18 Q. And can you and I be careful not to  
19 interrupt each other, just because that makes the  
20 record unclear and life difficult for the court  
21 reporter?

22 A. Yes.

23 Q. Also, could you be careful to respond with  
24 actual oral responses, not with head-shakes and  
25 "huh-uhs" and "uh-huhs" and things like that, just

1 so that the record's clear? For example, "yes" and  
2 "no," not "uh-huh" and not nodding or shaking the  
3 heads; can you do that?

4 A. Yes.

5 Q. And in addition, let's both -- I think we  
6 both are fast talkers, especially me. Can we both  
7 make an effort to talk slowly enough today so that  
8 the court reporter has a chance to take down what  
9 we're saying?

10 A. Yes.

11 Q. Can you describe your educational  
12 background?

13 A. I graduated from the University of  
14 Washington with a bachelor of science degree in  
15 chemical engineering and chemistry, and then I  
16 graduated from the Naval Postgraduate School with a  
17 master of arts in homeland security studies.

18 Q. When did you graduate from the Naval  
19 Postgraduate School?

20 A. Last year, 2021, in September.

21 Q. Oh, and you got a -- did you say you got  
22 an MA there?

23 A. Yes.

24 Q. Did you do a thesis in connection with  
25 that -- that degree?

1 A. Yes, I did.

2 Q. What was the title of the thesis?

3 A. "Fighting Bears and Trolls:" Russian  
4 disinformation against the 2020 elections and the  
5 social media companies and U.S. government  
6 countermeasures.

7 Q. I am showing you a document previously  
8 marked as Exhibit 1. Is this, in fact, a copy of  
9 that thesis?

10 (Reporter marked Exhibit No. 1 for  
11 identification.)

12 THE WITNESS: Yes, that is a copy of that  
13 thesis.

14 Q. BY MR. SAUER: Okay. You are listed as  
15 the sole author there on the first page?

16 A. That is correct.

17 Q. Okay. And again, as you've noted earlier,  
18 this is, I think, dated just over a year ago,  
19 September of 2021, correct?

20 A. That is correct.

21 Q. Can I just -- can you kind of generally  
22 characterize what this thesis is about? You know,  
23 what's the topic? What are you investigating,  
24 researching or defending?

25 MR. SUR: Objection; compound.

1           **Q.    BY MR. SAUER:  You may answer.**

2           A.    Okay.  So my thesis, the synopsis of it is  
3  I examined Russian malign-influence activities,  
4  specifically on social media platforms, ahead of  
5  and during the 2020 elections.  And then I examined  
6  the actions taken by three social media companies;  
7  specifically Google; Meta, which was previously  
8  Facebook; and Twitter; and then I also examined the  
9  U.S. government's countermeasures against Russian  
10 actions.

11          **Q.    When you say "Google," do they operate**  
12 **YouTube?**

13          A.    Yes, they do.

14          **Q.    So your reference to Google would**  
15 **encompass YouTube; investigating, you know, these**  
16 **kinds of issues on YouTube as well?**

17          A.    That is correct.  And if I may add, when I  
18 reference Meta or Facebook, I mean all of the  
19 Meta-associated products, which include Facebook,  
20 Instagram and WhatsApp.

21          **Q.    Would that include Nextdoor too?**

22          A.    It would not include Nextdoor.

23          **Q.    Is that is not a Meta app?**

24          A.    It is not a Meta-owned company.

25          **Q.    Okay.  You referred to, I think, Russian**

1    **malign-influence activities. Can you describe what**  
2    **-- what does that mean?**

3           A.    So there are -- in my thesis, there are --  
4    there's a description of two types of Russian  
5    malign-influence activities. I am specifically  
6    talking about online activities.

7           The first type of activity is what is  
8    known generally as a hack-and-dump activity. I  
9    think the best example I would have of that is the  
10   hack of the Democratic National Committee and the  
11   DCCC, the Democratic Congressional Campaign  
12   Committee, in 2016; hacking of their servers; and  
13   then the leaking or dumping of their information on  
14   the Internet over the course of the 2016 election  
15   season. That is one type of Russian malign  
16   influence, but I do not focus on that in the  
17   thesis. I do reference it.

18           The second type of Russian malign  
19   influence that I discuss in the thesis itself is on  
20   the social media platforms and on fake news  
21   websites that the Russians have created.

22           **Q.    And is there a connection between those?**  
23   **Like, the fake news sites, do those get, you know,**  
24   **boosted up to social media platforms by the**  
25   **Russians?**

1           A.     Yes. From my thesis, I was able to  
2 determine that the social media platforms were used  
3 to direct viewers from the social media platforms  
4 to the fake news sites being controlled by Russian  
5 state-sponsored actors.

6           **Q.     And those viewers, I take it, would**  
7 **include American citizens who were being**  
8 **principally targeted by these activities?**

9           MR. SUR: Objection; vague.

10          **Q.     BY MR. SAUER: Were they --**

11          A.     I am not sure, but it would be -- I'm not  
12 sure of who the viewers would be, but whoever would  
13 look at the fake Russian accounts and click on the  
14 link or be directed to the website. But I do not  
15 know who the specific users are.

16          **Q.     Does your thesis have evidence that people**  
17 **actually did that? In other words, that people**  
18 **actually clicked through and accessed the Russian**  
19 **fake news sites?**

20          MR. SUR: Objection; compound.

21          THE WITNESS: So my thesis -- my thesis  
22 was based on the report of both the social media  
23 companies as well as third parties, such as  
24 Graphika. So I relied on their analysis of the  
25 direct data.

1 Q. BY MR. SAUER: Did their analysis indicate  
2 that there had been, in fact, that kind of  
3 engagement of viewers of the social media accounts  
4 to go through to the fake news sites?

5 A. From both the social media company  
6 standpoint, the answer is yes; but in general, I  
7 was told that it was a, quote/quote, low  
8 engagement, from what they could tell.

9 And then from the third-party reports,  
10 they did not characterize it as much. They said  
11 that they believed that viewers could be directed,  
12 but they did not say who the amount were or the  
13 percentage of any of those viewers.

14 Q. And did your research indicate a higher  
15 level of engagement with the kind of fake social  
16 media accounts operated by the Russians than the  
17 fake news websites?

18 A. Yes. In general, yes.

19 Q. Let me ask this: You referred a minute  
20 ago to U.S. government countermeasures, I believe.  
21 Can you describe, just generally, what sort of U.S.  
22 government countermeasures do you discuss in the  
23 thesis?

24 A. So there were three U.S. government  
25 countermeasures that I discussed in the thesis.

1 Number one was an initiative that the FBI took  
2 called the Protected Voices Initiative. That was  
3 actually focused on hack-and-dump operations. And  
4 the Protected Voices Initiative was cybersecurity  
5 briefings and awareness training provided for all  
6 the national-level political committees, such as  
7 the RNC, the DNC, the RSCC, the DCCC. Briefings  
8 were provided by our Washington field office.

9 And then briefings were also provided to  
10 the vast majority of the presidential candidates  
11 for the 2020 election season. I think there were  
12 approximately two dozen of those presidential  
13 candidates that were provided -- them and their  
14 senior staff were provided cybersecurity briefings.  
15 That was one of the measures that was taken.

16 A second measure that was taken was the  
17 information sharing with the private sector  
18 companies, where we shared both strategic-level  
19 information as well as tactical information.

20 And then the third -- the third measure I  
21 think I mentioned in the thesis was that -- the  
22 CISA Act, the formation of the Cybersecurity and  
23 Information Security Agency in 2018 and their  
24 ability to provide state, county and local election  
25 officials with both grants, federal grants to

1 improve their infrastructure as well as with  
2 cybersecurity training.

3 Q. Okay. That was -- you said a lot there,  
4 and I just want to ask you a few follow-up  
5 questions to kind of unpack it.

6 I think you said the second U.S.  
7 government countermeasure was information sharing;  
8 is that right?

9 A. That's correct.

10 Q. What is a --

11 A. I might have the order incorrect. I  
12 haven't looked in my thesis since over a year, but  
13 yeah.

14 Q. Well, let me ask you this: Information  
15 sharing, you know, is that information sharing  
16 between federal agencies and social media  
17 platforms?

18 A. That is information sharing between the  
19 FBI and the -- in the thesis I focus on the three  
20 social media companies.

21 Q. So -- so specifically your thesis focuses  
22 on information sharing between the FBI and  
23 basically Facebook, Google and Twitter, right?

24 A. That is correct.

25 Q. Yeah. Is there other information sharing

1     **that happened by other federal agencies on issues**  
2     **that relate to this?**

3             MR. SUR:  Objection; lacks foundation,  
4     vague.

5             **Q.  BY MR. SAUER:  If you know.**

6             A.  I am generally aware that other federal  
7     agencies want to do private sector engagement, but  
8     I am not familiar with the frequency of the  
9     information sharing or the type of information  
10    sharing.

11            **Q.  Do you know which other federal agencies**  
12    **do that?**

13            MR. SUR:  Objection; vague, lacks  
14    foundation.

15            THE WITNESS:  I have been -- I am aware  
16    specifically that CISA, the Cybersecurity and  
17    Infrastructure Security Agency, does information  
18    sharing in terms of elections with the social media  
19    companies.

20            **Q.  BY MR. SAUER:  To the extent you know,**  
21    **what kind of information sharing do they do?**

22            A.  All of the information that I have  
23    personally witnessed comes through what CISA has  
24    called the "industry working group."  That includes  
25    the three social media companies I mentioned.  And

1 the type of information that they have shared is  
2 generally about when the primaries for each state  
3 happen and then to highlight anything that they  
4 believe is a -- unique or different from  
5 standard -- or from what is considered normal.

6 For example, like an Iowa caucus is not a  
7 normal type of primary. Most states do not run  
8 caucuses, so they will highlight something like an  
9 Iowa caucus. They will also highlight the election  
10 methods that are used in different states, whether  
11 it be a paper ballot or an electronic device, like  
12 a touch-screen device.

13 **Q. That industry working group, do you**  
14 **personally participate in that?**

15 A. I have participated in several of them.

16 **Q. How often do they occur?**

17 A. For the year 2020, I think for the first  
18 half of the year they occurred quarterly. So I  
19 think, you know, every three months.

20 And then for the last half of the year, I  
21 want to say around the June, July time frame, it  
22 moved to monthly.

23 **Q. How about in 2022?**

24 A. In 2022 I believe they were about the  
25 same. It happened quarterly. And then I believe

1 ahead of the midterm elections they moved to  
2 monthly; except due to my conflicting schedule, I  
3 believe I was only able to attend about three of  
4 the meetings this year.

5 **Q. When you say "attend," are these all done,**  
6 **you know, by Zoom? Or are there -- is there a big**  
7 **kind of in-person meeting?**

8 A. And I have attended via videoconference,  
9 and it's not Zoom. It's typically whatever the  
10 private sector companies want to use. So I have  
11 seen Cisco Webex or BlueJeans. Those are the two I  
12 remember.

13 **Q. Do a lot of companies participate in these**  
14 **meetings?**

15 A. Yes. Several companies participate in  
16 these meetings.

17 **Q. Okay. But which ones, do you recall?**

18 A. I do -- I do recall. I don't know if  
19 that's law enforcement sensitive or not. I don't  
20 know if the companies want to be disclosed.

21 **Q. Please tell us on the record what**  
22 **companies participated.**

23 A. Meta --

24 MR. BERGER: Yeah, Elvis, is this -- is it  
25 classified or protected? How do you -- what's your

1 understanding of the classification of this  
2 information?

3 THE WITNESS: My understanding is that  
4 this is -- that this is sensitive information and  
5 that the --

6 MR. BERGER: All right. I'll direct  
7 you -- I'll direct you not to disclose it. We'll  
8 have to take it to the judge.

9 MR. SAUER: Okay. Is this a -- okay. You  
10 realize the government has already disclosed that  
11 information in interrogatories for this case.

12 (Discussion off the record.)

13 MR. SAUER: You realize this information  
14 has already been disclosed by the government in  
15 their interrogatory responses in this case.

16 And in addition to that, there is no  
17 privilege of law enforcement sensitive. There is a  
18 law enforcement investigative files privilege that  
19 is clearly inapplicable here.

20 And also, are both counsel going to  
21 instruct the witness not to answer questions here?

22 MR. BERGER: Well, if it's already been  
23 disclosed in interrogatories, why don't you ask him  
24 based on -- you know, give him the names that have  
25 already disclosed.

1 MR. SAUER: I'd like to cross-verify the  
2 information I got from the government from someone  
3 who personally participated in the meetings, and  
4 I'm entitled to do that.

5 MR. SUR: Counsel, if I may, I -- do you  
6 think it would be helpful to have a break at this  
7 point to sort this out?

8 MR. SAUER: Yeah. We can go off the  
9 record.

10 MR. SUR: Okay.

11 MR. SAUER: Okay.

12 THE VIDEOGRAPHER: Off the record -- off  
13 the record at 9:27 a.m.

14 (Whereupon a recess was taken.)

15 THE VIDEOGRAPHER: We are back on the  
16 record at 9:37 a.m.

17 MR. SAUER: So, Counsel, where are we?  
18 Are you standing on that objection?

19 MR. BERGER: I withdraw the objection. Go  
20 ahead.

21 MR. SAUER: Yeah. Thank you. As a  
22 process point, I am requesting that one attorney  
23 make the objections and represent him in this  
24 deposition, not two. Now, I have no problem if  
25 Mr. Berger wants to flag something for Mr. Sur.

1 But I understand that Mr. Sur is defending the  
2 deposition, not Mr. Berger. So if you've got an  
3 issue, I don't mind if you guys want to talk about  
4 it, but I don't want to have multiple -- multiple  
5 attorneys objecting and instructions being started.  
6 Can we proceed on that basis from now on?

7 MR. SUR: We intend to do so. There may be  
8 some exceptional circumstances that warrant a  
9 different approach, but that's how we expect to  
10 proceed.

11 MR. SAUER: I am fine to hear that. You  
12 know, if things come up that raise an issue, you  
13 know, we can -- we can raise them. But, yeah,  
14 anyway, all right. I mean, to be clear, you know,  
15 any law enforcement privilege is held by the  
16 government, not by Mr. Chan's personal capacity,  
17 and Mr. Sur is the one who is there to represent  
18 the government today.

19 Q. So -- but anyway, okay. Mr. Chan, or  
20 Agent Chan, who do you recall on the social media  
21 platform side participating in these -- in these  
22 working group meetings that you have been  
23 testifying about from 2020 and 2022?

24 A. The companies that I remember attending  
25 the meetings are Facebook; Microsoft; Google;

1 Twitter; Yahoo!, which may have been known as  
2 Verizon Media at the time; Wikimedia Foundation and  
3 Reddit.

4 **Q. Do you remember any others at this time?**

5 A. I think I listed seven. I -- those were,  
6 like, the regular participants that I can remember.

7 **Q. How about on the U.S. government side,  
8 what agencies were represented at these meetings?**

9 A. At these meetings, CISA is the host and  
10 facilitator for the meeting. They also invite  
11 another component of Department of Homeland  
12 Security called Intelligence and Analysis, I&A, so  
13 DHS I&A I know attends. The Office of the Director  
14 of National Intelligence, ODNI, attends. And then  
15 from the FBI there is typically a representative  
16 from the FBI's Foreign Influence Task Force, which  
17 you will hear me abbreviate as FITF regularly. And  
18 then I attend from FBI San Francisco when I am  
19 available.

20 **Q. And why are you included in particular?**

21 A. The reason that I attend these meetings is  
22 because the way the FBI works is FBI field offices  
23 are responsible for maintaining the day-to-day  
24 relationships with the companies that are  
25 headquartered in their area of responsibility,

1 which I may occasionally abbreviate to AOR. And  
2 all of the companies that have been listed, with  
3 the exception of Microsoft, are all headquartered  
4 in FBI San Francisco's territory.

5 **Q. Now, where is Microsoft headquartered?**

6 A. They are headquartered in Redmond,  
7 Washington.

8 **Q. And then on the CISA side in particular,**  
9 **what individuals participate in these meetings?**

10 A. Typically there are senior-level -- what I  
11 believe are senior-level officials. The two that I  
12 specifically remember are Matt Masterson and Brian  
13 Scully.

14 **Q. Is that Matt Masterson, did you say?**

15 A. Yeah. Yeah, Matthew Masterson and Brian  
16 Scully are the two regular attendees. And they are  
17 usually -- one or both of them -- one -- either one  
18 of them is usually emceeding the meeting.

19 **Q. So Brian Scully, do you know him**  
20 **personally?**

21 A. I know him just through work.

22 **Q. Okay. In what connection at work?**

23 A. And I only know -- I only know  
24 Mr. Masterson through work as well.

25 **Q. When you say you know him through work,**

1 did you work together on anything other than these  
2 meetings?

3 A. So we have met -- I want to say I have met  
4 in person with each of those individuals, twice in  
5 person; but they are primarily through either the  
6 preparatory calls for these meetings that they are  
7 hosting or the meetings themselves.

8 Q. So you work with CISA in preparatory calls  
9 for these industry working group meetings?

10 A. Yes.

11 Q. And in that connection, you've met Brian  
12 Scully and Matt Masterson, correct?

13 A. Yes.

14 Q. And Brian Scully is involved in kind of  
15 leading or emceeding these meetings; is that right?

16 MR. SUR: Objection; vague.

17 Q. BY MR. SAUER: Or is he the -- is he the  
18 leader of the meeting when it convenes?

19 A. For the 2020 election cycle, Mr. Masterson  
20 was the primarily -- he was primarily the  
21 facilitator. Ahead of the 2022 midterm elections,  
22 Mr. Scully has been the primary facilitator.

23 Q. Was that because Mr. Masterson left CISA  
24 in the -- in the intervening time?

25 A. Yes.

1 Q. Do you know where he works now?

2 A. Yes. I believe he works at Microsoft now.

3 Q. Do you -- do you interact with him now as  
4 a representative of a -- of a tech company?

5 MR. SUR: Objection; vague.

6 THE WITNESS: I have only interacted with  
7 him on two occasions. One was when he showed up at  
8 one of the more recent industry meetings ahead of  
9 the 2022 midterm elections. That is when I  
10 discovered that he went to Microsoft. And then I  
11 asked him to send me his new contact information  
12 during the call, and then he sent me an email and  
13 provided me with his new contact information.

14 Q. BY MR. SAUER: You work with CISA on these  
15 industry working group meetings to help prepare  
16 them, what's the nature of your involvement in  
17 preparing for these meetings? Do you kind of set  
18 the agenda or -- you know, what's your involvement?

19 MR. SUR: Objection; vague and compound  
20 and implicates the deliberative process privilege.

21 MR. SAUER: Let me rephrase the question.

22 Q. Are you involved in preparing for these  
23 meetings?

24 A. No. I participate in the preparation  
25 meetings, but I do not provide any agenda items.

1 Q. Do you remember anyone else at CISA  
2 besides Mr. Scully and Mr. Masterson who  
3 participates in these meetings?

4 A. I don't recollect any other people's names  
5 at this time.

6 Q. Were there others who participated in --  
7 but you just don't remember who they were?

8 A. Yes, that is correct.

9 Q. Okay. Let me -- do you still have Exhibit  
10 1 on the screen in front of you, your thesis?

11 A. Yes.

12 Q. Okay. Let me ask -- let's turn back to  
13 that for a little while. And if we could, I am  
14 going to scroll ahead to your abstract on Page v.  
15 Can you see that clearly, Roman numeral v.

16 MR. SUR: Roman numeral v. Okay.

17 THE WITNESS: Yes, I see it now.

18 Q. BY MR. SAUER: And can you see it also on  
19 the screen share as well as on the iPad? I want to  
20 make sure you can see the document in both places  
21 as we go forward today.

22 A. I can see the bottom half of one  
23 paragraph, and then -- wait, now -- now I see --  
24 yeah, I see the bottom paragraph of the --

25 Q. Actually, can I -- can I direct your

1 attention this sentence here in your abstract that  
2 I am highlighting? I guess, actually, for context,  
3 if you see above -- actually, just focus on that  
4 sentence. "This" -- you say, "This thesis finds  
5 that the Russians shifted their tactics from 2016  
6 to 2020," right?

7 A. Correct.

8 Q. And then you say, "Still, the U.S.  
9 government and social media companies effectively  
10 impeded their influence campaigns primarily through  
11 information sharing and account takedowns,  
12 respectively," correct?

13 A. Correct.

14 Q. What do you mean by "information sharing"  
15 here?

16 A. So "information sharing" is meant --  
17 there -- as I mentioned previously, there are two  
18 types of information that the U.S. government,  
19 specifically the FBI, shares with the social media  
20 companies. The first type of information, the  
21 strategic information, which discusses the tools,  
22 tactics or processes, shortened to be TPPs, used by  
23 the Russians.

24 The second type of information shared by  
25 the U.S. government is tactical information. And

1 when I mean tactical information, I specifically  
2 mean indicators or selectors. And both of those  
3 are a term of art within the cybersecurity  
4 industry. And indicators or selectors include IP  
5 addresses, email accounts, social media accounts,  
6 well, website domain names, and, like, file hash  
7 values.

8 Q. Sorry. Say the last thing. What kind of  
9 hash values?

10 A. File, like electronic file hash values.

11 Q. Okay. And so, yeah, I take it the  
12 strategic information is kind of high-level advice  
13 to the social media platforms about, you know, the  
14 kinds of -- kinds of campaigns the Russians might  
15 be conducting; is that fair to say?

16 MR. SUR: Objection; lacks foundation.

17 THE WITNESS: I would not -- I would not  
18 characterize the information we share as advice.

19 Q. BY MR. SAUER: Okay. Then in that case it  
20 is sort of -- is it high-level general information  
21 about what FBI understands the Russians are  
22 engaging in when it comes to social media influence  
23 campaigns?

24 MR. SUR: Objection; lacks foundation.

25 THE WITNESS: Yes.

1 Q. BY MR. SAUER: And then -- go ahead.

2 Sorry. Go ahead.

3 A. I can provide an example if that would be  
4 illustrative.

5 Q. That would be super helpful. Please do.

6 A. I had the 2020 elections, through our  
7 investigation of the Internet Research Agency, we  
8 discovered that they were trying to set up a base,  
9 as it were, or set up offices in western Africa.  
10 We shared this type of strategic information with  
11 the social media companies. They were able to use  
12 whatever detection methods they have to discover  
13 that there were Russian troll farms being set up  
14 specifically in Ghana and Nigeria.

15 Q. Okay. And so you mentioned earlier that  
16 tactical -- that would be strategic information?

17 A. That would be strategic. To summarize, an  
18 example would be we believe the Russian troll  
19 farms, specifically the Internet Research Agency,  
20 is trying to make inroads in western Africa.

21 Q. Got you. And then tactical information  
22 would be much more specific. Here are specific --  
23 I think you said IP addresses, websites, social  
24 media accounts, that are actually -- the FBI has  
25 concluded are being operated by the Russians. Is

1 that what tactical information is?

2 A. That is correct.

3 Q. So there is -- and so is there information  
4 sharing from the FBI to social media platforms  
5 providing that kind of specific tactical-level  
6 information?

7 A. Yes, there is.

8 Q. And I think your -- that then the timeline  
9 in your thesis goes on specifically with  
10 "information sharing and account takedowns." Does  
11 "account takedowns" refer to the social media  
12 platforms kind of taking down those social media  
13 accounts where the FBI identifies them as being  
14 operated by Russian actors?

15 MR. SUR: Objection; lacks foundation.

16 THE WITNESS: So the FBI shares  
17 information with the social media companies, no  
18 strings attached, so that the social media  
19 companies can protect their platforms as they deem  
20 appropriate. And from what I have observed and  
21 what they have told me when we have provided them  
22 with high confidence of Russian selectors, that  
23 they have been able to discover fake Russian  
24 accounts and take them down.

25 Q. BY MR. SAUER: So you don't control what

1 they do, correct?

2 A. I do not control what they do.

3 Q. But you provide them with information that  
4 they don't have about the source of certain -- you  
5 called them selectors or social media accounts,  
6 correct?

7 A. Correct.

8 Q. And when you provide them with that  
9 information, they take it and they pull down those  
10 accounts, at least sometimes, fair to say?

11 MR. SUR: Objection; lacks foundation.

12 THE WITNESS: If I can clarify, what they  
13 do is they take the information that we share, they  
14 validate it through their own means. And then if  
15 they determine that these are accounts being  
16 operated by Russian state-sponsored actors, then  
17 they have taken them down.

18 Q. BY MR. SAUER: Oh, okay. And then -- and  
19 that's, I -- I take it, part of the point of your  
20 sharing the information with them, right? So that  
21 they can assess and evaluate and then ultimately,  
22 if they agree with your conclusion, take them down,  
23 correct?

24 A. Correct.

25 Q. In other words, the purpose of the

1 information sharing on the FBI's side is to have  
2 the inauthentic Russian accounts taken down so that  
3 they are not influencing political discourse in the  
4 United States, correct?

5 MR. SUR: Objection; lacks foundation,  
6 calls for speculation.

7 THE WITNESS: I would characterize it as  
8 the FBI provides information to these companies so  
9 that they can protect their platforms as they deem  
10 appropriate, and they can take whatever actions  
11 they deem appropriate without any suggestion or  
12 interference from the FBI.

13 Q. BY MR. SAUER: But my question's a little  
14 different, which is what -- my question is: Part  
15 of the purpose from the FBI's perspective is to  
16 give them the tools to assess and potentially take  
17 down accounts that the FBI has deemed to be  
18 inauthentic, correct?

19 MR. SUR: Objection; lacks foundation,  
20 calls for speculation.

21 Q. BY MR. SAUER: You may answer.

22 A. So I would say -- inauthentic -- so my  
23 focus is on Russian state-sponsored, -controlled  
24 accounts. And so whether the companies take them  
25 down or not, it's their own choice.

1 Q. Right, but is it your purpose in giving  
2 them the information that the FBI believes or has  
3 concluded that they are Russian-operated accounts,  
4 is it your purpose to equip them to take them down  
5 if they end up agreeing with your assessment?

6 MR. SUR: Objection; lacks foundation,  
7 calls for speculation.

8 THE WITNESS: My purpose is to share the  
9 information with them so that they can protect  
10 their platforms as they deem appropriate.

11 Q. BY MR. SAUER: And one way to protect  
12 their platforms is to take down these accounts,  
13 correct?

14 A. That is correct.

15 Q. And, in fact, that's what you say here in  
16 this sentence, right? You say that, "the U.S.  
17 government and social media companies effectively  
18 impeded their influence campaigns...through  
19 information sharing and account takedowns," right?

20 A. I said that. You can see -- I put  
21 "respectively" because it was the U.S. government,  
22 specifically the FBI, sharing information; and it  
23 was the social media companies doing the account  
24 takedowns.

25 Q. Right. And the joint result of that was

1 effectively impeding Russian influence campaigns,  
2 correct?

3 A. Correct.

4 Q. And -- and that's FITF's goal, right? To  
5 effectively impede Russian influence campaigns,  
6 right?

7 MR. SUR: Objection; lacks foundation,  
8 calls for speculation.

9 THE WITNESS: Yeah, FITF -- my  
10 understanding of FITF's goal is to counter malign  
11 foreign-influence campaigns.

12 Q. BY MR. SAUER: Does that include  
13 effectively impeding their influence campaigns, as  
14 you say in your thesis?

15 A. Yes.

16 Q. Does that include doing so through account  
17 takedowns by information sharing with social media  
18 platforms?

19 MR. SUR: Objection; lacks foundation,  
20 mischaracterizes the testimony.

21 THE WITNESS: Yeah, I believe you're  
22 mischaracterizing. So like I said before, the FBI  
23 shares information with no strings attached and no  
24 expectations to -- for the companies. And the  
25 companies, they can protect their own platforms.

1 MR. SAUER: I am going to jump ahead to  
2 page little Roman xvii.

3 You can see there, Indraneel, it's going  
4 to be on Page 19 of the PDF. See that?

5 MR. SUR: Yep. Yeah, we're on it.

6 Q. BY MR. SAUER: Okay. I believe this is a  
7 kind of summary section of your thesis. You talk  
8 about in this paragraph here that begins with, "The  
9 U.S. government's response," that I have  
10 highlighted; do you see that?

11 A. Yes.

12 Q. And you say, "The U.S. government's  
13 response to the Russian influence campaign appeared  
14 more robust before the 2020 elections than in the  
15 2016 or 2018 elections," correct?

16 A. Correct.

17 Q. And then in the next sentence, you say,  
18 "The most important actions taken by the U.S.  
19 government may have been the information sharing  
20 with the social media companies to expose Russia's  
21 different operations and shut down its accounts,"  
22 correct?

23 A. Correct.

24 Q. So the information sharing was done, "To  
25 expose Russia's different operations and shut down

1     **its accounts," right?**

2           A.     Correct.

3           **Q.     And then "its" refers to Russia, right?**

4     **So (as read) "to expose Russia's different**  
5     **operations and shut down Russia's accounts,"**  
6     **correct?**

7           A.     Correct.

8           **Q.     I am going to jump ahead a few pages to**  
9     **Page xxii.**

10           MR. SAUER:   And, Indraneel, if you're  
11     following on your iPad, that's going to be Page 24  
12     of the PDF.

13           **Q.     There's a reference here in the**  
14     **acknowledgments where you refer to, "My colleagues**  
15     **back at headquarters who were in the trenches with**  
16     **me as we worked to protect the 2020 elections."**  
17     **See that?**

18           A.     Yes.

19           **Q.     Okay.  What are you talking about there**  
20     **where it says (as read), "in the trenches with you**  
21     **as you worked to protect the 2020 elections"?**

22           A.     I'm referring to my colleagues  
23     specifically at the Foreign Influence Task Force  
24     who participated in the meetings with me, who  
25     provided briefings to the companies and who

1 coordinated the information sharing.

2 **Q. And so you said you had meetings with the**  
3 **companies. What meetings did you have?**

4 A. We had -- let me be more clear. I hosted  
5 meetings, bilateral meetings between each of the  
6 companies I mentioned and the Foreign Influence  
7 Task Force.

8 And we would also bring in field offices  
9 that had investigations related to malign foreign  
10 influence by state-sponsored actors. We would also  
11 bring in field offices that had cyber  
12 investigations. And when I mean cyber  
13 investigations, I mean state-sponsored actors that  
14 the FBI was investigating that we believe were  
15 capable of hack-and-dump campaigns that we observed  
16 in the 2016 election.

17 **Q. Okay. Let me unpack that a bit.**

18 **First of all, you said there were meetings**  
19 **with social media companies, between you and social**  
20 **media companies during the 2020 election cycle,**  
21 **correct? Is that what we're talking about?**

22 A. Yes, that is correct.

23 **Q. Now, did those meetings also continue in**  
24 **the 2022 election cycle?**

25 A. Yes. They occur at roughly a quarterly

1 cadence.

2 Q. And then do they -- does the cadence  
3 increase as elections get close?

4 A. Yes, they do. And --

5 Q. Now, does that become monthly as the  
6 election nears and then weekly very close to the  
7 elections?

8 A. Ahead of the 2020 elections, that is  
9 correct. Ahead of the 2022 elections, we moved it  
10 from quarterly to monthly, and then we just had one  
11 meeting a week ahead of the midterm elections.

12 Q. I'm sorry. You said you had one weekly  
13 meeting ahead of the midterm elections?

14 A. Right. We had one meeting a week before  
15 the midterm elections.

16 Q. Oh, and how long was the -- how long was  
17 that period of weekly meetings? Was that, like,  
18 the month before or the three months before?

19 A. No. Just the week before the election  
20 itself.

21 Q. Oh, okay. There was one weekly meeting,  
22 right, the week before the election?

23 A. Yeah. There was -- yeah. So there was a  
24 monthly meeting in October; and then we had another  
25 meeting out of -- you know, out of cadence the week

1 before the election, so the end of October.

2 Q. And then are these meetings going back to  
3 quarterly now that the election has passed?

4 A. That is correct.

5 Q. And so you're -- you'll have quarterly  
6 meetings with the social media companies going  
7 forward until the 2024 election cycle gets closer?

8 A. That is what I anticipate.

9 Q. And then as that election gets closer,  
10 then you'll move to monthly and eventually weekly a  
11 couple years from now, or in the fall of 2024; is  
12 that fair to say?

13 MR. SUR: Objection; calls for  
14 speculation.

15 THE WITNESS: That is what I anticipate.

16 Q. BY MR. SAUER: Let me ask you this: What  
17 social media companies are involved in these  
18 meetings?

19 MR. SUR: Objection; vague.

20 THE WITNESS: Currently or in 2020?

21 Q. BY MR. SAUER: Well, let's start with  
22 2020. I'd like to know both. Let's start with  
23 2020, please.

24 A. So for the 2020 elections, we regularly  
25 met with Facebook, Google, Twitter, Yahoo!, Reddit

1 and LinkedIn.

2 Q. Okay. And then who did you -- which  
3 social media companies did you meet with in 2022?

4 A. The same companies; and we -- less -- not  
5 on a quarterly basis, but on a periodic basis,  
6 maybe twice this year, we also met with Apple and  
7 Wikimedia Foundation.

8 Q. Does Apple operate social media platforms?

9 A. They do not.

10 Q. Then why did they get added to this -- the  
11 list?

12 A. They were added because they are a cloud  
13 infrastructure company; and we believe that  
14 tactical information, specifically indicators that  
15 we shared with them related to  
16 foreign-state-sponsored actors, might pop up on  
17 any -- any screening they do on iCloud.

18 Q. How about in the 2018 election cycle, did  
19 these meetings happen back then?

20 A. Yes, they did. On a quarterly cadence.

21 Q. And did they ever get to monthly or weekly  
22 back then?

23 A. I don't recollect. They may have, but I  
24 don't recollect at this time.

25 Q. You -- what -- let me ask this: What

1 kinds of people are you meeting with from these  
2 social media platforms? Is this members of the  
3 trust and safety teams of these platforms?

4 MR. SUR: Objection; vague.

5 THE WITNESS: There are typically two  
6 types of people that we meet at these companies --  
7 and when I mean types, I mean roles. So as you  
8 mentioned, one role of person that we typically  
9 meet is a trust and safety or site integrity or  
10 cybersecurity. Like, so a security function person  
11 or team of people.

12 And then we meet with their attorneys too.  
13 So typically there is a security counsel or trust  
14 and safety counsel.

15 Q. BY MR. SAUER: And those trust and safety  
16 and site integrity teams, they are responsible for  
17 defending those platforms from kind of hacking  
18 attempts and things like that, right?

19 MR. SUR: Objection; vague, assumes facts  
20 not in evidence.

21 THE WITNESS: That is my understanding.

22 Q. BY MR. SAUER: And then they are also, I  
23 take it, in charge of enforcing the -- you know,  
24 the terms of service or the content modulation  
25 policies at those platforms; is that right?

1 A. That is my understanding.

2 Q. Let me ask you this: With respect to  
3 Facebook, who do you meet with on the trust and  
4 safety team?

5 A. In what context? Specifically for the  
6 FITF meetings?

7 Q. Well, let's start with those, and then  
8 I'll ask you about other contexts. Yeah, these  
9 sort of quarterly, monthly, then weekly cadence  
10 meetings we have been talking about, who attends  
11 from the kind of trust and safety or site integrity  
12 group from Facebook?

13 A. From, yeah, the trust and safety side of  
14 that house, the people that I typically meet with  
15 are Emily Vacher, Ryan Kelly, Mike Devilotski, Mike  
16 Torrey. The -- those are the senior-level  
17 officials. They are either manager- or  
18 director-level officials. And typically the --  
19 they have investigators or analysts under them, but  
20 that's kind of rotating and on an ad hoc basis --  
21 on an as-needed basis. I don't recollect the names  
22 of most of the analysts.

23 Q. Do you interact with Facebook employees in  
24 other contexts?

25 MR. SUR: Objection; vague.

1 THE WITNESS: Yeah. The majority of my  
2 interaction with Facebook is not in the  
3 disinformation or malign-foreign-influence realm.  
4 It is actually for things related to my -- to the  
5 Cyber Branch, which are specifically cyber  
6 investigations.

7 Q. BY MR. SAUER: How about Twitter? Who do  
8 you meet with at Twitter when it relates to  
9 disinformation and malign-foreign-influence  
10 operations?

11 A. The same as with Facebook. I meet with  
12 trust and safety/site integrity people, and then I  
13 meet with their security counsel.

14 Q. And then what -- what human beings at  
15 Twitter from the trust and safety/site integrity  
16 group do you meet with?

17 A. The head of site integrity until the day  
18 after the midterm elections that I met with was  
19 Yoel Roth, and his senior manager is Will Newland.  
20 But they have both told me they are no longer with  
21 the company.

22 Q. Do you have any new contacts at Twitter  
23 now?

24 A. I was provided their counterpart in the  
25 Dublin, Ireland, office; and I believe his name was

1 Aaron Roderick. I have only exchanged like two  
2 emails with him.

3 Q. So but up until quite recently, your  
4 principal trust and safety contacts at Twitter were  
5 Yoel Roth and Will Newland?

6 A. That is correct.

7 Q. But they are both senior- or  
8 management-level officials in site integrity or  
9 trust and safety?

10 A. That is my understanding.

11 Q. Anyone else at Twitter that -- who would  
12 participate in meetings that relate to malign  
13 foreign influence or disinformation?

14 A. Yes. On the attorney side, they regularly  
15 had several security counsels attend. And the  
16 senior official at the time of the 2020 elections  
17 was Angela Sherrer, but she is also no longer with  
18 the company.

19 Q. Okay. And then how about Google, who do  
20 you -- or who do you meet with at Google about  
21 disinformation and malign-foreign-influence  
22 activities?

23 A. On the site integrity/trust and safety  
24 side, the senior director of that group is Shane  
25 Huntley.

1 Q. Anyone else besides -- is that a  
2 Mr. Huntley?

3 A. Yeah. Mr. Shane Huntley.

4 Q. And then is there anyone else at Google  
5 who you meet with?

6 A. Yes. Up until recently, I would say  
7 earlier this year, the senior attorney that we met  
8 with was Richard Salgado, but he has since retired.

9 Q. Anyone else besides those two individuals?

10 A. Those are the two senior officials. The  
11 other officials that I would meet with regularly on  
12 the attorney side include Harold Chun and Mike  
13 Maffei.

14 Q. Sure.

15 A. But I believe both of them are senior  
16 security counsels.

17 Q. How about Yahoo!, who do you meet with on  
18 the site integrity or trust and safety side from  
19 Yahoo! as it relates to malign foreign influence  
20 and disinformation?

21 A. The head of the group that we met with --  
22 they are colloquially known as "The Paranoids" --  
23 is named Chris Kieft.

24 Q. Why are they called "The Paranoids"?

25 A. I believe it was -- I'm not sure, but I

1 believe it was a previous chief information  
2 security officer who said that it was the job of  
3 his team to be paranoid in order to protect their  
4 platform.

5 **Q. Are they paranoid in your view?**

6 MR. SUR: Objection; calls for  
7 speculation.

8 THE WITNESS: They are very good people to  
9 work with.

10 **Q. BY MR. SAUER: I'm sorry. Tell me their**  
11 **names again?**

12 A. Chris Kieft is the director of that group,  
13 and then the senior manager is Suruchi Chen.

14 **Q. Is there anyone else on the trust and**  
15 **safety/site integrity side from Yahoo! that you**  
16 **meet with?**

17 A. There are different investigators that  
18 they will have briefing different things, but I  
19 don't recollect any of their names at this time.

20 **Q. Okay. And then how about Reddit, who do**  
21 **you meet with from Reddit on the site**  
22 **integrity/trust and safety side as it relates to**  
23 **disinformation or malign foreign influence?**

24 A. His name is Tyler Otto. He is the head of  
25 data sciences at Reddit.

1 Q. Anyone else at Reddit who you meet with  
2 about those topics?

3 A. Yes. The -- his senior manager is named  
4 Aylea Baldwin.

5 Q. Is that A-l-i-a?

6 A. A-y-l-e-a.

7 Q. All these officials you have talked about  
8 from these various social media platforms --  
9 Facebook, Google, Twitter, Yahoo!, Reddit -- these  
10 are all people that would have authority over  
11 enforcing terms of service at their respective  
12 platforms, correct?

13 MR. SUR: Objection; mischaracterizes the  
14 testimony and calls for speculation.

15 THE WITNESS: That is my understanding. I  
16 don't know if they have the authority, but they  
17 will at least inform the decision-makers, whoever  
18 they may be.

19 Q. BY MR. SAUER: But they'd be directly  
20 involved in the enforcement of terms of service for  
21 these various platforms; is that fair to say?

22 A. That is my understanding.

23 Q. And that includes, of course, content  
24 modulation of content on the platforms, right?

25 MR. SUR: Objection; vague, calls for

1 speculation.

2 THE WITNESS: That is my understanding.

3 Q. BY MR. SAUER: Turning back to your  
4 thesis, you talk about (as read) "being in the  
5 trenches with you as you worked to protect the 2020  
6 elections." Were there any other steps you took in  
7 the trenches other than those -- these, I guess,  
8 information sharing meetings you have described  
9 with those, I think, seven platforms?

10 MR. SUR: Objection; vague.

11 THE WITNESS: Yes. One of the things that  
12 I did more frequently was San -- FBI San  
13 Francisco's territory includes 16 counties. So I  
14 provided them, the county registrar or county  
15 clerk's offices, their information security  
16 personnel, with monthly cybersecurity updates and  
17 guidance.

18 Q. BY MR. SAUER: And so that would involve  
19 advising county clerks and registrars how to fend  
20 off hacking attempts?

21 A. Yes. I would -- I would share indicators  
22 with them -- I would share the same type of  
23 information that I shared with social media  
24 companies, to a more limited extent. I would share  
25 strategic information about what we saw

1 foreign-state-sponsored actors doing.

2 And then where appropriate, we would share  
3 indicators with companies, but these were not --  
4 these would primarily be IP addresses and domain  
5 names so that they could see if they were popping  
6 up anywhere on their networks.

7 **Q. I am going to jump ahead in your thesis to**  
8 **Page 17 of the main text.**

9 MR. SAUER: And Indraneel, if you're --  
10 are you following along on your iPad?

11 MR. SUR: I am trying, yes.

12 MR. SAUER: I think this is going to be  
13 Page 41 of -- Page 41 of the -- of the PDF.

14 **Q. Agent Chan, can you see the screen share**  
15 **in front of you well? I have made it a little**  
16 **smaller to make it easier for me to read.**

17 A. Yeah. I can see the -- there's part of  
18 one paragraph and the beginning of a second  
19 paragraph.

20 **Q. Can you see there that there's -- you**  
21 **refer to "DiResta" there at the top of the page?**  
22 **Do you see what I've highlighted?**

23 A. Correct.

24 **Q. Who is DiResta?**

25 A. Renée DiResta is a researcher at the

1 Stanford Internet Observatory.

2 Q. And -- and so do you know her personally?

3 A. I have engaged with her on phone calls.

4 Q. What were the nature of those phone calls?

5 A. The nature of these phone calls were  
6 actually related to threats being directed at her  
7 as well as about Russian disinformation.

8 Q. Okay. And you -- threats being directed  
9 at her, you mean someone had personally made  
10 threats at her, and you were, as an FBI agent,  
11 relating them back with her; is that fair to say?

12 A. That is -- that is correct. And the  
13 threats would be --

14 Q. And were the threats -- I don't want to --

15 A. The threats were --

16 Q. Go ahead. Sorry. I didn't mean to  
17 interrupt you.

18 A. The threats were of an online nature that  
19 were -- that she was concerned may be  
20 state-sponsored in nature.

21 Q. Oh, okay. Okay. And that -- what -- and  
22 then what was the second thing that you said that  
23 you were engaged with her on?

24 A. A lot of conversations about Russian  
25 disinformation.

1 Q. Yeah. What did you say to each other  
2 about Russian disinformation?

3 A. I was mostly listening, but -- and I would  
4 ask her for her thoughts about what she was seeing  
5 from the Internet Observatory.

6 Q. Did you have these conversations in  
7 connection with writing your thesis, or was it in  
8 connection with your work as an FBI agent in the  
9 field?

10 A. It was connected to my work as an FBI  
11 agent in the field.

12 Q. When did you talk to Renée DiResta?

13 A. I want to say maybe in 2019.

14 Q. Would that be the only time?

15 A. Yeah. I can only recollect two phone  
16 calls that I had with -- with her.

17 Q. And those would have been in 2019?

18 A. Yes.

19 Q. Do you know why you called her?

20 A. She called me on the first call to --

21 Q. Why did she call you?

22 A. To -- she had been given my contact  
23 information by the head of the Stanford Internet  
24 Observatory, and she was concerned about Russian  
25 actors either providing her -- or -- giving her

1 online threats or potentially slotting her.

2 Q. Okay. Who is the head of the Stanford  
3 Internet Observatory?

4 A. Alex Stamos.

5 Q. Do you know Mr. Stamos?

6 A. I do.

7 Q. How do you know him?

8 A. I know him from his time as the chief  
9 security officer for Facebook.

10 Q. And was he one of the Facebook officials  
11 that you interacted with in your professional  
12 capacity as an FBI agent when he was there?

13 A. Yeah, when he was there, but he was not --  
14 he left before the 2020 election cycle.

15 Q. Was he involved in any of the meetings  
16 you've talked about where malign-foreign-influence  
17 activities were discussed?

18 A. He was involved in a few, but he left it  
19 to the people that I mentioned who reported to him.

20 Q. So when did he leave Facebook?

21 A. I can't remember, but it was ahead of the  
22 2020 election cycle.

23 Q. So -- do you think he would have left  
24 before 2020 began or during 2020?

25 A. I think he left well before 2020. I think

1 he left after the midterms, but I can't remember.

2 **Q. You mean the 2018 midterms?**

3 A. I'm sorry. Yeah. The 2018 midterm  
4 elections.

5 **Q. Okay. Have you had any discussions with**  
6 **Mr. Stamos since he left Facebook?**

7 A. Yes. But not about Russian  
8 disinformation.

9 **Q. Generally what have they been about?**

10 A. Cybersecurity and trust and safety.

11 **Q. What is trust and safety?**

12 A. Trust and safety is protecting platforms  
13 from hacking and -- yeah, I -- primarily hacking.

14 **Q. Have you had any discussions with him**  
15 **about protecting platforms from, you know,**  
16 **malign-foreign-influence activities?**

17 A. No.

18 **Q. No?**

19 A. Not since -- not since the -- you know,  
20 before the 2018 midterm elections. Not in his  
21 current capacity at the Stanford Internet  
22 Observatory.

23 **Q. Lower down on the page you see I have**  
24 **highlighted a reference to Professor Kate Starbird.**  
25 **Do you see that?**

1 A. Yes.

2 Q. Do you know Kate Starbird?

3 A. I do not know her personally.

4 Q. Have you ever talked to her to your  
5 recollection?

6 A. I have never talked to her.

7 Q. Okay. So you're -- you only -- you only  
8 reference her research in your thesis, but you have  
9 never talked to her?

10 A. That is correct.

11 Q. Are you familiar with the Stanford  
12 Internet Observatory and the University of  
13 Washington teaming up on something called the  
14 "Election Integrity Partnership"?

15 A. I am generally aware of that.

16 Q. Okay. What do you know about the Election  
17 Integrity Partnership? What is it, if you know?

18 MR. SUR: Objection; vague.

19 THE WITNESS: My knowledge is just  
20 general. So I knew they partnered on election  
21 integrity and I knew that there was research  
22 involved, but that's the extent of my knowledge.

23 Q. BY MR. SAUER: How do you know that?

24 A. I think I read it somewhere in a news  
25 article.

1 Q. Have you ever talked to anyone involved in  
2 the Election Integrity Partnership?

3 A. Not that I'm aware of.

4 Q. Did you have any involvement in it?

5 A. No. I would have known. So no, not that  
6 I'm aware of.

7 Q. How about any other federal agencies, are  
8 you aware of them being involved or working with  
9 the Election Integrity Partnership?

10 A. I am not aware of any other federal  
11 agencies.

12 Q. And then would that include the FBI? Do  
13 you know if the FBI has had or if it is involved in  
14 any way with the Election Integrity Partnership?

15 A. I do not have any knowledge of that.  
16 However, I know that my colleagues at FBI  
17 headquarters regularly meet with researchers much  
18 more frequently than I do.

19 Q. So is it possible that your colleagues at  
20 FBI headquarters meet with Alex Stamos?

21 MR. SUR: Objection; calls for  
22 speculation.

23 Q. BY MR. SAUER: If you know.

24 A. Not to my knowledge, because since Alex  
25 Stamos is at Stanford and Stanford is located in

1 FBI San Francisco's territory, it is common  
2 courtesy to ask the field office to broker the  
3 meeting or to at least make them aware that they  
4 are coming into the territory. So I am not aware  
5 of any of them meeting with Alex Stamos.

6 **Q. What researchers out there in California**  
7 **are you aware that they have met with other than**  
8 **Mr. Stamos?**

9 A. I am aware that they have at least had  
10 discussions with a researcher at University of  
11 California at Berkeley, Professor Hany Farid.

12 **Q. How do you spell that?**

13 A. H-a-n-i [verbatim]; and I believe his last  
14 name is F-a-r-e-e-d, but it could be F-a-r-i-d. I  
15 am not sure.

16 **Q. Any other researchers you are aware of**  
17 **them meeting with?**

18 A. That's the only one in my territory that I  
19 am aware of them meeting with.

20 **Q. How about Kate Starbird, do you know if**  
21 **they've ever met with her at FBI headquarters?**

22 A. I am not aware.

23 **Q. I want to jump ahead in your thesis to**  
24 **Page 25.**

25 MR. SAUER: And, Indraneel, it is Page 49

1 in the PDF.

2 Q. Earlier, Agent Chan, you testified that  
3 there is kind of two kinds of Russian influence  
4 operations that you discussed in the thesis. I  
5 think you referred to hack-and-dump operations,  
6 right?

7 A. That's correct.

8 Q. And that's a -- a reference to hackers  
9 reaching into a computer network, stealing data and  
10 then kind of publicizing it, right?

11 A. Yeah, that's correct.

12 Q. And then here you also refer to "attempted  
13 hacks on the" -- "the actual voting systems," but  
14 you say that that's not the focus of your thesis,  
15 right?

16 A. Yeah, that is correct.

17 Q. Then here, I think in this next paragraph,  
18 where you refer to "Online social media influence  
19 campaigns," that's what's your thesis actually  
20 focuses on in this document, right?

21 A. That is correct.

22 Q. Okay. At a high level, can you describe  
23 what sorts of online social media influence  
24 campaigns have been conducted by the Russians?

25 A. So broadly speaking, they have -- they --

1 and when I mean "they," I mean the Internet  
2 Research Agency and other Russian state-sponsored  
3 actors -- have news -- have created fake social  
4 media accounts, and they have either generated  
5 disinformation themselves or they have amplified  
6 existing content from current users of the social  
7 media platforms.

8 **Q. So they generate their own disinformation.**  
9 **What does that entail?**

10 A. So they make their own content.

11 **Q. Okay. So can you -- can you give us a**  
12 **specific example of what that might look like?**

13 A. Like -- like they -- they will make their  
14 own Facebook postings. They will -- they will copy  
15 other people's Facebook postings. And they will --  
16 I mean, when I say "content," they try to find what  
17 are the hot-button or current issues in the news  
18 around the time frame they're looking at, and then  
19 they will try to either generate content --

20 **Q. Okay.**

21 A. -- themselves related to that or they will  
22 amplify existing content.

23 **Q. Okay. So they might -- we'll say -- or**  
24 **suppose there's a hot-button issue, and they will**  
25 **create some inflammatory Facebook post and push**

1 that out into social media, that's one thing they  
2 do?

3 A. Yes.

4 Q. And I take it the goal there is they are  
5 trying to get ordinary, real people on social  
6 media, including Americans, to kind of interact  
7 with or engage with that content, right?

8 MR. SUR: Objection; vague, calls for  
9 speculation.

10 THE WITNESS: That is my understanding, is  
11 that in general the Russian government and the  
12 Internet Research Agency want to sow discord in the  
13 American online environment.

14 Q. BY MR. SAUER: So the goal there is to  
15 have -- they post messages that they anticipate  
16 will be divisive and try and get Americans to  
17 engage with them, right?

18 A. Yeah. That is my understanding.

19 Q. And "engagement," I take it, can mean  
20 multiple things on a social media platform. That  
21 might mean reading the post. That would be a form  
22 of engagement, right?

23 A. Yes, sir. Yeah. The -- so the  
24 companies -- I use the companies' definition. And  
25 when they say "engagement," they do -- they mean

1 different things as well. Like you said, viewing  
2 is one of the types of engagement. And they will  
3 let us know, "Hey, Elvis. You shared this IP  
4 address with us. We found these accounts, and they  
5 had low-level engagement."

6 And when I ask, "What is low-level  
7 engagement?" they will typically characterize it  
8 as, "Oh, there was, you know, a dozen views."

9 **Q. Right. Whereas high-level engagement**  
10 **might be a million views, right?**

11 A. Yes.

12 **Q. Okay. Or 100,000 views might be a**  
13 **high-level engagement, fair to say?**

14 A. Yeah. Yeah, that's fair.

15 **Q. And then, you know, liking or disliking a**  
16 **post is another kind of engagement; is that fair to**  
17 **say?**

18 A. For the Facebook and Instagram platforms  
19 specifically.

20 **Q. Yeah. Or -- and then doesn't Twitter have**  
21 **a kind of function that you can kind of express**  
22 **approval or disapproval in that way?**

23 A. Yeah. I believe so.

24 **Q. Is that -- do you know what that's called?**

25 A. I can't remember the name for it.

1 Q. And it's the equivalent of liking  
2 something on Facebook. You could, you know, like a  
3 tweet, essentially; is that fair to say?

4 MR. SUR: Objection; vague.

5 THE WITNESS: I would assess them as being  
6 similar.

7 Q. BY MR. SAUER: Yeah. And then there's --  
8 again, and obviously reposting it is another form  
9 of engagement, right?

10 A. That is correct.

11 Q. And also there's reposting it with  
12 commentary as well, right?

13 A. That is correct.

14 Q. And I take it these are all forms of  
15 engagement that these social media influence  
16 campaigns that you are referring to in your thesis  
17 are kind of designed -- at least they are trying to  
18 get people to do that, at least regular, you know,  
19 kind of not real users, not bots; the Russians are  
20 trying to get people to engage on their divisive  
21 content, right?

22 MR. SUR: Objection; calls for  
23 speculation.

24 THE WITNESS: Yeah. So it is my opinion  
25 that, you know, based on what I know, that that is

1 what the Russians -- Russians are attempting to do.

2 Q. BY MR. SAUER: I take it from your thesis  
3 that they have met with mixed success in these  
4 efforts, right? In some of their efforts they were  
5 highly effective in getting high levels of those  
6 kinds of engagements, whereas others it would --  
7 kind of fizzled; is that fair to say?

8 A. Yes. I would say it was hit and miss.

9 Q. And I think you -- in your thesis you talk  
10 about how in 2016 they had high, high levels of  
11 success, right, because there were essentially no  
12 countermeasures taken by social media platforms?

13 A. That is correct.

14 Q. And I think you cite examples of  
15 situations where there are Russian-originated  
16 content with hundreds of thousands or -- I think  
17 you talk about millions of Americans interacting  
18 with it, you know, liking it, disliking it,  
19 reposting it and all that; is that fair to say?

20 MR. SUR: Objection; compound.

21 THE WITNESS: That is for the 2016  
22 election cycle.

23 Q. BY MR. SAUER: And then I take it maybe  
24 there was -- there was some engagement in the 2018  
25 and 2020 election cycles, but probably not quite as

1 much as in 2016, right?

2 A. That is correct.

3 Q. How would you kind of characterize the  
4 levels of engagement? You know, the various forms  
5 of engagement I have talked about -- reading it,  
6 liking it or disliking it, reposting it or  
7 reposting it with commentary -- how do those levels  
8 of engagement in general with the kind of Russian  
9 malign content, what levels were those at in 2016  
10 and 2018?

11 MR. SUR: Objection; compound.

12 THE WITNESS: Well, on Page 35 I give one  
13 example where you can see how IRA controlled  
14 accounts and the numbers of users they reached.  
15 And so -- on Page 35, you see that table, right?

16 So those are the types of numbers. And  
17 then after that, you know, when we compare to 2020,  
18 it's less.

19 Q. BY MR. SAUER: Okay. It is not --

20 A. But those are the numbers that were, you  
21 know, provided. I think these -- I think that I  
22 footnoted that it's from -- it's from the special  
23 counsel's report.

24 Q. I got you. That's from Robert Mueller's  
25 report?

1 A. That is correct.

2 Q. That indicates that there were really a  
3 very high level of number of users reached from  
4 Facebook, 126 million users reached by 2016 Russian  
5 messages, fair to say?

6 A. Yes.

7 Q. And I take it that, you know, some subset  
8 of those people are reading it, or at least  
9 clicking on it to read it; is that fair to say?

10 A. Yeah. So the "Number of Users Reached,"  
11 my interpretation is that is views.

12 Q. Got you.

13 A. Unique views, yeah.

14 Q. Some of them, but we just don't know how  
15 many, but some of them would have liked it or  
16 disliked it, fair to say?

17 A. Yeah, I have no idea how many would have  
18 liked it or disliked it.

19 Q. And then some of them -- some may have  
20 reposted it, right?

21 A. They may have, but I don't know.

22 Q. And then that Twitter figure shows -- what  
23 is it -- about 1.4 million Twitter users were  
24 reached by these activities in 2016?

25 A. Yes, that is correct.

1 Q. Let's -- I am going to flip back to Page  
2 29. You've got this kind of graphic picture of --  
3 of Hillary Clinton with a black kind of "X" painted  
4 on her face. Do you see that?

5 A. Yes.

6 Q. And I take it this is an example of  
7 something that was -- it is actually  
8 Russian-originated content kind of masquerading as  
9 something posted by an American, right?

10 A. Yeah. That is an example.

11 Q. And this is the sort of thing that  
12 might -- is this the sort of thing that would have  
13 resulted in engagements by users?

14 MR. SUR: Objection; vague, calls for  
15 speculation.

16 THE WITNESS: Well, from this one, there  
17 appeared to be 763 reactions.

18 Q. BY MR. SAUER: Do you know what  
19 "reactions" mean? Is that liking or disliking, or  
20 is that something else?

21 A. I am not -- I am not familiar.

22 Q. Okay. So that might mean -- might mean  
23 liking or disliking, but it might also mean  
24 reposting?

25 A. Yeah. I don't know.

1 Q. So at least 763 people for this example  
2 did something more than just reading it, right, or  
3 viewing it?

4 MR. SUR: Objection; calls for  
5 speculation.

6 THE WITNESS: Yeah. I don't know what a  
7 reaction means. It could just mean viewing it, but  
8 it could mean taking some further action.

9 Q. BY MR. SAUER: And the next step, 76  
10 people commented on this, right?

11 A. Yes.

12 Q. And then those comments are people who  
13 presumably said something, whether they agree or  
14 disagree or just want to say something about this  
15 kind of political ad, fair to say?

16 MR. SUR: Objection; calls for  
17 speculation.

18 THE WITNESS: Yeah. I don't know what the  
19 nature of the comments are, but your  
20 characterization is probable.

21 Q. BY MR. SAUER: The accounts -- I suppose  
22 you have talked about account takedowns earlier.  
23 If this account that posted this ad is taken down,  
24 do all those comments get taken down with it?

25 MR. SUR: Objection; calls for

1 speculation.

2 THE WITNESS: I don't know.

3 Q. BY MR. SAUER: Oh, so you think that the  
4 comments may stay up with the account gone?

5 A. I -- to be honest with you, I do not use  
6 any social media.

7 Q. I see. So you don't know if -- you don't  
8 know if the comments kind of remain floating out on  
9 Twitter when the underlying picture of Hillary  
10 Clinton with black paint on her face is taken down?

11 A. I do not know.

12 Q. Turning to the next page of your thesis,  
13 Page 30, here in this Subsection a you talk about  
14 "The IRA's Social Media Activities," right?

15 A. Correct.

16 Q. Okay. And the "IRA" is the "Internet  
17 Research Agency," right?

18 A. In this context, correct.

19 Q. Right. Not in the Ireland separatist  
20 context.

21 Just generally speaking, can you describe  
22 what the IRA is in this context?

23 MR. SUR: Objection; vague.

24 THE WITNESS: So in this paragraph I  
25 describe the three lines of activities that I

1 observed the IRA doing in terms of malign-influence  
2 campaigns.

3 Q. BY MR. SAUER: Okay. And the first one  
4 you say is they "made and maintained fake user  
5 accounts and pages on social media platforms that  
6 covered a range of political issues," right?

7 A. That is correct.

8 Q. And that's a bit like what we have already  
9 been talking about, where they're -- I take it they  
10 are creating fake accounts and pages and trying to  
11 gather American viewers to review and engage with  
12 their content, right?

13 MR. SUR: Objection; vague, calls for  
14 speculation.

15 THE WITNESS: That is my assessment, yeah.

16 Q. BY MR. SAUER: And it says, "For these  
17 accounts and pages, the IRA employees generated  
18 organic content to ingratiate themselves with  
19 online communities and amplify or steer the themes  
20 discussed in those communities," correct?

21 A. Yes, that is what I wrote.

22 Q. And they were trying to influence online  
23 conversations involving real American citizens,  
24 right?

25 A. That was my assessment and is my

1 assessment.

2 Q. All right. So that, I take it, would  
3 involve the kind of active engagement that we  
4 talked about a minute ago: not just reading what  
5 they say, but maybe reposting it, commenting on it,  
6 you know, and having a higher level of engagement  
7 than just viewing it, right?

8 MR. SUR: Objection; compound and calls  
9 for speculation.

10 THE WITNESS: That would be my  
11 understanding.

12 Q. BY MR. SAUER: You go on to say,  
13 "Second" -- and this ties back to something I think  
14 you foreshadowed a minute ago -- "IRA employees  
15 used social media bots, i.e., computer programs  
16 which control social media accounts, to amplify  
17 existing content," right?

18 A. That is correct.

19 Q. What is it to "amplify existing content"?

20 A. It is to do the things that you had  
21 mentioned. Depending on what the social media  
22 platform were, they include things like liking it  
23 or reposting it.

24 Q. So social media bots, those are kind of  
25 fake accounts, right, that don't have real human

1 beings behind them; is that what that means?

2 A. Yes. They are controlled by computer  
3 programs.

4 Q. And so -- and -- and sometimes they will  
5 have, like, a fake picture so it looks like a real  
6 human being; but actually it is just a computer  
7 program, right?

8 A. That is correct.

9 Q. And so the social media -- I take it the  
10 IRA-generated social media bots to go out there,  
11 find the divisive messages that the IRA wanted to  
12 sort of amplify, and have them engage with those  
13 posts, correct?

14 MR. SUR: Objection; compound, calls for  
15 speculation.

16 THE WITNESS: I wouldn't say they  
17 generated the bots. In general, people rent bots.

18 Q. BY MR. SAUER: That's interesting. How do  
19 you rent a bot?

20 A. In the cybersecurity industry, there is a  
21 role called a bot herder, so someone who develops  
22 malicious software and finds unprotected devices  
23 and infects them with malicious software, also  
24 known as malware; and then they will advertise on  
25 the dark web that, you know, you can rent a botnet

1 for -- you know, a botnet of a certain size for a  
2 certain amount of money.

3 And that is what I am assessing the  
4 Internet Research Agency did.

5 Q. Got you. Okay. So do you know for sure  
6 whether they generated their own or bought them on  
7 the dark web or rented them?

8 A. So I'm not -- I'm not sure how they  
9 acquired them. I was just -- I didn't feel  
10 comfortable saying they generated their own.  
11 Somehow they were able to get control of a botnet  
12 and then use them to amplify.

13 Q. And then "amplify," I take it that means  
14 things like liking and reposting and taking steps  
15 like that that make it -- is that fair to say?  
16 It's liking, reposting, stuff like that; is that  
17 right?

18 MR. SUR: Objection; vague, calls for  
19 speculation.

20 THE WITNESS: Yeah. That would be my  
21 assessment.

22 Q. BY MR. SAUER: Okay. And so I take it the  
23 Russian bots go out there and they find the  
24 divisive messages that the Russians want to push,  
25 and then they amplify them by having fake user

1     **accounts like them or retweet them or repost them**  
2     **on Facebook, fair to say?**

3           A.     I don't think the bots do that themselves.  
4     The bots don't have any intelligence. I would -- I  
5     believe that a human being, an actual Internet  
6     Research employee would find divisive content or --  
7     yeah, divisive content or users who had lots of  
8     followers and then deploy the bots to amplify those  
9     users' messages or content.

10           Q.     **And part of this, I take it, is the bots,**  
11     **the fake accounts, having their own followers,**  
12     **trying to collect their own real followers, right?**

13           A.     In my experience, the bots typically don't  
14     care how many followers they have. Their primary  
15     job is to amplify other content.

16           Q.     **I got you. So in other words, suppose --**  
17     **and when you say "other content," this is content**  
18     **that wasn't originated by Russians or the IRA but**  
19     **is generated by American citizens with views that**  
20     **the IRA likes or wants to push, right?**

21           MR. SUR:   Objection; vague, calls for  
22     speculation, assumes facts not in evidence.

23           THE WITNESS:   By "other content," I mean  
24     content not generated by the bots.

25           Q.     **BY MR. SAUER: And that's because the --**

1           A.     Because bots -- yeah.   Bots will generate  
2     their own content, but they're -- it is usually  
3     nonsense talk or just, like, random images.   The --  
4     that's what I meant by "other."

5           Q.     Right.   And then -- I think that -- and  
6     that's what you referred to in the previous  
7     sentence as "organic content," right?

8           A.     Yeah.   "Organic content," I mean that it  
9     is actually generated by Internet Research Agency  
10    employees.

11          Q.     Oh, okay.   So "existing content" in this  
12    sentence that I have highlighted is different than  
13    "organic content."   "Existing content" is stuff  
14    that is already out there on the social media  
15    platforms; is it fair to say?

16          A.     That is correct.

17          Q.     That would be stuff that can be posted by  
18    other users or come from any other source, but it  
19    is just stuff --

20          A.     Yeah.

21          Q.     -- that they like and they want to push  
22    those messages, right?

23                   MR. SUR:   Objection; vague, compound.

24                   THE WITNESS:   Yes.   I mean not generated  
25    by the Internet Research Agency.   That is what I

1 mean by "other content."

2 Q. BY MR. SAUER: If a bot that's operated by  
3 the Internet Research Agency were to repost, like,  
4 a -- an American citizen's tweets or Facebook page  
5 and then that bot account were taken down or shut  
6 off, would that reposting or amplification of that  
7 message then go away?

8 MR. SUR: Objection; compound and  
9 hypothetical.

10 Q. BY MR. SAUER: If you know.

11 A. I don't know.

12 Q. Now, then suppose there's John Smith, who  
13 is an American citizen who posts an aggressive,  
14 pro-Second Amendment message. And the Russian bot  
15 identifies that as something to amplify and  
16 retweets it, and then the Russian bot account is  
17 shut down. There's an account takedown. Does that  
18 retweeting of John Smith's pro-Second Amendment  
19 message go away from Twitter if there's no account  
20 there anymore to retweet it?

21 MR. SUR: Objection; hypothetical, calls  
22 for speculation, assumes facts not in evidence.

23 Q. BY MR. SAUER: If you know.

24 A. Yeah. I don't know. I don't know what  
25 happens to the retweet.

1 MR. SUR: Counsel, if I may, are we at a  
2 near or natural breaking point? We have been in  
3 this session for now approaching one hour and a  
4 little bit past that. Why don't we take a break  
5 if --

6 MR. SAUER: Yeah. That's -- now is as  
7 good a time as any.

8 MR. SUR: Thank you.

9 THE VIDEOGRAPHER: Off the record -- off  
10 the record at 10:45 a.m.

11 (Whereupon a recess was taken.)

12 THE VIDEOGRAPHER: Back on record at 10:58  
13 a.m.

14 Q. BY MR. SAUER: Agent Chan, sticking to  
15 Page 30 of your thesis, I want to direct your  
16 attention to this next sentence, where you say (as  
17 read), "Third, IRA employees covertly purchased  
18 online advertisements from social media companies  
19 to enhance their organic content and drive online  
20 traffic to the sites controlled by them," right?

21 A. Yeah. That is what I wrote.

22 Q. Yeah. And you agree with it, right?

23 A. Yes. You will see the footnote that it  
24 was by Professor Howard, but I agree with it.

25 Q. Okay. And then so the idea is the -- that

1 they would purchase ads that would drive traffic by  
2 real people to their -- their sites, basically  
3 their accounts and their websites as well, right?

4 A. Yes. This is in the 2016 election  
5 contest.

6 Q. Okay. So why do you say -- did something  
7 different happen in 2018 and 2020?

8 A. Yes. From my meetings with the companies,  
9 they shared with me that they had changed their  
10 policies to do more intensive validation of people  
11 trying to purchase political advertisements.

12 Q. And so it was harder for them to buy ads  
13 basically in the later election cycles?

14 A. That is my understanding.

15 Q. But either way, the purpose here is for  
16 them to be driving or achieving engagement by real  
17 users, right?

18 MR. SUR: Objection; vague, calls for  
19 speculation.

20 THE WITNESS: Yes. I believe the purpose  
21 was for the Internet Research Agency, who are  
22 comprised of Russian citizens, to drive engagement.

23 Q. BY MR. SAUER: Got you. And if you skip  
24 ahead a couple more pages, to Page 32, do you see  
25 these ads that you've identified in your thesis in

1 Figure 3 and Figure 4?

2 A. Yes, I see those ads.

3 Q. Okay. And these are, I take it -- you  
4 talk about how they have, like, left-wing content  
5 that's actually designed to -- to depress voter  
6 turnout among minority communities, right?

7 A. This was what the research that I reviewed  
8 said.

9 Q. Yeah. And you look at Figure 3 -- well,  
10 let me ask you this. You talk about the research  
11 you reviewed. You also are personally involved in  
12 this, quote, in the trenches, right?

13 MR. SUR: Objection; vague, misstates the  
14 record.

15 THE WITNESS: Can you clarify that  
16 question?

17 Q. BY MR. SAUER: Let me ask this: Is the  
18 research -- you said this is what your research  
19 indicated. Is the research in your thesis  
20 consistent with your experience as an FBI agent who  
21 deals with disinformation and  
22 malign-foreign-influence campaigns?

23 A. So the research, to include this reporting  
24 from the House Permanent Select Committee on  
25 Intelligence as well as what was conveyed to me by

1 the social media companies, was this content. I  
2 would otherwise not know because -- I mentioned to  
3 you I do not go on any social media platforms  
4 myself.

5 Q. So but your understanding, for example, is  
6 **Figure 3 is Russian-originated content. Your**  
7 **understanding of that is based on information**  
8 **obtained from the social media platforms or from**  
9 **other federal government officials, correct?**

10 A. Yeah. This information is specifically  
11 from the HPSCI report that I cited in the footnote.

12 Q. Got you. And just looking at this, for  
13 **example, in Figure 3 on the right, there's a Black**  
14 **Matters ad, correct?**

15 A. Yeah. "Figure 3. Facebook Political Ads  
16 Targeting Black voters."

17 Q. And that one indicates that 223,799 people  
18 **had liked it, right, on Facebook?**

19 A. Yes. That is what the image on the right  
20 says.

21 Q. And so that would be a high level of  
22 **engagement based on what you said earlier, right?**

23 A. I would not consider 223 views as being  
24 high.

25 Q. Oh, is it 223,799?

1 A. No. This one, the -- I see "223," and  
2 then I see a slash, "99 people like this."

3 Q. Oh, is that what that means? I thought  
4 that was a "7." So you say -- what is -- do you  
5 know -- how do you read that? What does that mean?

6 A. Yeah. I read that as 223 viewed it and 99  
7 of those 223 like it. That is how I interpret  
8 this.

9 Q. So that would be a low level of  
10 engagement, correct?

11 A. That is how I would personally  
12 characterize it.

13 Q. And then below there, in Figure 4 there's  
14 a Secured Borders ad on the left with a "No  
15 Invaders Allowed" sign in front of the border. Do  
16 you see that one?

17 A. Yes.

18 Q. In that one, it looks like 134,943 people  
19 liked that, correct?

20 A. Yes.

21 Q. And if that ad were taken down because it  
22 was identified to be part of a  
23 malign-foreign-influence campaign, all those likes  
24 would disappear from Facebook as well, correct?

25 MR. SUR: Objection; calls for

1 speculation, assumes facts not in evidence.

2 THE WITNESS: Yeah. I do not know what  
3 happens to the likes if the ad disappears, but I  
4 know that the ad disappears.

5 Q. BY MR. SAUER: Right. You think that  
6 likes may stay out there, floating in -- floating  
7 in the social media platform, not addressing  
8 anything that's still there?

9 A. I don't know.

10 Q. Let me ask this: A like is a way of  
11 expressing --

12 A. I don't know what happens.

13 Q. A like is a way of expressing approval of  
14 something, right? It's basically saying "I agree  
15 with this" or "I like it," right?

16 A. Yes. But I don't -- what I'm saying to  
17 you, Mr. Sauer, is I don't know what happens to  
18 those likes.

19 Q. The -- but you know that the ad  
20 disappears?

21 A. Well, for example, if you're -- if you're  
22 a -- if you're a user --

23 (Discussion off the record.)

24 MR. SUR: Sorry. We are having difficulty  
25 hearing you, Mr. Sauer. It may be a connection

1 problem.

2 (Discussion off the record.)

3 MR. SAUER: Can you hear me now?

4 MR. SUR: Yeah, that's better.

5 **Q. BY MR. SAUER: Okay. Go ahead, Mr. Chan.**

6 MR. SUR: Okay.

7 THE WITNESS: So I don't know what  
8 happens. So, for example, if you were a user and  
9 you like this ad, I don't know, does it stay on  
10 your account? Or I don't know if it disappears  
11 from your account. I don't know what happens on  
12 the ad itself. So I don't know. I don't know  
13 the -- I don't know the mechanics of how online  
14 advertisements for these platforms work.

15 **Q. BY MR. SAUER: If you look at the ad to**  
16 **the right of that, the pro-Second Amendment ad that**  
17 **says "Defend the 2nd"?**

18 A. Yeah.

19 **Q. And do you see at the bottom it says,**  
20 **"96,678 people like this"?**

21 A. Yes.

22 **Q. Would that be a high level of engagement?**

23 A. I would characterize that as high.

24 **Q. And it's your testimony that you don't**  
25 **know what happens if that ad is pulled down to all**

1 those likes?

2 A. And then --

3 Q. Do you think it is going to continue to be  
4 in people's individual feeds?

5 A. Yeah, I do not know what happens to the  
6 likes.

7 Q. Jumping ahead a couple pages, I think this  
8 is the page that you referred to earlier. You  
9 talked about how there was a very high level of  
10 engagement by the IRA in -- in 2016, right?

11 A. Yes. Where it says, "The sheer magnitude  
12 of the IRA's social media campaign," that sentence?

13 Q. Correct, yeah.

14 A. Yeah, yes, that is what I wrote.

15 MR. SUR: To clarify for the record, this  
16 is on Page 34 of the thesis?

17 MR. SAUER: Yeah. That would be Page 58  
18 of the PDF. Indraneel, do you see where we are?

19 MR. SUR: Yes, yeah.

20 Q. BY MR. SAUER: It's the bottom paragraph  
21 there. "The sheer magnitude of the IRA's social  
22 media campaign targeting the United States was  
23 unparalleled in the digital age," right, Mr. Chan?

24 A. That was my characterization of it.

25 Q. And it -- the research indicated that the

1 IRA had uploaded a thousand videos on YouTube. Do  
2 you know what the level of engagement for those  
3 videos was?

4 A. I don't. And you can see from the  
5 citation that I am citing research done by Renée  
6 DiResta and her team.

7 Q. Got you. And that research indicates that  
8 the IRA had, quote, reached a significant number of  
9 American users: 59 percent on Facebook, 19 percent  
10 on Instagram and two percent on Twitter, right?

11 A. That is what Renée DiResta and her team  
12 found.

13 Q. So 59 percent. And this isn't just sort  
14 of bots, she found that specifically as to American  
15 users, in other words, real social media platform  
16 human beings, real people using social media  
17 platforms in America, right?

18 A. That is what I recollect. And this is in  
19 the context of the 2016 elections.

20 Q. Correct. And that -- that's 59 percent of  
21 Americans on Facebook were reached in some way, had  
22 some level of engagement with -- with  
23 IRA-originated content; fair to say?

24 A. That is her calculation.

25 Q. And you cite it as a reputable source in

1 your thesis, right?

2 A. Yes, I do.

3 Q. And do you know how much of that is --  
4 obviously we talked earlier how there's different  
5 kinds of engagement, like reading, liking,  
6 reposting, reposting with commentary, commenting.  
7 Do you know how much of that is -- that reaching of  
8 American users breaks down into those various  
9 categories?

10 A. I do not. I was not able to find that  
11 level of detail.

12 Q. Okay. Next page. You've referred to  
13 Table 1 before on Page 35 that points out that 126  
14 million --

15 A. Yeah.

16 Q. -- American Facebook users were reached in  
17 some way by content, right?

18 A. Yes, yeah. I was able to extract that  
19 from the report.

20 Q. Right below that you refer again to "the  
21 second line of effort," where they (as read)  
22 "amplified real user accounts whose identities,  
23 behavior, and content aligned with their strategic  
24 goals," right?

25 A. So yes. You can see I cited the Mueller

1 report. That's special counsel's report.

2 Q. And then you go on to cite a Clemson  
3 University study indicating that over 100,000 real  
4 people had their postings amplified by  
5 IRA-controlled social media bots, right?

6 A. Yes, that is correct.

7 Q. And you don't know what happens to those  
8 amplifications when the bots are detected and shut  
9 down?

10 A. I do not.

11 Q. I think in the thesis you talk generally  
12 about how there was virtually no reaction by the  
13 social media platforms in the 2016 election cycle  
14 to this Russian activity; is that right?

15 A. That is correct.

16 Q. But that changed, I take it, in the 2018  
17 and 2020 election cycles, at least to some degree?

18 A. That is correct, yes.

19 Q. How did it change?

20 A. Well, what I was told -- what I was told  
21 by the companies was that they used both technology  
22 as well as human beings to moderate or protect  
23 their platforms.

24 Q. Okay. And then can you break down that  
25 for me? On the technological side, what did they

1 tell you they did?

2 A. So they tell me that they used a different  
3 detection method. The shorthand for that is  
4 algorithms. But they will not get into any of the  
5 details about the algorithms. And we have probed  
6 them to ask for details, but it has never been  
7 shared with us.

8 Q. What -- you say you probed them to ask  
9 about the details. What did you ask?

10 A. I can't remember exactly, but we would  
11 ask, for example, "What are the parameters that you  
12 use to develop the algorithm? Or what are the  
13 factors that you use?" And they would not share  
14 any of that information with us.

15 Q. Why did you want to know that? Did you  
16 want to know -- did you want to ascertain if the  
17 algorithms were effective? Or why would you ask  
18 them a question like that?

19 A. The reason that I would ask that question  
20 is so that we could make sure that we were sharing  
21 the most effective and actionable type of  
22 information with them.

23 Q. Explain that to me. What -- if you know  
24 how their algorithm operates, how does that help  
25 you share actionable information?

1           A.     So, for example, if a platform doesn't  
2     need a telephone number for an account, then  
3     providing them with Russian telephone numbers would  
4     not be useful. Or if providing them with an email  
5     account is not something that the platform saves,  
6     then that would not be useful. So those are two  
7     examples.

8           Q.     Uh-huh. But they just tell you, "We use  
9     **algorithms to detect kind of Russian-originated**  
10    **content," but they tell you nothing about how the**  
11    **algorithms operate?**

12          A.     That is correct.

13          Q.     When did these conversations occur?  
14    Did -- where you're asking them about their  
15    **algorithms and they are declining to provide**  
16    **information. Did they occur in those weekly,**  
17    **monthly and quarterly meetings we talked about**  
18    **earlier?**

19          A.     I would characterize it as occurring early  
20    in those quarterly meetings in the 2017 time frame;  
21    and after we asked the different companies and  
22    found that none of them were willing to share in  
23    those earlier meetings, we stopped asking.

24          Q.     And then you mentioned human -- I think  
25    you mentioned human beings involved in their -- in

1 their activities. Tell us, what did they tell you  
2 about that?

3 A. In general, what the companies tell us is  
4 the technology or the algorithms will flag specific  
5 content, and certain content that looks like spam  
6 is, I believe, taken down.

7 However, if something is flagged that  
8 requires a higher level of decision-making, that is  
9 when it is sent to a content moderator.

10 Q. So a human being, a content moderator  
11 would be looking at, like, an account that was  
12 flagged by an algorithm as potentially involving  
13 malign, inauthentic activity and take a closer look  
14 at it?

15 A. That is correct.

16 Q. Did you discuss with them what standards  
17 their content modulators use to -- to figure that  
18 out, you know, how do they make their judgment  
19 calls?

20 MR. SUR: Objection; compound.

21 THE WITNESS: So in response to your  
22 question, we would just broadly ask them what their  
23 terms of service or community standards were.

24 Q. BY MR. SAUER: So how do you know that  
25 they have human beings involved in enforcing the --

1 reviewing and enforcing the terms of service with  
2 respect to particular content?

3 A. Through the discussions that we had at the  
4 meetings.

5 Q. And what you have been saying, is this  
6 true of all the -- all the platforms?

7 A. I do not know. I am specifically thinking  
8 of two platforms that use human being content  
9 moderators.

10 Q. Which two are those?

11 A. I am specifically thinking of Facebook and  
12 YouTube.

13 Q. How about Twitter?

14 A. I don't know if they use human -- I have  
15 never -- I don't recollect discussing that with  
16 them.

17 Q. How about the others? You mentioned, I  
18 think, Yahoo! and Reddit, Instagram. Do they use  
19 human content moderators?

20 A. I don't recollect discussing that with  
21 them.

22 Q. You mentioned their terms of service. You  
23 know, did you ever discuss with them what their  
24 terms of service are or should be? Did you ever  
25 make recommendations that they change terms of

1 service to make them more effective in addressing  
2 malign-foreign-influence activities?

3 MR. SUR: Objection; compound and vague.

4 THE WITNESS: I will answer the last part  
5 of your compound question, which is no, we never  
6 told the companies to modify their terms of service  
7 or community standards.

8 Q. BY MR. SAUER: Do you know how they  
9 developed their terms of service or community  
10 standards?

11 A. Only from what they discussed with me in  
12 those meetings.

13 Q. What did they say to you in those  
14 meetings?

15 A. So --

16 MR. SUR: Objection; vague.

17 THE WITNESS: So in those meetings, we  
18 would not discuss them. We would ask them, "What  
19 are your terms of service related to detecting  
20 Russian troll accounts?"

21 And then they would share with us that  
22 the -- the two terms that come up regularly are  
23 "coordinated," which I interpret to mean across  
24 many accounts, and "inauthentic," which means the  
25 user is pretending to be someone they are not.

1           And so those were the two primary  
2 terms-of-service violations that I remember being  
3 discussed.

4           **Q. BY MR. SAUER: What does "coordinated"**  
5 **mean?**

6           A. Like, as I mentioned before, it was  
7 activities across multiple accounts, the -- similar  
8 activities across multiple accounts.

9           **Q. How does that violate terms of service?**

10          A. So in the cybersecurity context, you will  
11 have a botnet that will push ads, for example,  
12 Canadian pharmacy ads, to hundreds and thousands of  
13 users. That is coordinated behavior. That is  
14 illegal. Because if you wanted to push ads on a  
15 platform, typically you have to purchase online  
16 advertising.

17          **Q. Okay. Got you. And then what was the**  
18 **second category you mentioned of provisions of**  
19 **terms of service that these activities would**  
20 **violate?**

21          A. Inauthentic.

22          **Q. Yeah. And what is -- what is inauthentic?**

23          A. Inauthentic is a user pretending to be  
24 someone they are not.

25          **Q. And I take it that you got that in these**

1 Russian malign-foreign-influence activities, right?

2 A. Yes.

3 Q. We have been talking about Russia  
4 principally because that's your thesis, but do  
5 other countries try and do these kinds of  
6 disinformation malign operations on social media  
7 platforms as well?

8 MR. SUR: Objection; vague.

9 THE WITNESS: Yes.

10 Q. BY MR. SAUER: What countries are involved  
11 in them?

12 A. The two countries that we focus on are  
13 China and Iran, outside of Russia.

14 Q. Are there any others?

15 A. Not to --

16 MR. SUR: Objection; Counsel, we're at the  
17 law enforcement privilege.

18 MR. SAUER: I am going to withdraw the  
19 question. I don't concede the privilege applies,  
20 but I will withdraw the question if you guys --  
21 yeah.

22 Q. Just generally speaking, you mentioned,  
23 say, Iran and China and, frankly, they are also  
24 referred to in your publicly-available thesis. Are  
25 the sorts of activities that they engage in similar

1 to what Russia does, you know, in the -- the way of  
2 generating fake accounts, generating inauthentic  
3 content and trying to get Americans to interact  
4 with it?

5 MR. SUR: Objection; vague and compound.

6 THE WITNESS: In my experience, the  
7 Chinese state-sponsored activity and the Iranian  
8 state-sponsored activity share similarities to the  
9 Russian state-sponsored activities.

10 Q. BY MR. SAUER: We were talking -- moving  
11 back to what we were talking about a minute ago,  
12 you talked about how there are two general  
13 categories of content-modulation policies --  
14 coordinated activity and inauthentic activity --  
15 that get cited most frequently to remove this  
16 content; is that right?

17 A. In my personal experience, yes.

18 Q. And your personal experience is based on  
19 these meetings and conversations with  
20 representatives of the social media platforms,  
21 correct?

22 A. That is correct. You broke up on me, but  
23 I believe that is correct.

24 Q. I'm -- I'm sorry. Again, you can't hear.  
25 I am hearing you fine. Can you hear me okay?

1 A. Now I can.

2 Q. Okay. Let me ask you this: Do they --  
3 when you have these information exchanges, you  
4 provide the social media platforms with tactical  
5 information, which includes -- you know, identifies  
6 specific accounts and user -- or not users, but  
7 specific accounts and URLs that you have concluded  
8 are Russian-originated, right?

9 A. Can you repeat the question? You have  
10 been breaking up on me.

11 MR. SAUER: Should we go off the record?

12 THE VIDEOGRAPHER: Off the record at 11:22  
13 a.m.

14 (Whereupon a recess was taken.)

15 THE VIDEOGRAPHER: We are back on record  
16 at 11:27 a.m.

17 Q. BY MR. SAUER: Agent Chan, circling back  
18 to where we were a moment ago, I wanted to ask you,  
19 when you have these information sharing sessions  
20 with various social media platforms, you testified  
21 earlier that you give them tactical information,  
22 right?

23 A. Yes.

24 Q. Yeah. And tactical information includes  
25 identifying specific social media accounts and URLs

1 and things of that nature, right?

2 A. Yes.

3 Q. Yeah. How often has that happened? I  
4 know in your thesis you refer to four  
5 publicly-available instances where there was that  
6 kind of information sharing. How often does it  
7 happen that the FBI will give a list of specific  
8 tactical information for the social media platforms  
9 to consider?

10 MR. SUR: I am going to object on the  
11 basis of the law enforcement privilege. And you  
12 can answer without -- insofar as you can without  
13 disclosing any particular investigation.

14 Q. BY MR. SAUER: Yeah, I don't want to know  
15 any particular URL, but just generally how often  
16 does that happen?

17 A. I would say in general it happens between,  
18 I don't know, one to five times per month.

19 Q. Okay. And then how many --

20 A. From different investigations.

21 Q. Oh, got you. Okay. And then how -- and  
22 does this actually occur at these meetings we've  
23 talked about, or are there separate communications  
24 where you pick up the phone and call the site  
25 integrity people and tell them, "Here are some bad

1 **URLs"?**

2 A. So --

3 MR. SUR: Objection; mischaracterizes the  
4 record, compound.

5 **Q. BY MR. SAUER: If you know.**

6 A. From my understanding of your question, we  
7 will typically share information either right  
8 before or after one of our quarterly meetings.  
9 That is pretty standard. Otherwise we will just  
10 share information from different investigations as  
11 deemed appropriate by the field offices running the  
12 investigations and FBI headquarters.

13 **Q. So -- so it would be both, I take it,**  
14 **there would be -- in every quarterly meeting you**  
15 **might identify -- or you do identify tactical**  
16 **information about foreign-originated URLs and user**  
17 **accounts, correct?**

18 A. I don't know if it happens at every single  
19 quarterly meeting, but I would say most of them.

20 **Q. And then -- and then apart from the**  
21 **quarterly meetings, I think you said one to five**  
22 **times a month there would be a communication of**  
23 **that nature through another channel, right?**

24 A. Correct. What I would typically do is  
25 send an email to the recipients at the companies

1 and inform them that I would be using a secure file  
2 transfer application within the FBI that is called  
3 Teleporter. And then the reason I would send them  
4 a heads-up email is because the Teleporter email  
5 with a link looks like spam, so I don't want them  
6 to think it's spam.

7 Q. Okay. And that Teleporter email, if they  
8 open it, contains tactical information for them to  
9 consider, right?

10 A. The Teleporter email contains a link for  
11 them to securely download the files from the FBI.

12 Q. And the files contain tactical information  
13 that identifies malign foreign-originated URLs and  
14 social media accounts and things like that, right?

15 A. Yeah, different types of indicators.

16 Q. When you say "different types of  
17 indicators," indicators, I think you said earlier,  
18 refer to those specific URLs and social media  
19 accounts, right?

20 A. Yeah. Those are two of them, but they  
21 also apply to IP addresses, email accounts. You  
22 had just mentioned two of the types of indicators,  
23 but I wanted to reiterate that there are a broad  
24 range of indicators that we share.

25 Q. Does that Teleporter communication explain

1 and -- provide an explanation of the FBI's basis  
2 for thinking that those are bad accounts or bad  
3 indicators?

4 A. In general it will typically provide a  
5 very short summary, maybe a sentence or two, that  
6 will say, "We assess that these accounts are being  
7 controlled by the Internet Research Agency," and  
8 then provide a list of accounts, or "We assess this  
9 IP address is being used exclusively by the  
10 Internet Research Agency from this time period to  
11 that time period." That is a typical type of  
12 information sharing.

13 Q. Typically how many accounts or URLs or  
14 other indicators would be identified in a  
15 communication like this?

16 A. It varies from one account or one selector  
17 to many, like a whole spreadsheet full of them.

18 Q. Can you estimate -- for example, in 2022,  
19 can you estimate how many specific indicators have  
20 been flagged for social media companies?

21 A. I can't really estimate that number. I  
22 can estimate that during 2020 I shared information  
23 with the companies between one to five or one to  
24 six times per month.

25 Q. And you -- and they -- and there could be

1 anywhere from one to a very large number, a whole  
2 spreadsheet full of indicators that you'd be  
3 flagging, fair to say?

4 A. That is fair. And when I say "large,"  
5 maybe hundreds, but not thousands. I don't ever  
6 recollect anything in the thousands, but maybe  
7 hundreds.

8 Q. And then -- and that happened one to five  
9 times a month in 2020, correct?

10 A. Yes.

11 Q. How about in 2022, did it also happen that  
12 frequently?

13 A. In my recollection, maybe one to four  
14 times a month.

15 Q. And then there would be a similar range of  
16 the number of indicators flagged in each incident?

17 A. I would say for the 2022 cycle, that we  
18 would not have in the hundreds. At the most it  
19 would be in the -- in the tens, in the dozens.

20 Q. And do you send these out to all the  
21 social media platforms? I think you mentioned  
22 seven or eight that you regularly meet with. And  
23 do they all get these Teleporter communications  
24 flagging bad indicators for them?

25 A. I would --

1 MR. SUR: Objection; mischaracterizes the  
2 record, vague.

3 THE WITNESS: I would say in general that  
4 the companies I mentioned to you before would  
5 receive these.

6 However, there would be some occasions  
7 that it would be company-specific information that  
8 we would not share across all the companies that I  
9 previously mentioned.

10 Q. BY MR. SAUER: So sometimes it would  
11 relate to all of them; sometimes it might be just a  
12 Facebook issue or a Twitter issue or something like  
13 that, fair to say?

14 A. I would say most of the time we would  
15 share with that list of companies, and a few of the  
16 times we would share with just one company or two  
17 companies.

18 Q. Okay. Do you ask them to kind of report  
19 back to you on whether they take any action on  
20 those?

21 MR. SUR: Objection; vague.

22 THE WITNESS: The typical language we  
23 would use is, "We would appreciate any information  
24 you're able to share back with us about this  
25 information and if you were to take any actions

1 based on this information."

2 Q. BY MR. SAUER: And do they typically  
3 comply with that request?

4 MR. SUR: Objection; vague.

5 THE WITNESS: I would say sometimes.  
6 Some -- I would say at every quarterly meeting we  
7 try to follow up to ask if information we shared  
8 has been relevant if we have not received a  
9 response yet.

10 However, the companies either say they  
11 don't have anything additional to share or they do  
12 not find anything based on the information we  
13 shared.

14 Q. BY MR. SAUER: So sometimes they'll report  
15 back and say, "Hey, thanks for providing this  
16 information. We've taken down some of the  
17 accounts," or something like that? That happens  
18 sometimes, you say?

19 A. That is correct. And when it happens,  
20 we -- I will document it, and the reason for that  
21 is because that helps us fine-tune the information  
22 that we're sharing.

23 Q. Uh-huh. And then I take it sometimes they  
24 just -- they don't tell you what they did with it,  
25 right?

1 A. That is correct.

2 Q. But then every -- I take it at every  
3 quarterly or monthly meeting, you usually follow up  
4 and ask them, "Hey, did you take any actions on  
5 these reports we made," right?

6 A. We try to at quarterly meetings.

7 Q. Right. And I take it they don't always  
8 answer that question, fair to say?

9 A. They will always respond, but they will  
10 say, "Sorry. We don't have anything to share."

11 Q. Okay. And do you know why they are  
12 reluctant to tell you whether they took things down  
13 or not?

14 MR. SUR: Objection; vague, calls for  
15 speculation, mischaracterizes the record.

16 THE WITNESS: I don't know why -- I focus  
17 on when they do let us know about actions that  
18 they've taken.

19 Q. BY MR. SAUER: When you say you focus on  
20 that, what do you do with that information?

21 A. I document it, and then I relay it back to  
22 the field office, where it gets logged where that  
23 information came from.

24 Q. Do essentially all these communications  
25 kind of pass through you because you are the

1 relevant field officer in San Francisco, where  
2 these companies are located?

3 A. I would say I'm one of the primary people  
4 with pass-through information. However, we have  
5 agents on the different cyber squads and our  
6 private sector-engagement squad who also relay  
7 information to the companies.

8 Q. Who are those agents who relay this kind  
9 of information about a sort of problematic content  
10 on their platforms to social media?

11 (Discussion off the record.)

12 (Reporter read back as requested.)

13 THE WITNESS: So the question is: Who are  
14 these agents who do that? I would say for that  
15 sort of information it is not specifically about,  
16 quote, problematic content. It is specifically  
17 about cyber investigations, which are different  
18 from malign-influence investigations.

19 Q. BY MR. SAUER: Let me rephrase the  
20 question. Focusing on disinformation and  
21 malign-foreign-influence operations, are there any  
22 other FBI officials besides yourself who are  
23 involved in communicating those kinds of concerns  
24 to social media platforms outside the context of  
25 the quarterly meetings you've talked about?

1           A.     Yes. I have squad supervisors who are  
2     GS-14-level employees who share information to the  
3     companies as well.

4           MR. SUR: I'm sorry to interrupt. The  
5     videographer is suggesting that we go off the  
6     record for technical reasons.

7           THE VIDEOGRAPHER: We're off the record at  
8     11:40 a.m.

9                     (Whereupon a recess was taken.)

10          THE VIDEOGRAPHER: Back on the record at  
11     11:43 a.m.

12          Q.     BY MR. SAUER: Mr. Chan, I think you were  
13     saying you have two GS-14 officials who also  
14     communicate with social media platforms about  
15     disinformation, correct?

16          A.     That is correct.

17          Q.     Are those people who report to you in the  
18     San Francisco office?

19          A.     They report to me directly.

20          Q.     Other than those individuals, are there  
21     any other FBI officials who, to your knowledge,  
22     communicate with social media platforms about  
23     disinformation?

24          A.     Yes. The agents on those two supervisors'  
25     squads.

1 Q. And -- I'm sorry. What are the two  
2 supervisors' squads? Are they located in San  
3 Francisco?

4 A. Yes, they are. They are located in the  
5 San Francisco field office.

6 Q. Are those agents that also report to you  
7 as the ASAC?

8 A. That is correct. They report to the  
9 supervisors, who report directly to me.

10 Q. And those supervisors are the GS-14s that  
11 you just talked about, right?

12 A. That is correct.

13 Q. How about outside the San Francisco field  
14 office, are you aware of -- well, just a second.  
15 How many agents are we talking about there in total  
16 who engage in these communications with social  
17 media platforms about disinformation from the San  
18 Francisco field office?

19 A. I would say the two supervisors that I  
20 already mentioned and four agents on one squad and  
21 another agent on another squad.

22 Q. What kinds of communications do they have?  
23 Do they just send the Teleporter links, or do they  
24 get on the phone and talk to social media  
25 platforms? What's the nature of their

1       **communication?**

2           A.     So both of the things that you said.  So  
3 they will give them a heads-up if they need to  
4 relay information through Teleporter; and both of  
5 those squads have active investigations where they  
6 share unclassified, strategic-level information  
7 with the companies.

8           **Q.     So they would share both strategic and**  
9 **tactical information?**

10          A.     That is correct.

11          **Q.     And then would they be involved in**  
12 **following up to find out if their -- the tactical**  
13 **information was acted on?**

14          A.     Yes, they would.

15          **Q.     So and that might apply to you, the two**  
16 **GS-14s and the six field agents on the two squads**  
17 **you referred to?**

18          A.     Yes, that is correct.

19          **Q.     Okay.  Then how about outside the San**  
20 **Francisco field office?  Are you aware of any other**  
21 **agents who -- are you aware of any other FBI**  
22 **officials who communicate with social media**  
23 **platforms about disinformation?**

24          A.     So I am only aware of the FBI officials or  
25 employees who we invite to provide briefings at the

1 quarterly meetings.

2 Q. Okay. So that includes people who -- at  
3 FITF in Washington, D.C.?

4 A. That's correct.

5 Q. Is Laura Dehmlow -- she's the head of  
6 FITF, right?

7 A. Currently she's the section chief and head  
8 of the FITF.

9 Q. And does she come to all of those  
10 meetings?

11 A. I would say in the 2020 election cycle she  
12 had not been promoted yet and she was the unit  
13 chief for the China unit, and I would say she  
14 attended most of those quarterly meetings.

15 Since she has been promoted to be the head  
16 of the FITF, she has not attended as frequently. I  
17 believe she's only attended one set of meetings  
18 this year.

19 Q. What level of people do attend? You know,  
20 what sorts of people attend those meetings?

21 A. So Laura Dehmlow would be the  
22 highest-ranking FBI official to attend. She is the  
23 SES level. I would be the second-highest-level  
24 attendee, as a GS-15. And then everyone else would  
25 be below my grade, ranging from GS-14s to perhaps

1 GS-10 agents.

2 **Q. How long do these meetings last typically?**

3 A. We like to keep a tight agenda, and so it  
4 will typically last one hour.

5 **Q. And about how many people would attend on  
6 the FBI side -- or do attend on the FBI side?**

7 A. I would say from the Foreign Influence  
8 Task Force, between three to ten. However,  
9 typically only one to two people from each of the  
10 three units speaks. And then we would usually have  
11 one field office comprised of two  
12 representatives -- between one to three field  
13 offices attend. So one to two representatives from  
14 each of those field offices.

15 **Q. So I can't do that math in my head, but it  
16 is north of ten frequently?**

17 A. Yeah. If you do the math, it could be as  
18 high as a dozen.

19 **Q. And then how many people typically attend  
20 on the social media platform side?**

21 A. I would say a similar amount. For the --  
22 I'm sorry. I would say for the three larger  
23 companies -- specifically Google/YouTube, Facebook  
24 and Twitter -- it would be equal numbers or higher  
25 numbers than the FBI.

1 Q. When you provide tactical information to  
2 the social media platforms -- in other words, lists  
3 of social media accounts, URLs and other things of  
4 that nature -- how do you verify that those  
5 actually are inauthentic accounts and not actual  
6 real accounts by real people?

7 MR. SUR: Objection; implicates the law  
8 enforcement privilege.

9 I will ask that the witness answer only in  
10 generalities without disclosing the details of any  
11 particular investigation.

12 THE WITNESS: Understood.

13 So there are -- the FBI, as the lead law  
14 enforcement agency and domestic security agency for  
15 the federal government has two types of  
16 authorities. One, which you're very familiar with,  
17 Title 18 criminal authorities and all that  
18 entails -- subpoenas, search warrants, 2703(d)  
19 orders -- is one way that we acquire information  
20 for investigations.

21 On the national security side, we have  
22 Title 50 authorities and then the authorities from  
23 the Foreign Intelligence Surveillance Act, from  
24 the -- from the PATRIOT Act, from Executive Order  
25 12333 that allows us to gather national security

1 intelligence.

2 And so broadly we are able to use both  
3 types of techniques to gather the intelligence that  
4 we need to -- and then there is a -- in the case of  
5 the national security side, there is a  
6 declassification process that has to take place  
7 before we are allowed to share information with the  
8 social media companies.

9 Q. BY MR. SAUER: Let me ask you this: You  
10 had cited an example earlier where, for example, a  
11 Teleporter message was sent with a spreadsheet with  
12 hundreds of accounts back in 2020. Do you remember  
13 talking about that?

14 A. Yes.

15 Q. How sure are you that every single one of  
16 those accounts is actually an inauthentic kind of  
17 Russian-originated account as opposed to, you know,  
18 actually a real account of somebody who's got a  
19 Facebook or Twitter or YouTube account?

20 MR. SUR: Objection; compound.

21 THE WITNESS: Within the U.S. intelligence  
22 committee, as you're familiar, there are different  
23 levels of confidence in terms of the information  
24 that, you know, we are reviewing in a product. And  
25 we only share information that we have high

1 confidence that is attributed to a foreign-state  
2 actor.

3 Q. BY MR. SAUER: Is "high confidence" always  
4 correct or usually correct, in your experience?

5 A. In my experience, it has always been  
6 correct.

7 Q. So anything for the --

8 A. For the selectors that we are providing.  
9 I do not remember an instance where we have  
10 provided selectors where any of the social media  
11 companies have said, "Elvis, this is actually  
12 U.S.-person information."

13 Q. So you are not aware of ever getting  
14 feedback from them where they said you guys  
15 accidentally identified real users?

16 A. That is correct.

17 Q. Do they always tell you -- let me ask you  
18 this: How many of the ones that you flag do they  
19 take down?

20 A. I couldn't even estimate that number.

21 Q. How about as a percentage?

22 A. I couldn't even estimate. And let me --  
23 let me tell you part of the reason is because we  
24 may share, for example, one account with them, but  
25 then they may find ten connected accounts and take

1 all of them down. And they don't always tell us  
2 when -- you know, how many accounts were taken  
3 down. Sometimes they will tell us. Sometimes they  
4 will tell us, "Thank you, Elvis. We were able to  
5 detect this information and took all of the  
6 accounts down." And when we ask for the specifics,  
7 they don't necessarily tell us all the time.

8 **Q. Right. Okay. But it sounds like**  
9 **sometimes your reports lead to more takedowns than**  
10 **the accounts you have -- you flagged, fair to say?**

11 A. That is correct.

12 **Q. How confident are you that they are not,**  
13 **you know, kind of making mistakes in taking down**  
14 **real user accounts?**

15 MR. SUR: Objection; calls for  
16 speculation, lacks foundation.

17 THE WITNESS: So this is just my personal  
18 opinion, obviously not based on being able to see  
19 any of their data. In my experience, they take  
20 account takedowns very seriously because this  
21 affects their bottom line.

22 So no social media company wants to take  
23 down a large number of accounts, because one of the  
24 things they base their ad sales on is how many  
25 users are on their platform. So in my opinion,

1 they take it very seriously. And I would say that  
2 to the best of their ability, they are very careful  
3 before doing account takedowns.

4 Q. BY MR. SAUER: I think that ties back into  
5 something you said earlier, which was in 2016 they  
6 really didn't do any account takedowns, fair to  
7 say?

8 A. That is correct.

9 Q. And it -- and I take it they may have had  
10 a -- I -- we may be speculating here, if you know.  
11 Do you know if that was because they have a  
12 financial incentive to leave those accounts up  
13 because it increases their ad revenues?

14 MR. SUR: Objection; calls for  
15 speculation.

16 THE WITNESS: I wouldn't even begin to  
17 speculate. I don't know why.

18 Q. BY MR. SAUER: Let me ask you this: Why  
19 did things change, in your view? I take it in 2018  
20 and 2020 there were many more account takedowns,  
21 right?

22 A. So there are two parts to your question.  
23 Why do I think they did it? I can provide you with  
24 my personal opinion.

25 Q. Okay.

1           A.    My -- I believe pressure from Congress,  
2           specifically HPSCI and SSCI, may have had a part of  
3           it.

4                    And then also because I believe that they  
5           felt that this may have damaged their brands, but  
6           that is my personal opinion.

7           **Q.    Okay. Well, let me ask you this: When**  
8           **you say "pressure from Congress" and you mentioned**  
9           **HPSCI and SSCI, what are HPSCI and SSCI? Are**  
10          **those -- are those committees?**

11          A.    I'm sorry. HPSCI is the -- the House  
12          Permanent Select Committee on Intelligence. And  
13          SSCI is the Senate Select Committee on  
14          Intelligence.

15          **Q.    Starting with the House Permanent Select**  
16          **Committee on Intelligence, what kind of pressure**  
17          **did they put on the social media platforms to, you**  
18          **know, engage more aggressively in account**  
19          **takedowns?**

20          A.    They compelled -- I don't know if they  
21          compelled. They requested the CEOs for the  
22          companies that I mentioned, the -- to testify in  
23          front of their committee.

24          **Q.    And so they kind of brought in Mark**  
25          **Zuckerberg and Jack Dorsey and Sundar Pichai and**

1 had them testify in front of Congress?

2 A. That is correct.

3 Q. And that happened -- that happened once or  
4 it happened multiple times?

5 A. To my knowledge, that happened more than  
6 once.

7 Q. And you believe that that -- that that  
8 kind of scrutiny and public pressure from Congress,  
9 in your view, motivated them to be more aggressive  
10 in the account takedowns?

11 MR. SUR: Objection; lacks foundation,  
12 calls for speculation.

13 THE WITNESS: That is just my personal  
14 opinion.

15 Q. BY MR. SAUER: Yeah. What is the basis  
16 for your opinion? Has anyone at a social media  
17 platform ever made a comment to you that would  
18 reflect that -- that view?

19 A. I would say yes. And the types of  
20 comments that I have received are that staffers  
21 from both of those committees have visited with  
22 those companies. And while they would not reveal  
23 the types of discussions that they had with these  
24 House and Senate staffers, they would indicate that  
25 they had to prepare very thoroughly for these types

1 of meetings and that it was -- they indicated that  
2 it felt like a lot of pressure.

3 **Q. "They" is representatives of social media**  
4 **platforms?**

5 A. Yeah. The social media companies that  
6 were visited.

7 **Q. What -- what social media companies were**  
8 **visited by these HPSCI and SSCI staffers?**

9 A. To my knowledge, it was the three  
10 companies that I've mentioned, which include  
11 Facebook, Google and Twitter.

12 **Q. And Facebook, Google and -- Facebook,**  
13 **Google and Twitter employees all told you that they**  
14 **experienced these visits from congressional**  
15 **staffers as exercising a lot of pressure on them?**

16 A. That was how I interpreted their comments.

17 **Q. And then you infer from that that their**  
18 **changes in takedown policies resulted from that**  
19 **kind of pressure from Congress?**

20 A. That is my personal opinion.

21 If I can add, I think some of -- some of  
22 what was discussed -- I'm interpreting what -- some  
23 of what was discussed. But what the -- the  
24 staffers would come and talk to us either before or  
25 after they met with those three companies. And so

1 what was discussed with us was legislation that  
2 they were thinking about doing, and then asking for  
3 our opinion.

4 Q. Uh-huh. When you say "legislation that  
5 they were thinking about doing," what do you mean?

6 A. Legislation that either HPSCI or SSCI was  
7 thinking about doing.

8 Q. So HPSCI and SSCI, these committees on  
9 intelligence, their staffers would be communicating  
10 to the social media platforms Facebook, Twitter and  
11 Google or YouTube that they intended to try and  
12 pass legislation?

13 A. So I inferred that because that is what  
14 they discussed with me personally.

15 Q. That is what they, the social media  
16 platforms, discussed with you, correct?

17 A. No, no. That is what HPSCI and SSCI  
18 discussed with me when they were coming to these  
19 meetings.

20 Q. Oh, did you -- were you in on these  
21 meetings? Like, were you included in the meetings  
22 with the congressional staffers?

23 A. So I and FBI San Francisco personnel would  
24 meet with the congressional staffers, typically  
25 before they met or after they met with the social

1 media companies. And the reason for that is  
2 because they wanted an FBI opinion about what they  
3 had heard from the social media companies.

4 Q. I got you. What did they -- first of all,  
5 when did these meetings occur? Was this in 2017,  
6 2018, 2019, 2020? What time frame?

7 A. I can't recollect, but I do -- they felt  
8 like an annual occurrence after -- after 2017.

9 Q. And the congressional staffers would tell  
10 you in advance, "We're going to meet with the  
11 social media companies and -- and tell them about  
12 legislation we want to advance," correct?

13 A. No.

14 Q. I'm sorry.

15 A. What they would say -- what they would say  
16 is they would tell us, "We plan to meet with these  
17 three companies, and what have you been doing with  
18 these three companies?"

19 And then we would share, like, the cases  
20 or -- that we would be working on, but we would be  
21 in a classified setting. So we would be able to  
22 speak more freely about the types of investigations  
23 that were the most prominent or the most active on  
24 our side, that they were either -- their -- their  
25 platforms were impacted at some point. That is --

1 would be the nature of our discussion with the  
2 staffers.

3 But I would not meet with the staffers and  
4 the social media companies. The staffers had  
5 separate meetings with each of the companies.

6 **Q. Okay. And then after those meetings, the**  
7 **staffers would come to you and ask your opinion**  
8 **about potential legislation?**

9 A. That is correct.

10 **Q. What sort of legislation?**

11 MR. SUR: I am going to object. The  
12 deliberative process privilege extends not just to  
13 the executive branch, but all sorts of executive  
14 communications within the government.

15 So if you can answer at a level of  
16 generality that avoids disclosing the  
17 particularities of any deliberations. If you -- if  
18 you cannot, then I instruct you not to answer.

19 THE WITNESS: I cannot discuss it in  
20 general terms.

21 **Q. BY MR. SAUER: Okay. Well, let me ask you**  
22 **this just generally. Did the legislation relate to**  
23 **Section 230 of the Communications Decency Act?**

24 MR. SUR: I am going to stand by the same  
25 objection on the grounds of deliberative process

1 privilege.

2 MR. SAUER: The deliberative process  
3 privilege does not apply, quote, when there is any  
4 reason to believe that government misconduct has  
5 occurred. The judge by ordering this deposition  
6 has already concluded there's potential First  
7 Amendment violations in this case that need to be  
8 explored, so the privilege does not apply.

9 MR. SUR: We are at the -- at the pleading  
10 stage on the First Amendment violations, and the  
11 judge has not ruled on any particular privilege  
12 question. So I will continue to assert and ask  
13 that the witness not answer the question on the  
14 grounds of the deliberative process privilege.

15 Q. BY MR. SAUER: Let me ask you this: The  
16 social media platforms talk to you -- people on the  
17 social media platforms talk to you as well, right?

18 A. Yes. I talk with the social media  
19 platform personnel regularly.

20 Q. And I think you'd said earlier that they  
21 had kind of just made statements to you that  
22 indicated that they felt that these meetings, these  
23 annual meetings with congressional staffers put a  
24 lot of pressure on them, right?

25 A. That was my interpretation of their

1 comments. I don't recollect any of them using the  
2 specific word "pressure," but that was how I  
3 interpreted our conversations.

4 **Q. What congressional staffers were involved**  
5 **in these meetings?**

6 A. They would be senior-level staffers. I'm  
7 sorry. I can't remember any of their names. But  
8 typically it would be -- the delegation would  
9 include a senior-level staffer, I think a  
10 director-level; and then one of their attorneys,  
11 like the committee counsel or a senior counsel for  
12 the committee; and then there would be one to two  
13 other, like, line-level staffers.

14 **Q. So there would be maybe three to five**  
15 **staffers total who would come to the meetings?**

16 A. That is correct.

17 **Q. Do you know who at the three social media**  
18 **platforms you referred to attended the meetings?**

19 A. So I was told by the staffers that they  
20 met with Facebook, Google and Twitter.

21 **Q. But then you actually talked to some**  
22 **people from Facebook, Google and Twitter who were**  
23 **at those meetings, right?**

24 A. Yes.

25 **Q. Who were they for Facebook, for starters?**

1           A.     For Facebook, I would typically talk to  
2     Steven Siegel.  He's a -- a director on their  
3     attorney side.

4           **Q.     Anyone else at Facebook that was involved**  
5     **in the meetings with congressional staffers?**

6           A.     He would be the one that I would talk to  
7     about that.

8           **Q.     And he -- for some --**

9           A.     That's what I recollect.

10          **Q.     And specifically he was involved in those**  
11     **meetings, right?**

12          A.     He led me to believe that he was involved  
13     in those meetings.  Probably not just him.

14          **Q.     How about -- how about Twitter, what -- do**  
15     **you know who at Twitter was involved in those**  
16     **meetings?**

17          A.     I would have discussions with Yoel Roth or  
18     Angela Sherrer.

19          **Q.     How do you spell "Angela Sherrer"?**

20          A.     Angela, common spelling; Sherrer,  
21     S-h-e-r-r-e-r.

22          **Q.     Anyone else?**

23          A.     She is no longer -- she's no longer -- or  
24     neither of them are at Twitter anymore.

25          **Q.     Okay.  There's some turnover there?**

1 A. Yes.

2 Q. **Anyone else at Twitter?**

3 A. Those would be the two senior officials  
4 that I am aware of.

5 Q. **How about Google?**

6 A. I would say in my experience it would be  
7 Richard Salgado.

8 Q. **Anyone else besides Richard Salgado?**

9 A. I believe on some occasions Shane Huntley  
10 would attend.

11 Q. **Anyone else at Google?**

12 A. I can't recollect at this time, but those  
13 would be the two most senior officials attending  
14 those types of meetings.

15 Q. **Let me ask you this: Connecting these two**  
16 **things, did you observe that after those meetings**  
17 **where the congressional staffers came out and met**  
18 **with Facebook, Twitter and YouTube; that Facebook,**  
19 **Twitter and YouTube changed their practices and**  
20 **became more active in account takedowns?**

21 A. No. I would not connect those two events.  
22 What I would say is after 2016 -- at the end of  
23 2016 and the beginning of 2017, after those initial  
24 congressional hearings, and even prior to those  
25 congressional hearings, in my experience, the

1 companies did not seem to be aware of the  
2 activities going on on other platforms. But after  
3 they became aware, they became much more active in  
4 trying to combat it.

5 Q. I am going to pull up your thesis again,  
6 and hopefully it won't cause audio problems. Can  
7 you see that?

8 A. Can you let us know what page you're on?

9 Q. Yeah. This is on Page 42. See down  
10 there, that's Page 42? And then that would be Page  
11 66 of the PDF.

12 A. Okay. I can see one whole paragraph and  
13 parts of two paragraphs.

14 Q. Can you see here at the top of the page  
15 where you refer to the "Internet Research Agency's  
16 influence campaign in 2016"?

17 A. Yes.

18 Q. And then you say that the "companies  
19 allowed the IRA free rein to achieve the relevant  
20 elements of the Kartapolov Framework" in 2016,  
21 right?

22 A. Yeah. That is how I characterize that.

23 Q. And that's a reference to, you know, "free  
24 rein," that is engaging in no takedown activity at  
25 all, but letting the Russian inauthentic content be

1 freely disseminated on their platforms, right?

2 A. That is correct.

3 Q. And then you go on to say, "However, later  
4 on, intense pressure from U.S. lawmakers and the  
5 media would eventually force the social media  
6 companies to examine what had taken place on their  
7 platforms and strive to ensure it did not happen in  
8 the future," right?

9 A. Yeah. I wrote that. And you can see that  
10 the footnote says I am referencing the HPSCI  
11 "Report on Russian Active Measures."

12 Q. So you're actually referencing HPSCI, the  
13 congressional committee that sent these staffers  
14 out to have these meetings that we just talked  
15 about, right?

16 A. That's correct.

17 Q. Do you still agree with that statement  
18 that (as read) "intense pressure from U.S.  
19 lawmakers and the media forced the social media  
20 companies to examine what had taken place and  
21 strive to ensure it did not happen in the future"?

22 A. Yes. I wrote that statement, and I agree  
23 with it.

24 Q. That's a consistent approach with the  
25 Footnote 185 that cites the congressional reports

1 as well as what you said earlier about, you know,  
2 calling the tech CEOs in to testify in front of  
3 Congress and these meetings out here in San  
4 Francisco, right?

5 A. Yes. That is my personal opinion.

6 Q. Okay. I want to jump ahead to Page 46 of  
7 your thesis. Can you still hear me?

8 A. Yes.

9 Q. Okay. Do you see here on Page 46, Page 70  
10 of the PDF?

11 A. "Facebook stated it took a series of  
12 measures"?

13 Q. All right.

14 (Discussion off the record.)

15 THE WITNESS: I read the first sentence of  
16 the second paragraph.

17 Q. BY MR. SAUER: Right. If I could direct  
18 your -- can you hear me now?

19 A. Yes.

20 Q. Directing your attention higher up, at the  
21 very top of the page, you say, "Facebook and  
22 Twitter appeared to be the most detailed in sharing  
23 their changes and the most public about account  
24 takedowns," right?

25 A. That is correct.

1 Q. And "their changes," what are those? Is  
2 that a reference to substantive actions and policy  
3 changes to address malign foreign influence?

4 A. Yes.

5 Q. And your footnotes there I think refers to  
6 changes that they actually made to their  
7 content-modulation policies, right, their terms of  
8 service?

9 A. That is correct. Whenever --

10 (Discussion off the record.)

11 THE WITNESS: Okay. Can you -- can you  
12 scroll back to the sentence you were on, Mr. Sauer?

13 Oh, I wanted to clarify that the  
14 substantive actions refers to, like, the  
15 technology-detection methods, right? That is one  
16 of the substantive actions.

17 And then, as you mentioned, yeah, the  
18 policy changes specifically to their terms of  
19 service or community standards.

20 (Discussion off the record.)

21 THE WITNESS: -- and community -- or  
22 community standards.

23 Q. BY MR. SAUER: Got you. So the policy  
24 changes are changes -- the substantive changes are  
25 their using algorithms to detect inauthentic

1 content, right?

2 A. Correct. That is -- that is what I'm  
3 referring to.

4 Q. And then these -- the policy changes are  
5 actually changing their terms of service to make  
6 things -- to clarify that certain things actually  
7 violate their policies and can be taken down,  
8 right?

9 A. Correct.

10 Q. So those are kind of more robust or more  
11 aggressive content-modulation policies that they  
12 have adopted in this time frame, right?

13 A. Yes.

14 Q. And you go on to say in the next page,  
15 "Facebook and Twitter appeared to be the most  
16 detailed in sharing their changes and the most  
17 public about account takedowns," right?

18 A. That is correct.

19 Q. And the changes they shared were they  
20 shared that they had both -- well, include the  
21 policy changes, the changes to their terms of  
22 service, right?

23 A. Yes. They were very public in blog posts  
24 about the terms-of-service changes --

25 (Discussion off the record.)

1 THE WITNESS: -- is their term for it --

2 (Discussion off the record.)

3 THE WITNESS: And providing reports of  
4 account takedowns of foreign malign influence.

5 Q. BY MR. SAUER: So in addition to notifying  
6 the FBI that they had taken stuff down, they would  
7 provide a public report saying, "Hey, we took down  
8 all the -- a certain number of accounts in the last  
9 quarter"; is that what they would do?

10 A. Yes, yes.

11 Q. Okay. And you go on to say, "A possible  
12 reason could be that Facebook and Twitter faced  
13 more Congressional scrutiny than Google as their  
14 senior executives testified before Congress on  
15 three separate occasions before the midterm  
16 elections" --

17 A. Uh-huh.

18 Q. -- is that right?

19 A. Yes. I do cite a news article. I --  
20 however, I do share the opinion of that article.

21 Q. And that's consistent with what we just  
22 talked about a moment ago, which is that one way  
23 that these social media platforms experience  
24 pressure was Mark Zuckerberg and Jack Dorsey had to  
25 go testify in front of Congress multiple times.

1 And you infer from that that may have led to their  
2 changing their terms of service to be more robust  
3 and to prevent certain kinds of content from being  
4 posted; fair to say?

5 MR. SUR: Objection; mischaracterizes the  
6 record.

7 THE WITNESS: My personal opinion is that,  
8 yeah, the -- my personal opinion is that political  
9 pressure from Congress was a contributing factor.

10 Q. BY MR. SAUER: On the next page, Page 47,  
11 you talk about there were a significant number of  
12 takedowns, right? "In 2018, Twitter announced the  
13 takedown of 3,613 IRA-associated accounts."

14 A. Yeah. I see that at the bottom of the  
15 first paragraph on that page.

16 Q. Do you have any way of knowing if all of  
17 those were actually IRA-associated or some of them  
18 might have been authentic accounts?

19 A. Well, I only know what Twitter has told  
20 us.

21 Q. Jumping ahead in your thesis to -- a  
22 couple pages, to Page 49, you talk about how  
23 something "provided politicians with the occasion  
24 to exert pressure on the companies to make  
25 constructive changes to their platforms," right?

1 A. Yeah, that was my assessment.

2 Q. Yeah. And in other words, this is, again,  
3 another way of saying something we have been  
4 talking about, that politicians, including members  
5 of Congress, pressured the social media companies  
6 to make changes to their platforms to address  
7 malign foreign influence, correct?

8 A. That is correct.

9 Q. And you described it as "constructive  
10 changes." So by and large you approve of the  
11 policy changes and substantive actions that were  
12 taken after 2016, correct?

13 MR. SUR: Objection; lacks foundation.

14 THE WITNESS: The reason I said it was  
15 constructive was that it appeared the social media  
16 companies were able to detect and counter  
17 foreign-malign-influence operations on their  
18 platforms, which I believe was constructive.

19 Q. BY MR. SAUER: And do you think it's  
20 constructive that they are better equipped to  
21 engage in account takedowns?

22 A. That is correct. As compared to 2016 and  
23 prior.

24 Q. And you think it is a positive development  
25 between 2016 and 2018 that zero accounts were taken

1 down during the 2016 cycle but 3,613 Twitter  
2 accounts were taken down in the 2018 cycle,  
3 correct?

4 A. Yeah. The higher number is better than  
5 zero, in my estimation.

6 Q. Because by and large you believe that  
7 malign-foreign-influence accounts should be taken  
8 down from Twitter, Facebook, YouTube and so forth?

9 A. Yes, that is my belief.

10 Q. In the next paragraph of the thesis, you  
11 talk about the Global Engagement Center. What  
12 exactly is that?

13 A. So as I mentioned, it -- legislation  
14 established the Global Engagement Center within the  
15 State Department. And based on my understanding  
16 and review of reporting about the GEC, they were  
17 primarily focused originally on countering foreign  
18 terrorist organizations' propaganda.

19 Q. Do you -- and then did their mission  
20 change to address malign foreign influence?

21 A. I -- yeah. I would say it has now -- in  
22 my experience, it is now including malign foreign  
23 influence as well.

24 Q. When you say your experience, do you  
25 interact with the Global Engagement Center in your

1 **professional role?**

2 A. Yeah, I -- the -- yes. Ahead of the 2020  
3 elections, I engaged with a regional representative  
4 who was based here in San Francisco.

5 **Q. Who was that?**

6 A. His name was Sam Stewart.

7 **Q. Uh-huh. Was that Samaradun Kay Stewart?**

8 A. Yeah. Yeah, that's his full name.

9 **Q. What were your interactions with him?**

10 A. I would have periodic phone calls with  
11 him. He would meet with the social media companies  
12 separately from me. And from what he told me, it  
13 seemed like he primarily met with policy  
14 individuals. I -- I rarely, if ever, meet with  
15 policy individuals.

16 As I mentioned to you before, I typically  
17 meet with the trust and safety individuals and then  
18 their associated attorneys.

19 **Q. Did he discuss with you the nature of the**  
20 **meetings he had with the policy individuals at**  
21 **social media platforms?**

22 A. I would say only broadly. He discussed  
23 different initiatives that they have.

24 **Q. Would the social media platforms --**

25 A. And these initiatives include different

1 types of software made by vendors that they would  
2 pilot to see if they could detect malign foreign  
3 influence on social media platforms. And then he  
4 would also share information from State Department  
5 employees who were at embassies, you know, boots on  
6 the ground type of information from the embassies  
7 we have around the world.

8 That is the type of information that he  
9 would share with me and let me know that that was  
10 the type of information that he was sharing with  
11 the companies.

12 Q. That first piece of it is kind of  
13 interesting because it sounds like that connects to  
14 what you said earlier about the substantive actions  
15 taken by the social media platforms. They adopted  
16 computer programs or algorithms to try and detect  
17 inauthentic foreign activity, correct?

18 A. Yes. In my estimation, they use that type  
19 of technology to detect and either knock down or  
20 flag malign-foreign-influence activity.

21 Q. It sounds like Mr. Stewart was, based on  
22 your description, kind of offering them access to  
23 the sorts of tools they might be able to use to  
24 detect it, correct?

25 MR. SUR: Objection; calls for

1 speculation, mischaracterizes the record.

2 THE WITNESS: So I don't know what outside  
3 vendors any of the companies, any of the social  
4 media companies use.

5 I do know that the -- Sam Stewart from the  
6 Global Engagement Center, he -- he would provide  
7 webinars to me from these different types of  
8 vendors, and then the vendors would just come in  
9 and share results that they have.

10 Q. BY MR. SAUER: When you say "results," are  
11 these vendors who prepare computer programs to  
12 detect, you know, inauthentic activity on social  
13 media platforms?

14 A. That is my understanding.

15 Q. And you -- I take it you participated in  
16 some of his presentations, or you --

17 A. I would say I went to two of those  
18 webinars just to see what they were like.

19 However, based on my viewing of those two  
20 webinars, I did not think it was useful from a law  
21 enforcement standpoint.

22 Q. And would it be more useful -- in other  
23 words, a more useful audience would have been the  
24 social media platforms who might use such programs?

25 MR. SUR: Objection; vague.

1 THE WITNESS: I believe that is why Sam  
2 Stewart would share that type of information. But  
3 the reason I did not find it useful was because, as  
4 a law enforcement agency and a domestic security  
5 service, I am focused on the malign foreign actors  
6 themselves and their activities. And what these  
7 companies and applications did was just look at  
8 the -- look at the content and activities from a  
9 surface level.

10 So I would be concerned that that sort of  
11 application might accidentally pick up U.S. people  
12 information, and so that is not something that I  
13 think would be useful or relevant to the FBI.

14 Q. BY MR. SAUER: And so your concern -- your  
15 concern was that the GEC's kind of computer  
16 programs that they were making available to social  
17 media companies might be overinclusive and  
18 misidentify authentic accounts as inauthentic  
19 activity?

20 MR. SUR: Objection; lacks foundation,  
21 calls for speculation, and mischaracterizes the  
22 record.

23 THE WITNESS: So if I may -- if I may  
24 respond to your question. So the State Department  
25 is primarily a foreign-focus agency. And so in

1 their estimation -- I believe that in their  
2 estimation their tools would be deployed overseas,  
3 where I believe they do not have the same type of  
4 legal training that I do specifically about First  
5 Amendment protections. And so, you know, they are  
6 overseas in embassies and their analysts are  
7 overseas in embassies, and so they don't have the  
8 same sorts of concerns that I would working at the  
9 FBI is what I -- is my personal opinion.

10 **Q. BY MR. SAUER: Okay. And those concerns**  
11 **specifically is that it would raise a First**  
12 **Amendment concern if somebody's -- a real user's**  
13 **account got accidentally taken down because the**  
14 **State Department provided a computer program that**  
15 **was overinclusive?**

16 MR. SUR: Objection; mischaracterizes the  
17 record and calls for a legal conclusion.

18 **Q. BY MR. SAUER: But if -- yeah, if that**  
19 **concern --**

20 A. So I don't think the State Department was  
21 providing these programs to the companies. I think  
22 the State Department was just providing a venue  
23 where different vendors could show off their  
24 products. I don't think they endorsed or did not  
25 endorse these products, but they provided -- and it

1 wasn't just for the social media companies.

2           They would invite all sorts of audiences,  
3 to include researchers, employees from State  
4 Department counterparts, so typically Ministry of  
5 Foreign Affairs. They would provide -- these were  
6 open to the general public, but I believe the  
7 audience that they were going for were State  
8 Department-equivalent personnel, social media  
9 companies and researchers.

10           MR. SAUER: Do you want to go off the  
11 record?

12           THE WITNESS: That's just based on what --

13           THE VIDEOGRAPHER: Off the record at  
14 12:27.

15                           (Whereupon the noon recess was  
16 taken.)

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1 REMOTE VIA ZOOM, CALIFORNIA, NOVEMBER 29, 2022

2 AFTERNOON SESSION

3 ---o0o---

4 THE VIDEOGRAPHER: We are back on the  
5 record at 1:20 p.m.

6 Q. BY MR. SAUER: Agent Chan, I just want to  
7 direct your attention back to your thesis, Exhibit  
8 1, for a few more questions. Let me know if you  
9 have difficulty hearing me.

10 Here I am on Page 61 of your thesis, which  
11 is Page 85 of the pdf. In here you discuss the  
12 case of PeaceData, which was a website, right?

13 A. Yes, that is correct.

14 Q. What exactly was PeaceData? Was that a  
15 Russian-originated website?

16 A. Yes. For the 2020 election cycle, that  
17 was a website created by the Internet Research  
18 Agency.

19 Q. And it was intended to sow kind of  
20 disinformation and discord among kind of  
21 left-leaning voters in the United States, right?

22 A. Yes.

23 Q. And then here in this sentence that I am  
24 highlighting you say "Third, Reuters broke a story  
25 about the IRA posing as PeaceData staff to hire

1 unwitting freelance journalists, including  
2 Americans, to write articles for the site," right?

3 A. That is correct, and I cite the articles.

4 Q. Right. And then you go on to say that  
5 "The Carnegie Endowment" "determined that at least  
6 20 freelance journalists," which includes  
7 Americans, "had been duped into writing articles  
8 for the PeaceData outlet," right?

9 A. That is correct.

10 Q. Those articles were posted on that  
11 website, right?

12 A. That is correct.

13 Q. Then that website, I take it, got taken  
14 down as a result of the revelation that it was a  
15 Russian mis- -- or Russian-originated site, right?

16 A. I do not believe it was taken down. I  
17 believe it was just discredited. It may -- I  
18 haven't checked it, but it was up for a while.

19 Q. And this is one of those sites that you  
20 described as achieving fairly low engagement  
21 earlier in the deposition; is that right?

22 A. Right. That is correct.

23 Q. Was the FBI involved in the investigation  
24 of the PeaceData?

25 MR. SUR: Objection; vague.

1 THE WITNESS: So the FBI shared  
2 information with the companies that it believed the  
3 Internet Research Agency was standing up. Two  
4 websites. One was PeaceData, and the other was  
5 called NAEBEC, which is an abbreviation for Newsroom  
6 for American- and European-Based Citizens. So they  
7 were supposed to be complementary news websites.  
8 But we did tip the social media companies to both  
9 of those sites.

10 Q. BY MR. SAUER: Did the social media  
11 companies, to your knowledge, act on that  
12 information and take actions to restrict social  
13 media postings about those -- bombing those sites?

14 A. What they conveyed to me is that they  
15 identified accounts that were foreign-associated,  
16 so Internet Research Agency-associated, that were  
17 directing users on those platforms to the PeaceData  
18 website as well as the NAEBEC website.

19 Q. So they identified. Did they take actions  
20 against those accounts?

21 A. I believe they did.

22 Q. Okay. So this is a situation where the --  
23 in the 2020 election cycle the tactics have evolved  
24 and the Russians have now created a website, hired  
25 Americans to write for the website and post

1 articles on it, and then are using fake accounts to  
2 direct ordinary users to the content on that  
3 website; is that right?

4 MR. SUR: Objection; assumes facts not in  
5 evidence.

6 THE WITNESS: Yeah, so you have summarized  
7 one of the shifts that I noticed in my thesis.

8 Q. BY MR. SAUER: Got you. And the FBI was  
9 the organization that flagged this for social media  
10 companies as -- the PeaceData site as a  
11 Russian-originating site, correct?

12 A. Yes, that is my recollection.

13 Q. Okay. So in that you talked about the  
14 NAEBC site, right? That's N-A-E-B-C, right?

15 A. Correct.

16 Q. And that was a more right-wing site that  
17 the Russians originated?

18 A. Correct.

19 Q. And just turning two pages ahead in your  
20 thesis to Page 63, you have a sentence here about  
21 the NAEBC site that begins "Lastly, Graphika  
22 determined that the IRA used various social media  
23 accounts to engage with real users and convince  
24 them to post on the NAEBC site, which met with some  
25 success," correct?

1 A. Yes, I wrote that, and I was citing the  
2 Graphika team report.

3 Q. So it's your understanding that the NAEBC  
4 site also included content drafted and written by  
5 real users that had posted on that site?

6 A. Yes, based on the Graphika report.

7 Q. So it is a bit like the PeaceData site  
8 where they had hired freelance journalists,  
9 including Americans, to post on the site. Here  
10 they induced social media users to post their own  
11 thoughts on that site, right?

12 A. That is correct, but we do not know the  
13 nationality of the users because it wasn't  
14 mentioned in the source that I used.

15 Q. You don't know today whether those were  
16 Americans or foreigners who were posting on that  
17 NAEBC site, right?

18 A. I do not.

19 Q. But the NAEBC site was designed by the  
20 Russians for Americans to read, right, or Americans  
21 and Europeans; is that right?

22 A. That is my assessment.

23 Q. In fact, NAEBC stands for Newsroom for  
24 American- and European-Based Citizens, right?

25 A. That is correct.

1 Q. Higher on this page you describe these  
2 people who posted on the site as unwitting  
3 co-optees. Do you see that?

4 A. I do see that.

5 Q. So you have a situation where there's a  
6 kind of, you know, intermingling or blending of the  
7 inauthentic Russian content with essentially  
8 authentic user-generated content, right?

9 MR. SUR: Objection; vague and ambiguous.

10 THE WITNESS: Yes, I characterize those  
11 individuals as unwitting co-optees.

12 Q. BY MR. SAUER: And the FBI flagged the  
13 NAEBC site for social media platforms as a kind of  
14 Russian-originated source as well, right?

15 A. That is correct.

16 Q. Did you also flag social media accounts  
17 that were engaged in directing people -- or  
18 directing people to those sites, both PeaceData and  
19 NAEBC, to the social media platforms?

20 MR. SUR: Objection; vague and ambiguous.

21 THE WITNESS: No, not to my recollection.  
22 From my recollection, we provided those two  
23 websites to include the URLs and then the companies  
24 were able to discover Russian-controlled accounts  
25 that were used to try to redirect users to those

1 websites.

2 Q. BY MR. SAUER: And the social media  
3 companies told you that they had found them. Did  
4 they say they had taken action against those  
5 accounts?

6 A. Yes, they said that they had taken down  
7 those accounts.

8 Q. Jumping ahead to Page 70 of your thesis,  
9 which is Page 94 of the PDF, Table 5 here you have  
10 a summary of Facebook takedowns from 2020, right?

11 A. Yes.

12 Q. And you have a grand total of 825 accounts  
13 taken down from Facebook and Instagram pages -- or  
14 platforms, right?

15 A. That is correct.

16 Q. So I think part of your thesis points out  
17 that Facebook was much, much more active in the  
18 2020 election cycle in removing  
19 malign-foreign-influence accounts than it had been  
20 in 2016, right?

21 A. That is my assessment.

22 Q. And in your thesis, you only cite the four  
23 publicly cited in media reports instances where the  
24 FBI had flagged stuff to Facebook and other social  
25 media platforms, right?

1           A.     That is correct.  Because that was -- I  
2     was writing the thesis for me personally, and I was  
3     not representing -- you know, if you look at the  
4     caveat in the first place, I was representing my  
5     personal views and not necessarily the views of the  
6     FBI regarding the thesis.

7           Q.     But in your capacity as an FBI agent,  
8     you're aware of a lot more than four instances  
9     where the FBI had flagged accounts, right?

10          A.     You are correct.

11          Q.     In fact, I think you said it was one to  
12     five instances per month in 2018 election cycle --  
13     sorry, one to five instances per month during the  
14     2020 cycle and one to four instances per month in  
15     the 2022 cycle, correct?

16          A.     That is correct.  And the reason for that  
17     is because that information is not publicly  
18     available.  So I could not use it in my thesis.

19          Q.     Understood.  And of those 825 accounts  
20     from Facebook, do you have any idea, ballpark, how  
21     many of those were the results of takedowns --  
22     sorry.  How many of those takedowns were the result  
23     of information provided by the FBI?

24          A.     Unfortunately I do not.  I would love to  
25     have that statistic, but I do not have that.

1 Q. You kind of asked them for that and they  
2 haven't told you, right?

3 A. That is correct.

4 Q. Okay. But it's some subset of those  
5 because you have been told on multiple occasions  
6 that they have acted on information that you  
7 provided, right?

8 A. That is my assumption.

9 Q. Next page you talk about in 2019, Twitter  
10 announced two takedowns of 422 accounts which made  
11 929,000 tweets, right?

12 A. That's correct.

13 Q. Can you look at the figure on that page?  
14 Looks like the topics relate to the 2018 midterms,  
15 MAGA, ReleaseTheMemo and other subjects; is that  
16 right?

17 A. That is correct.

18 Q. ReleaseTheMemo is some -- some sort --  
19 some trend that's designed to appear -- to appeal  
20 to conservative voters, right?

21 A. Honestly, I can't remember.

22 Q. In any event, do you know how many of  
23 these 422 accounts and 929,000 tweets that were  
24 removed were the result of FBI information?

25 A. I do not.

1 Q. It is some subset of those, but they  
2 haven't given you the precise numbers; is that fair  
3 to say?

4 A. That is -- that would be my assumption.

5 Q. And then the next page, again, there's a  
6 reference to Twitter announcing four sets of  
7 takedowns with 1,233 accounts as well. Same  
8 question: I take it that some of those are due to  
9 the FBI, but you don't know how many?

10 MR. SUR: Objection; calls for  
11 speculation.

12 THE WITNESS: I would assume that some  
13 subset of that amount was due to information we  
14 provided, but I do not know the exact number.

15 Q. BY MR. SAUER: And at some level you know  
16 that some are because Twitter's told you on at  
17 least some occasions, "Yes, we acted on your  
18 information and took down problematic accounts,"  
19 right?

20 A. That is correct.

21 Q. Let's jump ahead to Page 76 of your  
22 thesis. You have a discussion of some meetings  
23 here at the bottom of the page. You see where I  
24 am? On September -- you talk about how the U.S.  
25 government was more engaged ahead of the 2020

1 **elections, right?**

2 A. I said the government appeared to be more  
3 engaged with social media companies.

4 **Q. In fact, based on your actual experience,**  
5 **were you more engaged?**

6 A. I would personally characterize it as  
7 being more engaged. However, I cannot discuss that  
8 in a thesis.

9 **Q. Got you. This next sentence you say**  
10 **"September 4th, 2019, Facebook hosted an election**  
11 **security meeting with FBI, DHS and ODNI," right?**

12 A. That's correct.

13 **Q. Were you at that meeting?**

14 A. I was at that meeting.

15 **Q. Who else was at that meeting from the FBI?**

16 A. I specifically remember two attorneys  
17 being at that meeting, but they are both GS-14  
18 attorneys.

19 **Q. Don't tell me their names. Anyone else**  
20 **from the FBI?**

21 A. No. I believe I -- yeah, I was the only  
22 non-FBI -- I'm trying to remember if any FITF  
23 employees came. Actually, yes, I believe one  
24 employee from FITF came, but I am not completely  
25 sure.

1 Q. Do you know who it was?

2 A. Yeah, he's another GS-15. It would be the  
3 unit chief for the Russian unit.

4 Q. How about from DHS, were those CISA  
5 individuals?

6 A. I definitely remember Matt Masterson being  
7 there, but I do not remember if Brian Scully was  
8 there. Oh, I also remember the director of CISA,  
9 Mr. Krebs, was there as well.

10 Q. So Krebs, Masterson and possibly Scully  
11 were at that meeting?

12 A. Krebs and Masterson for sure, and I can't  
13 remember if Scully was there.

14 Q. Okay. What was discussed at this meeting?

15 A. It was just an overall meeting to discuss  
16 election security, and I think in my opinion,  
17 Facebook held the meeting because they wanted all  
18 of the relevant federal government components in  
19 the same room to share what the federal government  
20 agencies intended to do to ensure the safety of the  
21 2020 elections.

22 Q. Okay. And you go on to the next page to  
23 say, "The other companies attending the meeting  
24 included Google, Microsoft, and Twitter," right?

25 A. Yeah. And you can see from the footnote

1 those were the only companies who were mentioned in  
2 the article.

3 Q. Were there other companies there, since  
4 you attended the meeting?

5 A. Yes, there were other companies there.

6 Q. Which ones?

7 A. I specifically remember Yahoo! was there.

8 Q. Any others?

9 A. Not from my recollection.

10 Q. Were the individuals from the social media  
11 platforms at these -- at this meeting, were these  
12 people from the site integrity or trust and safety  
13 teams?

14 A. Yes.

15 Q. So those are the people on the social  
16 media side who have responsibility for enforcing  
17 content-modulation decisions and enforcing terms of  
18 service?

19 A. That is --

20 MR. SUR: Objection; calls for  
21 speculation, lacks foundation.

22 THE WITNESS: That is my understanding.

23 Q. BY MR. SAUER: Did you -- what was -- was  
24 content modulation discussed at all? Was  
25 disinformation discussed at this meeting?

1 MR. SUR: Objection; vague and ambiguous.

2 THE WITNESS: From my recollection, the  
3 social media companies were focused on discussing  
4 disinformation, and the FBI was really focused on  
5 the actors who were involved, specifically the  
6 Internet Research Agency.

7 Q. BY MR. SAUER: So this was an information  
8 where disinformation was discussed and removing  
9 disinformation from platforms?

10 A. So the social media companies discussed  
11 that. We, the FBI, did not discuss that.

12 Q. What did CISA discuss at this meeting,  
13 Mr. Krebs and Mr. Masterson or Mr. Scully, if he  
14 was there?

15 A. From my recollection, CISA just discussed  
16 what their role was and is in securing election  
17 infrastructure and supporting election officials.

18 Q. Did they talk about disinformation?

19 A. I do not remember them talking about  
20 disinformation.

21 Q. How about ODNI, did they talk about  
22 removing disinformation?

23 A. No, they did not. ODNI, from my  
24 recollection, provided an unclassified overview of  
25 three specific nation states that they were

1 concerned might try to conduct malign-influence  
2 campaigns against the U.S. elections in 2020.  
3 These include Russia, China and Iran.

4 Q. You go on to say, "In August 2020, the New  
5 York Times broke a story revealing that the private  
6 sector companies working with the U.S. government  
7 had expanded to include the Wikimedia Foundation,  
8 Verizon Media, Reddit, Pinterest, and LinkedIn,"  
9 correct?

10 A. That is correct.

11 Q. So let me ask you this: Were there other  
12 meetings, other than this one on September 4th,  
13 2019, with these other companies?

14 A. I don't remember another -- oh, outside of  
15 the CISA-hosted industry group meetings, I don't  
16 remember another meeting that had all of the  
17 companies together.

18 Q. Okay. So the CISA-hosted meetings, that's  
19 the -- I think we talked about at the very  
20 beginning of the deposition, the industry -- what  
21 does CISA call, the industry-what meeting?

22 A. I can't remember, but yes, those were the  
23 meetings I was -- those were the meetings I was  
24 referring to.

25 Q. So you believe this -- you believe this

1 New York Times story that refers to Wikimedia,  
2 Reddit and Pinterest and so forth is a reference to  
3 the CISA-hosted industry meeting that you just  
4 testified about earlier, correct?

5 A. That is only my assumption.

6 Q. Okay. Those meetings you attended some  
7 but not all of them, I think you said?

8 A. Yes, that is correct.

9 Q. Was disinformation discussed at those  
10 meetings, the CISA-led industry meetings that  
11 included all these social media platforms?

12 A. Yes, from -- the disinformation content  
13 was shared by the social media companies. They  
14 would provide a strategic overview of the type of  
15 disinformation they were seeing on their respective  
16 platforms.

17 Q. And then what did the government say in  
18 those meetings?

19 MR. SUR: Objection; vague and ambiguous.

20 THE WITNESS: As I mentioned before, CISA  
21 primarily discussed actual election logistics to  
22 include the dates of State primaries, the methods  
23 for which ballots were cast.

24 The FBI, we just provided strategic,  
25 unclassified overviews of the activities that we

1 saw the Internet Research Agency doing.

2 ODNI, to my recollection, did not provide  
3 any substantive overviews at most of the meetings  
4 except for to provide general assessments about  
5 nation-state-level threats.

6 Q. BY MR. SAUER: I am going to jump ahead to  
7 Page 94 of your thesis, and that's on Page 118 of  
8 the PDF.

9 A. So where --

10 Q. Up here at the top.

11 A. Part B, "Recommendations."

12 Q. Right above it.

13 A. Okay.

14 Q. At the top you say, "Many factors are at  
15 play when trying to measure the effects of Russia's  
16 influence operations," right?

17 A. Yes.

18 Q. You say, "First-order effects include real  
19 users interacting with inauthentic content," right?

20 A. Yes.

21 Q. Interacting with inauthentic content, that  
22 includes reading it, liking it, commenting on it,  
23 potentially reposting it and reposting it with a  
24 commentary, correct?

25 A. Yes.

1 Q. Those are all first-order effects of  
2 Russia's influence operations, right?

3 A. That is how I define "first-order  
4 effects."

5 Q. Got you. "Russian-bot amplification of  
6 diverse organic content is what you list in that  
7 list, right?"

8 A. Yeah, I also define that as a "first-order  
9 effect."

10 Q. And that refers to the Russian bots  
11 basically being used to amplify, that is like or  
12 repost or retweet, content that other users have  
13 already posted, right?

14 A. That is correct.

15 Q. And then a third first-order effect you  
16 identify is "IRA-controlled accounts communicating  
17 directly with real users," right?

18 A. That's correct.

19 Q. They would be directing messages to those  
20 users, and those users would be responding to these  
21 inauthentic accounts, right?

22 A. Correct.

23 Q. Jumping ahead to Page 99, you make a  
24 recommendation here for "the U.S. government to  
25 establish a National Counter Information Operations

1 Center as an interagency fusion center and focal  
2 point for countering disinformation campaigns,"  
3 right?

4 A. That is a personal recommendation that I  
5 made. If you look at the footnote, this was one of  
6 the recommendations of the U.S. Cyberspace  
7 Solarium.

8 Q. Okay. So you kind of agree with what they  
9 had recommended, right?

10 A. That is my personal stance, not  
11 necessarily the stance of the FBI.

12 Q. You go on to say, "In April 2021" -- you  
13 talk about how that commission, the one whose  
14 recommendation you agree with, envisioned a center  
15 that would allow the relevant U.S. government  
16 elements to work alongside social media companies  
17 to combat disinformation, right?

18 A. That is correct. But I'm also citing a  
19 report.

20 Q. And combatting disinformation here would  
21 include the sort of stuff we're talking about  
22 already today, which is flagging inauthentic  
23 accounts and having them removed, right?

24 MR. SUR: Objection; vague and ambiguous,  
25 mischaracterizes the record.

1 THE WITNESS: Yeah. So my intent was --  
2 and what the commission also envisioned was closer  
3 to realtime sharing of information. So right now,  
4 you know, we are limited by the declassification  
5 process, the approval process for us to be able to  
6 get information in a form that can be shared with  
7 the social media companies.

8 However, if some of the social media  
9 company employees were to carry security  
10 clearances, they could be discussed at least on an  
11 informal basis at a high level, a higher  
12 classification.

13 Q. BY MR. SAUER: And I take it that  
14 communication could happen much more quickly under  
15 this recommendation, right?

16 A. Yes.

17 Q. And that could, therefore, result in  
18 quicker action being taken by the social media  
19 platforms against inauthentic activity on their  
20 platforms?

21 MR. SUR: Objection; calls for  
22 speculation.

23 THE WITNESS: Yes, that would be my  
24 opinion.

25 Q. BY MR. SAUER: And the next sentence you

1 say, "In April of 2021, the" ODNI announced "it was  
2 establishing 'the Foreign Malign Influence  
3 Center'." Do you know anything about that Foreign  
4 Malign Influence Center other than the public  
5 report that you cite?

6 A. Unfortunately I do not.

7 Q. So you don't know if they have something  
8 like you're recommending already in place where  
9 people with security clearances on the government  
10 side and the social media side can convey  
11 information to each other more quickly?

12 A. So I am not aware of any such sent -- of  
13 any such center being housed at ODNI at this point.

14 Q. Jump ahead -- or I'll jump ahead to Page  
15 104. Here toward the end you commented that  
16 "although the focus of this thesis was Russian  
17 disinformation campaigns, domestic disinformation  
18 operations also featured prominently ahead of the  
19 2020 elections," correct?

20 A. Can you tell me what you highlighted  
21 again?

22 Q. Oh, sorry. Here I am. "Although the  
23 focus of this thesis was Russian disinformation  
24 campaigns, domestic disinformation operations also  
25 featured prominently ahead of the 2020 elections."

1           A.     Yes, I wrote that, and I was citing a  
2     report from the Atlantic Council.

3           **Q.     Did you have any involvement in looking**  
4     **for domestic disinformation campaigns in the 2020**  
5     **election cycle?**

6           MR. SUR:   Objection; vague,  
7     mischaracterizes the record.

8           THE WITNESS:   In the context of the FITF  
9     meetings, no.

10          **Q.     BY MR. SAUER:   All right.   How about in**  
11     **any other context?**

12          A.     During FBI San Francisco's 2020 election  
13     command post, which I believe was held from the  
14     Friday before the election through election night,  
15     that Tuesday at midnight, information would be  
16     provided by other field offices and FBI  
17     headquarters about disinformation, specifically  
18     about the time, place or manner of elections in  
19     various states.

20                 These were passed to FBI San Francisco's  
21     command post, which I mentioned to you before I was  
22     the daytime shift commander, and we would relay  
23     this information to the social media platforms  
24     where these accounts were detected.

25                 So I do not believe we were able to

1 determine whether the accounts that were posting  
2 time, place or manner of election disinformation,  
3 whether they were American or foreign.

4 **Q. But you received reports, I take it, from**  
5 **all over the country about disinformation about**  
6 **time, place and manner of voting, right?**

7 A. That is -- we received them from multiple  
8 field offices, and I can't remember. But I  
9 remember many field offices, probably around ten to  
10 12 field offices, relayed this type of information  
11 to us.

12 And because DOJ had informed us that this  
13 type of information was criminal in nature, that it  
14 did not matter where the -- who was the source of  
15 the information, but that it was criminal in nature  
16 and that it should be flagged to the social media  
17 companies. And then the respective field offices  
18 were expected to follow up with a legal process to  
19 get additional information on the origin and nature  
20 of these communications.

21 **Q. So the Department of Justice advised you**  
22 **that it's criminal and there's no First Amendment**  
23 **right to post false information about time, place**  
24 **and manner of voting?**

25 MR. SUR: Objection on the grounds of

1 attorney-client privilege --

2 MR. SAUER: He just testified --

3 MR. SUR: -- and work product issues.

4 MR. SAUER: That's waived. He just told  
5 him what -- he just described what DOJ said, and  
6 I'm asking for specificity.

7 MR. SUR: I am putting the objection on  
8 the record.

9 Q. BY MR. SAUER: You may answer.

10 A. That was my understanding.

11 Q. And did you, in fact, relay -- let me ask  
12 you this. You say manner of voting. Were some of  
13 these reports related to voting by mail, which was  
14 a hot topic back then?

15 A. From my recollection, some of them did  
16 include voting by mail. Specifically what I can  
17 remember is erroneous information about when  
18 mail-in ballots could be postmarked because it is  
19 different in different jurisdictions.

20 So I would be relying on the local field  
21 office to know what were the election laws in their  
22 territory and to only flag information for us.

23 Actually, let me provide additional  
24 context. DOJ public integrity attorneys were at  
25 the FBI's election command post and headquarters.

1 So I believe that all of those were reviewed before  
2 they got sent to FBI San Francisco.

3 Q. So those reports would come to FBI San  
4 Francisco when you were the day commander at this  
5 command post, and then FBI San Francisco would  
6 relay them to the various social media platforms  
7 where the problematic posts had been made, right?

8 A. That is correct.

9 Q. And then the point there was to alert the  
10 social media platforms and see if they could be  
11 taken down, right?

12 A. It was to alert the social media companies  
13 to see if they violated their terms of service.

14 Q. And if they did, then they would be taken  
15 down?

16 A. If they did, they would follow their own  
17 policies, which may include taking down accounts.

18 Q. How about taking down posts as opposed to  
19 the entire account?

20 A. I think it depends on how they interpreted  
21 it and what the content was and what the account  
22 was.

23 Q. Do you know what the -- do you know  
24 whether some of those posts that you relayed to  
25 them were acted on by their content modulators?

1 MR. SUR: Objection; vague and ambiguous.

2 THE WITNESS: So from my recollection, we  
3 would receive some responses from the social media  
4 companies. I remember in some cases they would  
5 relay that they had taken down the posts. In other  
6 cases, they would say that this did not violate  
7 their terms of service.

8 Q. BY MR. SAUER: What sort of posts were  
9 flagged by you that they concluded did not violate  
10 their terms of service?

11 A. I can't remember off the top of my head.

12 Q. I mean, I take it they would all have a  
13 policy against just posting about the wrong time  
14 that the poles opened, right? Or the wrong date to  
15 mail your ballot?

16 A. That would be my assumption, but I do  
17 remember, but I can't remember the specifics as to  
18 why. But I do remember them saying that certain  
19 information we shared with them did not result in  
20 any actions on their part, but I can't remember the  
21 details of those. They were not frequent, but I do  
22 remember that they occurred.

23 Q. In most cases when you flagged something,  
24 it was taken down?

25 A. In most cases -- let me rephrase that.

1           In some cases when we shared information  
2 they would provide a response to us that they had  
3 taken them down.

4           **Q. Got you. Same as the -- go ahead.**

5           A. I would not say it was 100 percent success  
6 rate. If I had to characterize it, I would say it  
7 was like a 50 percent success rate. But that's  
8 just from my recollection.

9           **Q. And the success rate would be the number  
10 of times it got taken down based on the number of  
11 instances you reported?**

12          A. The success rate would be that some action  
13 had been taken because it was a terms-of-service  
14 violation.

15          **Q. Got you. Did this command post, this kind  
16 of activity of relaying these reports of  
17 election-related disinformation, did that occur  
18 through these election command posts in 2022 as  
19 well as 2020?**

20          A. Yes. So to restate, the election command  
21 post from 2020, from my recollection, occurred the  
22 Friday before the election through Tuesday at  
23 midnight. Then for the midterm elections, we only  
24 stood at the command post, I believe, from 8:00  
25 a.m. to 10:00 p.m. of election day.

1 Q. So why was it operating longer in 2020?

2 A. Based on our experience in the 2018  
3 midterms, where there was a very low volume of  
4 information that needed to be coordinated, we  
5 assessed that we could do with an actual command  
6 post on Tuesday with people on call on Monday and  
7 on Wednesday who, if needed to, could report and  
8 activate a command post. This is specifically for  
9 FBI San Francisco.

10 Q. And this command post was chosen to be --  
11 I mean, it addresses nationwide election-related  
12 information, right?

13 A. So every field office, every FBI field  
14 office was mandated by headquarters to stand at a  
15 command post at least on election day.

16 And FBI San Francisco was responsible for  
17 relaying any time, place or manner disinformation  
18 or malign-foreign-influence information to the  
19 social media companies as well as accepting any  
20 referrals from the social media companies.

21 Q. So FBI San Francisco had the special job  
22 of referring concerns to social media companies?

23 MR. SUR: Objection; vague and ambiguous.

24 THE WITNESS: Yes, and the reason for that  
25 is because the majority of the social media

1 companies are headquartered in FBI San Francisco's  
2 territory.

3 Q. BY MR. SAUER: I am going to move to a  
4 different exhibit, I'm sure you'll be happy to  
5 hear.

6 A. Well, I spent a lot of time on my thesis.

7 Q. Both researching it and testifying about  
8 it today.

9 Let me -- I am showing you an exhibit --  
10 MR. SUR: Hang on a second.

11 (Reporter marked Exhibit No. 6 for  
12 identification.)

13 Q. BY MR. SAUER: I am showing you -- can you  
14 see this exhibit --

15 A. Yes.

16 Q. -- defendants' amended objections and  
17 responses on interrogatories?

18 MR. SUR: Counsel, to clarify, this is  
19 Exhibit 6; is that right?

20 MR. SAUER: Yeah. We had to go out of  
21 order, so I am jumping to Exhibit 6 because they  
22 were pre-marked. I just emailed you this one, but  
23 it ought to look familiar.

24 Q. I just want to jump down to Page 37 of  
25 these interrogatory responses. Down here at the

1 bottom of the page under "DHS," do you see this  
2 here, it begins with a bullet point?

3 A. I see a sentence starting with "A  
4 recurring meeting usually entitled USG-industry  
5 meeting."

6 Q. Yes, yeah, that paragraphs states "A  
7 recurring meeting usually entitled USG-industry  
8 meeting, which has generally had a monthly cadence,  
9 and is between government agencies and private  
10 industry." Do you see that description?

11 A. Yes.

12 Q. The CISA-organized meeting that we have  
13 talked about multiple times already, is that  
14 usually entitled USG-industry meeting?

15 A. Based on my recollection, yes.

16 Q. So this interrogatory response appears to  
17 be referring to meetings that we have already  
18 talked about today?

19 A. That is correct, the CISA-facilitated  
20 meeting.

21 Q. It says, "Government participants have  
22 included CISA's Election Security and Resilience  
23 team, DHS's Office of Intelligence and Analysis,  
24 the FBI's foreign influence task force."

25 MR. SUR: Objection; misstates

1 information.

2 Q. BY MR. SAUER: I am asking you if this is  
3 what it says?

4 A. This is what it says, and I remember  
5 sharing with you from my memory those were the  
6 participants. I forgot to mention DOJ National  
7 Security Division, but I do remember that they  
8 sometimes have participants.

9 Q. I take it you participated in some of  
10 these meetings but not all of them?

11 A. That is correct.

12 Q. When did these meetings happen, what  
13 years? Here it just says these monthly cadence  
14 meetings occurred. When did they actually happen?

15 MR. SUR: Objection; lacks foundation.

16 THE WITNESS: I can't remember exactly,  
17 but I believe they started happening before the  
18 2020 election, but I can't remember how far before  
19 the 2020 election.

20 Q. BY MR. SAUER: So they were -- they -- I  
21 guess CISA organized these meetings, I think you  
22 said earlier?

23 A. That is correct, and I was just an  
24 attendee.

25 Q. CISA organized the meetings gearing up

1       **toward the 2020 election; is that right?**

2           A.     For these USG-industry meetings, yes.

3           **Q.     Were hack-and-dump operations discussed at**  
4 **these meetings, or hack-and-leak operations?**

5           A.     Yes, they were.

6           **Q.     Tell me what was discussed about them at**  
7 **these meetings?**

8           A.     The context of hack and dump is what was  
9 the FBI and CISA doing to prevent hack-and-dump  
10 operations. So from the FBI side, I think we  
11 already -- I already relayed to you that we had the  
12 protective voices initiative. I can't remember the  
13 specifics, but CISA also discussed its  
14 cybersecurity awareness efforts as well as grants  
15 efforts with the state-, county- and local-level  
16 election officials.

17          **Q.     Did anyone at these meetings tell the**  
18 **industry participants to expect a Russian**  
19 **hack-and-dump operation or hack-and-leak operation**  
20 **shortly before the 2020 election cycle?**

21           MR. SUR:   Objection; lacks foundation.

22           THE WITNESS:   From my recollection, I  
23 remember that the FBI warned -- that I or someone  
24 from the FBI warned the social media companies  
25 about the potential for a 2016-style DNC

1     hack-and-dump operation.

2           **Q.    BY MR. SAUER:  What exactly did you say to**  
3     **the social media companies about that?**

4           A.    Essentially what I just told you.

5           **Q.    You said that there might be a Russian**  
6     **hack-and-dump operation?**

7           A.    So what I said was although we have not  
8     seen any computer intrusions into national-level  
9     political committees or election officials or  
10    presidential candidates at this time, we ask you to  
11    remain vigilant about the potential for  
12    hack-and-dump operations, or something to that  
13    effect.

14          **Q.    Did you specifically refer to the 2016**  
15    **hack-and-dump operation that targeted the DCCC and**  
16    **the DNC?**

17          A.    I believe I did.

18          **Q.    Did you provide any basis to the social**  
19    **media platforms for thinking that such an operation**  
20    **might be coming?**

21          A.    The basis was -- my basis was it had  
22    happened once, and it could happen again.

23          **Q.    Did you have any other specific**  
24    **information other than it had happened four years**  
25    **earlier?**

1 MR. SUR: Objection in so far as the  
2 answer calls for the law enforcement privileged  
3 information.

4 You can answer, if you can, without  
5 divulging the law enforcement privilege as to any  
6 particular investigation.

7 THE WITNESS: Through our investigations,  
8 we did not see any similar competing intrusions to  
9 what had happened in 2016.

10 So although from our standpoint we had not  
11 seen anything, we specifically, in an abundance of  
12 caution, warned the companies in case they saw  
13 something that we did not.

14 **Q. BY MR. SAUER: So did you ask the**  
15 **companies if they had seen any attempts at**  
16 **intrusions or unauthorized access?**

17 A. This is something that we -- that I  
18 regularly ask the companies in the course of our  
19 meetings.

20 **Q. Did you ask them in these meetings?**

21 A. Not at every meeting, but I believe I  
22 asked them at some meetings.

23 **Q. And did you repeatedly warn them at these**  
24 **meetings that you anticipated there might be**  
25 **hack-and-dump operations, Russian-initiated**

1 **hack-and-dump operations?**

2 MR. SUR: Objection; vague, assumes facts  
3 not on the record.

4 THE WITNESS: So repeatedly I would say --  
5 can you -- can you ask your question like -- what  
6 do you mean by "repeatedly"? Like 100 times, five  
7 times?

8 **Q. BY MR. SAUER: Well, did you do it more**  
9 **than once?**

10 A. I did it more -- yes. I warned the  
11 companies about a potential for hack-and-dump  
12 operations from the Russians and the Iranians on  
13 more than one occasion, although I cannot recollect  
14 how many times.

15 **Q. Did anybody else at the FBI talk about**  
16 **hack-and-dump Russian operations?**

17 A. From my recollection, other senior  
18 officials, to include Section Chief Dehmlow, likely  
19 mentioned the possibility of hack-and-dump  
20 operations.

21 **Q. Do you remember Section Chief Dehmlow**  
22 **mentioning it?**

23 A. I said that I believe she mentioned it on  
24 at least one occasion.

25 **Q. What did she say?**

1 A. Essentially what I said. We all said  
2 essentially the same thing.

3 Q. We --

4 A. Which was --

5 Q. Go ahead. Which was?

6 A. Which was -- which was because the Russian  
7 government had hacked a political organization in  
8 2016, that if they were able to do so again for the  
9 2020 cycle, they would likely do it.

10 Q. So you had -- you told the social media  
11 companies that a hack-and-dump operation was  
12 likely?

13 MR. SUR: Objection; misstates the record.

14 THE WITNESS: Let me recharacterize it. I  
15 said potentially as opposed to likely.

16 Q. BY MR. SAUER: Okay. Did Ms. Dehmlow say  
17 likely?

18 A. Not to my recollection. I think she said  
19 potentially as well.

20 Q. You said we all --

21 A. We all, meaning myself and Ms. Dehmlow.

22 Q. Were there any other FBI agents at the  
23 meeting -- at these meetings?

24 A. There were.

25 Q. Who?

1 A. They were GS-14 or under grade employees.

2 Q. From the San Francisco office or  
3 elsewhere?

4 A. Both.

5 Q. Both, okay.

6 A. During -- I'm sorry, let me be more  
7 precise. During the quarterly meetings, there were  
8 multiple FBI agents, as I previously mentioned,  
9 from both the FBI San Francisco field office as  
10 well as other field offices at these meetings.

11 Q. Okay. I think we are talking about two  
12 different sets of meetings because we started  
13 talking about the USG-industry meetings, right,  
14 organized by CISA, correct?

15 A. Oh, okay. You are correct.

16 Q. But then there were also the monthly --  
17 there's quarterly and then monthly and then weekly  
18 meetings between FBI and social media platforms,  
19 right?

20 A. That's correct.

21 Q. And which of those sets of meetings were  
22 the potentiality for Russian hack-and-dump  
23 operations discussed?

24 A. At the FBI-led meetings with FITF and the  
25 social media companies.

1 Q. Okay. How about at these USG-industry  
2 meetings that were organized by CISA, were  
3 hack-and-dump operations discussed then?

4 A. I would say less frequently, but what was  
5 discussed was the potential for Russian  
6 hack-and-dump-style operations.

7 Q. Okay. And who -- was that raised by FBI  
8 or was that raised by others or both?

9 A. I can't recollect, but I would say I know  
10 at least the FBI mentioned this, specifically in  
11 the context of the 2016 DNC hack.

12 Q. So the FBI, would it be you and  
13 Ms. Dehmlow, right?

14 A. Among others.

15 Q. So others would have raised that as well  
16 at these USG-industry meetings?

17 A. Others from the FBI attended those  
18 meetings.

19 Q. Did those others raise the issue of  
20 Russian hack-and-dump operations?

21 A. I can't recollect.

22 Q. Do you know whether they did or didn't?

23 A. I know that I did.

24 MR. SAUER: Later, Mr. Sur, I am going to  
25 ask for the identities of those participants. I

1 can ask him now on the record under oath, or you  
2 can agree to give them to me in a private -- in a  
3 private communication. Can we agree to do that?

4 MR. SUR: Just -- just to be clear, are  
5 you looking for below the SES level?

6 MR. SAUER: Yes. I want the identities of  
7 every FBI official who was at the USG-industry  
8 meetings referred to in this interrogatory response  
9 in 2020.

10 MR. SUR: Okay. I will discuss it with  
11 the clients obviously.

12 MR. SAUER: All right. Then I am asking  
13 him now on the record.

14 **Q. Who was there? Name the FBI officials who**  
15 **were there regardless of their levels?**

16 MR. SUR: Well, I'm sorry, when you say  
17 regardless of the level, can you -- can we provide  
18 you part of the name on the record and part of the  
19 name off the record?

20 MR. SAUER: If you're willing to give me  
21 the information, which you did not just agree to, I  
22 don't have to ask him on the record. We need the  
23 information. You don't want it on the record.  
24 Will you agree to give it to me? You said, "I have  
25 to discuss it with my clients." I can't reconvene

1 this deposition. I need the information. You can  
2 agree to give it to me. I am going to ask him now  
3 because it is not subject to a protective order.

4 MR. SUR: Okay. If anything, Counsel, a  
5 break would be appropriate.

6 MR. SAUER: Okay.

7 MR. SUR: So I can -- I'm sorry?

8 MR. SAUER: We can go off the record.

9 MR. SUR: Okay.

10 THE VIDEOGRAPHER: Off the record at 2:11  
11 p.m.

12 (Whereupon a recess was taken.)

13 THE VIDEOGRAPHER: Back on the record at  
14 2:34 p.m.

15 Q. BY MR. SAUER: Back on the record,  
16 Mr. Chan, after some discussions off the record.

17 You testified earlier that at these 2020  
18 meetings between the FBI and social media platforms  
19 where the risk of a Russian hack-and-leak operation  
20 was discussed, they were attended by you and  
21 Ms. Dehmlow, right?

22 A. That is correct, on some occasions. I  
23 don't think either of us has attended all of the  
24 meetings with the CISA-hosted USG-industry  
25 meetings.

1 Q. And then there were also the quarterly,  
2 monthly, weekly cadence meetings involving just  
3 FITF and the social media platforms, right?

4 A. That is correct, and other FBI field  
5 offices to include FBI San Francisco.

6 Q. And the risk of hack-and-leak operations  
7 were raised at both sets of meetings, both at  
8 CISA-organized USG-industry meetings and the  
9 FITF-organized direct meetings between the FBI and  
10 social media platforms, right?

11 A. Yes.

12 Q. Okay. As to the first set of meetings,  
13 the CISA-organized USG-industry meetings, other FBI  
14 officials besides you and Ms. Dehmlow attended when  
15 Russian hack-and-leak operations were discussed,  
16 right?

17 A. That is correct.

18 Q. Who?

19 A. So from my recollection, and I don't know  
20 who attended which meetings, but I remember being  
21 in meetings with the following people: Brady  
22 Olson, William Cone, Judy Chock and Luke Giannini.

23 Q. Can you say the last name again?

24 A. Giannini.

25 Q. Spell it, please.

1           A.    I am not sure, but I believe it is  
2   G-i-a-n-n-i-n-i.

3           Q.    And then the second name was William  
4   Cohen, is that C-o-h-e-n?

5           A.    Cone, C-o-n-e.

6           Q.    Like the -- like the shake?

7           A.    Like an ice cream.

8           Q.    Any other FBI officials at that set of  
9   meetings where Russian hack-and-leak operations  
10  were discussed with social media platforms in 2020?

11          A.    Those are the only people I can remember.

12          Q.    Okay. Then talk about the other set of  
13  meetings, the FITF FBI meetings with social media  
14  platforms in -- with the quarterly, then monthly,  
15  then weekly cadence, what FBI officials attended  
16  those meetings where Russian hack-and-leak  
17  operations were discussed?

18          A.    So it's the exact same set of names that I  
19  recollect.

20          Q.    Did anyone --

21          A.    I cannot remember what days -- or, you  
22  know, which meetings that they attended because  
23  William Cone and Wayne Brady both work in the same  
24  unit, and I can't remember if they both attended or  
25  if one attended or another. So I can't remember

1 when. I do remember that at some point these  
2 individuals have attended the FBI bilateral  
3 meetings with the social media companies.

4 Q. And you said the names are Brady Olson; is  
5 that correct?

6 A. Yes.

7 Q. Okay.

8 A. Olson.

9 Q. Is that O-l-s-o-n?

10 A. Maybe, or it might be s-e-n. I can't  
11 remember. It's one of those spellings.

12 Q. William Cone; is that right?

13 A. Yes.

14 Q. Judy Chock; is that right?

15 A. C-o -- I'm sorry, C-h-o-c-k.

16 Q. And then someone Giannini, right? What  
17 was that person's first name?

18 A. Luke.

19 Q. Luke?

20 A. Luke.

21 Q. Is that L-u-k-e?

22 A. I think his full name might be Lucas,  
23 L-u-c-a-s, but I refer to him as Luke.

24 Q. Are all those people from FITF in  
25 Washington, D.C.?

1 A. Yes.

2 Q. Okay. What are their -- what are their  
3 titles, do you know?

4 A. I do know. So I believe -- oh, the first  
5 four are unit chiefs, and then Luke is an assistant  
6 section chief.

7 Q. What are they unit chiefs of? Are they  
8 chiefs of like the Russian unit or --

9 A. Yeah, correct.

10 Q. Which one is the section chief, did you  
11 say?

12 A. Assistant section chief.

13 Q. So that's --

14 A. Excuse me?

15 Q. Is that the number two person under  
16 Ms. Dehmlow?

17 A. Yes.

18 Q. Okay.

19 (Discussion off the record.)

20 THE WITNESS: Yes, Mr. Luke Giannini is  
21 the assistant section chief at the Foreign  
22 Influence Task Force.

23 Q. BY MR. SAUER: So at FITF, these meetings  
24 include, in addition to you, the number one person  
25 at FITF, Laura Dehmlow; the number two person at

1 **FITF, Mr. Giannini; and then at least three section**  
2 **chiefs at FITF, correct?**

3 A. No, that's not correct. Ms. Dehmlow is a  
4 section chief.

5 **Q. Okay.**

6 A. Mr. Giannini is an assistant section  
7 chief, and then the other individuals are unit  
8 chiefs.

9 **Q. Got you. Did -- did anyone other than you**  
10 **or Ms. Dehmlow discuss the possibility or prospect**  
11 **of Russian hack-and-leak operations at these**  
12 **meetings from the FBI?**

13 A. I can't recollect if others have said it,  
14 but I know that that is something that I would say  
15 regularly.

16 **Q. You said that regularly in these meetings?**

17 A. Yes. Not every meeting, but some  
18 meetings.

19 **Q. And does that apply both to the**  
20 **USG-industry meetings that had many participants?**

21 A. I would say for the bilateral FITF  
22 meetings, I would have said that because those  
23 would have been one of the types of  
24 malign-influence campaigns that I would have been  
25 focused on.

1           For the DHS USG meetings, I was more of an  
2 attendee and not as active as a speaking  
3 participant.

4           **Q. Did anyone else at those meetings, the**  
5 **USG-industry meetings organized by CISA, address**  
6 **the risk or prospect of Russian hack-and-leak**  
7 **operations?**

8           A. I believe they did, but I can't remember  
9 who would have said it.

10          **Q. Would it have been anyone at the FBI?**

11          A. It may have been.

12          **Q. Which one of these people is the head of**  
13 **the Russia unit?**

14          A. Mr. Olson and then after him, Mr. Cone.

15          **Q. Did Mr. Olson or Mr. Cone ever address the**  
16 **risk of a Russian hack-and-leak operation?**

17          A. I don't recollect.

18          **Q. How about Ms. Dehmlow?**

19          A. I don't specifically recollect, but I  
20 believe that is something she would have mentioned.

21          **Q. Do you think she raised it at some point**  
22 **in these meetings?**

23          A. Yes.

24          **Q. What did she say about it to your**  
25 **recollection?**

1           A.     It would have been that the FBI is  
2     concerned about the potential for hack-and-leak or  
3     hack-and-dump operations from foreign  
4     state-sponsored actors, something to that effect.

5           **Q.     Did you discuss within FITF that risk**  
6     **before you raised it with the social media**  
7     **platforms?**

8           MR. SUR:   Objection; an internal  
9     deliberation of that sort would be subject to the  
10    deliberative process privilege, attorney-client  
11    privilege and other privileges.

12          **Q.     BY MR. SAUER:   Did anyone at any time**  
13    **discuss that prospect with you or did you raise it**  
14    **on your own?**

15          MR. SUR:   Same objection.

16          You can answer insofar as it doesn't  
17    involve internal discussions within FITF or  
18    discussions with counsel.

19          THE WITNESS:   I would say in general the  
20    FBI had internal meetings or discussions or at the  
21    very least emails, coordination before the  
22    CISA-hosted meetings.

23          **Q.     BY MR. SAUER:   So there would be internal**  
24    **discussion within the FBI before the CISA-hosted**  
25    **meetings?**

1           A.     Yes, about what agenda items would be  
2     discussed during the meeting.

3           **Q.     In the course of those discussions, did**  
4     **anyone suggest to you that you should raise the**  
5     **risk of a Russian hack-and-leak operation?**

6           MR. SUR:  Objection; as I said before, it  
7     calls for internal deliberations which would be  
8     covered by the deliberative process privilege, by  
9     the attorney-client privilege and other privileges,  
10    including law enforcement.

11          THE WITNESS:  Yeah, I will reiterate in  
12    general, we would have internal discussions about  
13    what would be discussed in the CISA-hosted meeting.

14          **Q.     BY MR. SAUER:  More specifically, did**  
15    **anyone suggest that -- let me ask you this:  You**  
16    **raised it at these meetings, right?**

17          A.     I know that I have raised it at the  
18    meetings.

19          **Q.     Did you do that on your own accord or did**  
20    **anyone else suggest to you that it should be**  
21    **raised?**

22          MR. SUR:  Objection; as before, it's  
23    covered by multiple privileges, and I am going to  
24    instruct the witness not to answer on grounds of  
25    deliberative process privilege, attorney-client

1 privilege, law enforcement privilege, among others.

2 Q. BY MR. SAUER: Are you declining to answer  
3 the question, sir?

4 A. I am reiterating that I recollect  
5 mentioning the potential for hack-and-dump  
6 operations during the CISA-hosted USG-industry  
7 meetings.

8 Q. Did you do that solely on your own accord?

9 MR. SUR: Same objection as before.

10 MR. SAUER: That doesn't ask for any  
11 communications. Did he do it solely on his own  
12 accord? Are you instructing him not to answer that  
13 question?

14 THE WITNESS: I cannot recollect.

15 Q. BY MR. SAUER: Okay. I think we are going  
16 to make a record on this.

17 I am asking you, did anyone within the FBI  
18 discuss or suggest with you that you should raise  
19 the prospect of Russian hack-and-leak operations  
20 with social media platforms in 2020?

21 A. I do not recollect. In the context of the  
22 USG-industry CISA-held meetings, I do not  
23 recollect.

24 Q. How about in the context of the bilateral  
25 FITF social media platform meetings, in that

1 context did anyone suggest it to you?

2 A. So in that context, depending on what was  
3 being briefed, without getting into the specific  
4 investigations, certain -- as I mentioned  
5 previously, certain nation state actors the FBI  
6 deemed as potentially being capable of conducting  
7 hack-and-leak operations.

8 So at the beginning of the meetings, I  
9 would preface and say something to the effect of  
10 "We are going to provide you a briefing on this  
11 group because they have the potential to conduct  
12 hack-and-leak operations like the Russians did in  
13 2016."

14 Q. Did anyone suggest to you that you should  
15 raise that concern to the social media platforms at  
16 any time?

17 A. In the context of the FITF meetings with  
18 the companies, I flagged that concern because I was  
19 generally responsible in coordination with FITF for  
20 coming up with the agenda for those meetings with  
21 the social media companies.

22 Q. So are you saying -- what's your answer to  
23 my question did anyone -- anyone suggest to you in  
24 the context of the FITF social media company  
25 meetings that you should raise the concern about a

1 **Russian hack-and-leak operation?**

2 A. I do not recollect. However, I would have  
3 flagged that comment on my own for the reasons I  
4 just stated to you.

5 Q. So it is something that you would have  
6 done on your own, but someone might have also  
7 suggested to you to do it; is that fair to say?

8 A. They may have, but I don't recollect at  
9 this time.

10 Q. Returning to the -- returning to the  
11 USG-industry CISA-organized meetings, do you recall  
12 anyone discussing with you at any time the prospect  
13 of Russian hack-and-leak operations in connection  
14 with those meetings?

15 A. Who do you mean?

16 Q. Anybody. Did anybody on earth talk to you  
17 about raising Russian hack-and-leak operations at  
18 those meetings?

19 A. Do you mean from the social media  
20 companies or from the government side? Because in  
21 either case, I don't recollect.

22 Q. Okay. How about anyone outside the  
23 government, did anyone outside the government  
24 discuss the prospect of Russian hack-and-leak  
25 operations with you?

1           A.     I do remember during the CISA-hosted  
2     USG-industry meetings that the social media  
3     companies would ask the FBI if they were aware of  
4     any hack-and-leak operations, and I remember that  
5     we would say ahead of the 2020 elections that we  
6     were not aware of any hack-and-leak operations, but  
7     that there was always the potential for there to be  
8     hack-and-leak operations.

9           **Q.     Did the FBI tell the social media**  
10    **companies that there would be a specific risk of a**  
11    **hack-and-leak operation shortly before the election**  
12    **in 2020?**

13          A.     I believe that we did mention that as a  
14    possibility shortly before the election, perhaps in  
15    the August or October time frame.

16          **Q.     So you mentioned that there -- you**  
17    **mentioned that there was a risk that a**  
18    **hack-and-leak operation could happen in October?**

19          A.     So to be specific, what we mentioned was  
20    that there was the general risk of hack-and-leak  
21    operations, especially before the election.

22                 However, we were not aware of any  
23    hack-and-leak operations that were forthcoming or  
24    impending.

25          **Q.     Were you involved in the investigation of**

1     **the 2016 DNC hack-and-leak operation?**

2             MR. SUR:  Objection; vague.

3             THE WITNESS:  What do you mean by  
4     "involved"?

5             **Q.  BY MR. SAUER:  Well, did you have any --**  
6     **were you in any way involved in that investigation?**

7             A.  Yes.

8             **Q.  What was your involvement?**

9             A.  I was the supervisor for a squad that had  
10     an investigation associated with the hack of the  
11     DNC and DCCC.

12            **Q.  And what was your role in that**  
13     **investigation?  What did your squad do?**

14            A.  I was the supervisor for the squad that  
15     ran one of the investigations associated with the  
16     2016 DNC hack.

17            **Q.  What did your squad do in that**  
18     **investigation?**

19            MR. SUR:  I am going to object on the law  
20     enforcement privilege grounds.  If you can answer  
21     the question without discussing any particular  
22     investigation or files or contents, you can answer.

23            MR. SAUER:  Before you say that, I am  
24     going to read some case law into the record.  The  
25     investigative -- the law enforcement privilege

1 states, quote, investigative files with ongoing  
2 privilege investigation. That's from Coughlin  
3 against Lee, 946 F.2d 1152, 1159, Fifth Circuit  
4 1991. The privilege, quote, is bounded by  
5 relevance and time constraints and it lapses either  
6 at the close of an investigation or at a reasonable  
7 time thereafter based on the particularized  
8 assessment of documents.

9 We are talking about an investigation that  
10 happened six years ago. Is it your position that  
11 you can assert law enforcement privilege with  
12 respect to that? Is my first question.

13 Second one -- I'm not finished yet.  
14 Second one is the documents relating to emails  
15 relating to his involvement in this investigation  
16 are publicly filed in the docket of the case United  
17 States against Sussmann. So there's been a waiver  
18 of that by those being publicly filed, in any  
19 event. So now I am going to repeat the question.

20 **Q. What did your squad do when it came to the**  
21 **investigation of the DNC hack-and-leak operation?**

22 A. Can I confer with my counsel before I  
23 answer this question?

24 **Q. I want an answer to the question.**

25 MR. SUR: Yeah, so let me just clarify.

1 The objection based on law enforcement privilege, I  
2 understand your position about the public  
3 disclosure. But since you're not limiting your  
4 question to what was in the public record, there  
5 are cases that describe the application of the law  
6 enforcement privilege to techniques that have  
7 future application, including future  
8 investigations.

9 So I don't think that the mere fact that  
10 your question is about a past investigation will  
11 overcome the law enforcement privilege concern.

12 MR. SAUER: Well, why doesn't he answer  
13 the question in general terms, and then we'll get  
14 into specifics about law enforcement techniques? I  
15 am not really concerned about those. Can he say it  
16 in general terms?

17 THE WITNESS: Based on the case law you  
18 cited, the information I have would be protected  
19 under the first. Because this is an existing and  
20 pending -- and active investigation.

21 **Q. BY MR. SAUER: So you're saying that the**  
22 **2016 DNC server leak investigation is an active**  
23 **criminal investigation?**

24 A. What I am saying is that the investigation  
25 of the individuals associated with the DNC hack of

1 2016 is an existing and active investigation.

2 Q. I thought they were being indicted on  
3 other charges later. Are you saying that there's  
4 still an active and pending criminal investigation  
5 of the 2016 DNC hack?

6 A. I am not saying there is a pending  
7 investigation of the 2016 hack itself. However,  
8 there is active investigations on the individuals  
9 involved with the 2016 hack. That case has not  
10 been adjudicated. The individuals have been  
11 indicted. They have not been arrested. They have  
12 not been going through the judicial process. This  
13 is an active investigation.

14 (Reporter marked Exhibit No. 23 for  
15 identification.)

16 Q. BY MR. SAUER: I am showing you a  
17 collective exhibit that we have pre-marked as  
18 Exhibit 23. Do you see this document?

19 A. Yes.

20 Q. These are some of your emails that are  
21 publicly filed in the case the United States versus  
22 Sussmann. Do you recognize them?

23 MR. SUR: I'm sorry, may I ask, Counsel,  
24 have you sent this to us?

25 MR. SAUER: Let me email it to you right

1 now. Obviously it wasn't -- we are getting a bit  
2 out of order here.

3 **Q. Looking at this email, does this refresh**  
4 **your recollection about what your involvement was**  
5 **during that investigation?**

6 MR. SUR: Counsel, may I ask that I  
7 receive the email first so I can pull it up on the  
8 iPad so Mr. Chan can see the exhibit that you are  
9 talking about?

10 MR. SAUER: Can you see it on the screen  
11 share? The emails were sent to you.

12 MR. SUR: Okay. We have this PDF. May I  
13 ask which page you're on?

14 MR. SAUER: Start on the top page.

15 **Q. Do you see that, the one on the screen**  
16 **share?**

17 A. 8:32 a.m. October 4th, yes, I see this  
18 email.

19 **Q. And you are being copied on emails lower**  
20 **down from Michael Sussmann at Perkins Coie; is that**  
21 **fair to say?**

22 A. Yes, I have been cc'd. The email is to  
23 another DOJ official.

24 **Q. And then you forward that along to other**  
25 **FBI officials, Patricia Rich and Delynn Hammell.**

1 Do you see that?

2 A. Yes, I see that.

3 Q. Do you know why Mr. Sussmann was copying  
4 you on an email about sharing information on a  
5 rolling basis?

6 A. Because I was involved with -- I oversaw  
7 the squad that was responsible for one of the  
8 investigations of the 2016 hack of the DNC, and  
9 Mr. Sussmann was their legal representative.

10 Q. Which squad did you oversee?

11 A. I oversaw the Russian cyber squad at FBI  
12 San Francisco.

13 Q. And the Russian cyber squad was  
14 involved -- was it involved in trying to analyze  
15 the DNC server to see how it had been hacked?

16 A. Yes, that is correct.

17 Q. And you oversaw that effort?

18 A. Yes. I managed the squad responsible for  
19 one of the investigations of the DNC hack.

20 Q. What did that squad -- did that squad  
21 investigate the server?

22 A. We did a triage investigation of the  
23 server and then sent it back to headquarters to do  
24 a more complete investigation of the server.

25 Q. What's a triage investigation?

1           A.     Triage in cyber -- cybersecurity context  
2     is to try to extract indicators.  As I mentioned  
3     before, indicators can be email accounts, IP  
4     addresses, other types of electronic indicia that  
5     we could serve legal process in order to move our  
6     investigation forward.

7           **Q.     Did you find any indicia of that when you**  
8     **investigated the server?**

9           A.     I believe we did, but I can't recollect  
10    the specific selectors that we discovered.

11          **Q.     Subsequent to -- subsequent to the 2016**  
12    **investigation, did you have further communications**  
13    **with anyone involved in that investigation about**  
14    **the possibility of a recurrence in 2020?**

15          A.     Can you repeat that question?

16          **Q.     Subsequent to the 2016 investigation of**  
17    **the hack of the DNC server, did you have any**  
18    **communications with anyone involved in that**  
19    **investigation about the possibility that a**  
20    **hack-and-leak operation could occur before the 2020**  
21    **election?**

22                MR. SUR:  Objection; vague.  I also object  
23    on the grounds of law enforcement privilege.

24                You can answer to the extent it doesn't  
25    implicate any particular investigation.

1 THE WITNESS: Yeah, so I do not remember  
2 discussing the potential for a 2020 election with  
3 any of the FBI personnel because they had moved on  
4 to different roles.

5 Q. BY MR. SAUER: How about people outside  
6 the FBI?

7 A. Well, Sean Newell, who is the email  
8 recipient on this, is a deputy chief at DOJ  
9 National Security Division. He would have been one  
10 of the senior officials I would have consulted  
11 with.

12 Q. Consulted with about what?

13 A. About potential Russian interference in  
14 the 2020 elections.

15 Q. Did you consult with Sean Newell about the  
16 potential for a Russian hack-and-leak operation?

17 MR. SUR: I am going to renew the  
18 objection based on the law enforcement privilege  
19 and ask that you not answer insofar as that would  
20 disclose the contents of any individual  
21 investigation.

22 THE WITNESS: My recollection was that  
23 being the deputy chief at DOJ NSD, Sean Newell  
24 would have overview of multiple FBI investigations  
25 and would have a broader perspective than my

1 perspective from the field office.

2 So I would regularly just ask him in  
3 general how things were going and if they were  
4 seeing anything that would be impactful to us at  
5 FBI San Francisco.

6 **Q. BY MR. SAUER: So you -- did these**  
7 **conversations with Sean Newell occur in the lead-up**  
8 **to the 2020 election?**

9 A. I don't remember having many conversations  
10 with Mr. Newell during the lead-up to the 2020  
11 elections.

12 **Q. When did the conversations with Mr. Newell**  
13 **occur?**

14 A. They would have -- I can't recollect  
15 specifically. I regularly have conversations with  
16 Mr. Newell outside of the context of Russian  
17 disinformation campaigns targeted at the 2020  
18 elections. Because Mr. Newell, as a deputy chief,  
19 oversaw all of DOJ's national security cyber  
20 investigations.

21 **Q. Did Mr. Newell ever tell you that he**  
22 **expected there might be a Russian hack-and-leak**  
23 **operation before the 2020 election?**

24 MR. SUR: Objection on the grounds of law  
25 enforcement privilege, also attorney-client

1 privilege, given the functions of Mr. Newell in  
2 this context. I will ask that the witness answer  
3 only without referring to attorney-client  
4 communications. For everything in this context you  
5 can't, so...

6 THE WITNESS: What I can broadly say is  
7 that we discussed national security cyber  
8 investigations in general, sometimes about Russian  
9 matters, sometimes about other nation state  
10 threats.

11 Q. BY MR. SAUER: Let me ask the question  
12 more specifically. Prior to the 2020 election  
13 cycle, did anyone suggest to you that there would  
14 be -- or that there might be a Russian  
15 hack-and-leak operation prior to the 2020 election?

16 MR. SUR: So I am going to object on the  
17 grounds of law enforcement privilege and  
18 attorney-client and all other privileges.

19 You can answer insofar as it doesn't  
20 disclose the contents of any particular  
21 investigation.

22 Q. BY MR. SAUER: Okay. I want an answer,  
23 and I want to know whether you're withholding  
24 information in response to your client's  
25 instruction. He keeps instructing you

1 conditionally, and then you keep providing vague  
2 responses.

3 I want to know are you, in fact,  
4 withholding information from me in response to my  
5 question as a result of that instruction. Did  
6 anyone discuss that with you?

7 A. I am not --

8 Q. That is not going to get into the content  
9 of any -- content of any communications. I just  
10 want to know did anyone discuss with you the  
11 prospect of a Russian hack-and-leak operation  
12 before the 2020 election?

13 A. So no, I do not recollect. The reason for  
14 that is I don't recollect any specific person  
15 discussing that with me.

16 However, based on both my experience as  
17 well as my knowledge of active investigations, I  
18 would have believed -- as my own assessment, I  
19 believe that there was the potential for  
20 hack-and-leak operations ahead of the 2020  
21 elections.

22 I believe that there was the potential for  
23 hack-and-leak operations ahead of the 2022  
24 election, and I believe that there is the potential  
25 for Russian hack-and-leak operations ahead of the

1 2024 elections.

2 Q. In particular, you relayed that belief to  
3 the social media platforms on multiple occasions in  
4 two sets of meetings in 2020, correct?

5 A. That is correct.

6 Q. And that includes the USG-industry  
7 meetings organized by CISA, correct?

8 A. Yes, I believe so.

9 Q. And it includes the FITF organized  
10 meetings with the individual social media  
11 platforms, correct?

12 A. Yes.

13 Q. Did any -- did the social media platforms  
14 respond to that, your communications that indicate  
15 that they were taking any steps with respect to any  
16 Russian hack-and-leak operations?

17 MR. SUR: Objection; vague.

18 THE WITNESS: So in general, I believe  
19 that the companies were actively looking for  
20 hack-and-leak operations, and I don't know the  
21 types of technology that they use, but I believe  
22 they use -- they tried to use detection methods  
23 that would find whatever hacked materials were put  
24 or uploaded onto their platforms.

25 Q. BY MR. SAUER: Did they ever tell you that

1 they were taking any action with respect to any  
2 content posted on social media because of a concern  
3 about a hack-and-leak operation?

4 A. So from my recollection, I remember -- I  
5 can't remember which social media companies, but  
6 some social media companies adjusted or updated  
7 their terms of service or their community standards  
8 to say that they would not post any hacked  
9 materials. I believe the reason would be due to  
10 privacy issues of the victim. But I can't  
11 recollect which company said that.

12 Q. When did those updates occur, do you  
13 recall, before the 2020 election?

14 A. Before the 2020 elections, but I can't  
15 remember when. I believe -- I believe the impetus  
16 was in case there was a 2016-style hack-and-leak  
17 operation.

18 Q. So is that -- was that a concern that you  
19 raised to them specifically that there might be a  
20 recurrence of a 2016 style hack-and-leak operation?

21 A. So I have raised that concern, but I  
22 believe independently they had similar concerns.

23 Q. And in the same time frame that you were  
24 raising that concern, some of them updated their  
25 terms of service to prohibit the posting of hacked

1 materials?

2 A. I believe so.

3 Q. Did you ever discuss updating their terms  
4 of service with them or suggested it to them?

5 A. I never suggested it to them. The only  
6 context we would bring up terms of service is that  
7 we wanted to know if they had changed their terms  
8 of service or modified it, and we wanted to know  
9 what they had changed.

10 Q. Did they advise you that they had changed  
11 it to reflect the ability to pull down content that  
12 results from hack operations?

13 A. Yes.

14 Q. And that occurred at some time after you  
15 had raised these concerns with them?

16 A. Some time after 2016, but before 2020. So  
17 unfortunately I can't remember when they would have  
18 updated it, but I do remember learning about their  
19 terms of service updates.

20 Q. During 2020 do you recall anyone at the  
21 FBI discussing with you the prospect of a  
22 hack-and-leak operation?

23 A. I believe that we internally discussed the  
24 potential for hack-and-leak operations, and so I  
25 regularly was in communication with the cyber

1 division of the FBI as well as with the Foreign  
2 Influence Task Force to see if they had heard of  
3 anything that I had not heard of.

4 So I would say that the people that I  
5 communicate with, everyone was vigilant, but no  
6 one -- I believe that in general people at the FBI  
7 were concerned about the potential for  
8 hack-and-leak operations, but that we had not seen  
9 any investigations that led in that direction or  
10 that would lead us in that direction.

11 **Q. Who are the people at the cybersecurity**  
12 **division that you referred to?**

13 A. So cyber division -- I can't even remember  
14 the individuals now. And the reason for that is  
15 they tend to rotate -- they rotate out every 18  
16 months.

17 **Q. How about FITF, who are the individuals at**  
18 **FITF that discussed the concern with you?**

19 A. So it was the three individuals that I  
20 mentioned to you -- I'm sorry, the four individuals  
21 that I have mentioned to you. Specifically,  
22 Ms. Dehmlow, Mr. Olson, Mr. Cone and then  
23 Mr. Giannini.

24 **Q. And did all of those people express to you**  
25 **a concern about the possibility of a Russian**

1 **hack-and-leak operation?**

2 MR. SUR: Objection; mischaracterizes his  
3 testimony.

4 THE WITNESS: From my recollection, we all  
5 shared the same concern for the potential for there  
6 to be a hack-and-leak operation.

7 **Q. BY MR. SAUER: Did you have any basis for**  
8 **that other than the fact that one had occurred in**  
9 **2016?**

10 A. My basis for that was the hack-and-dump  
11 operation in 2016 as well as our knowledge of the  
12 skills of the Russian hackers who were involved.

13 **Q. Any other basis besides that?**

14 A. No. Those were the two primary reasons  
15 driving our concern.

16 **Q. In 2020 did you ever discuss the**  
17 **possible -- or did anyone discuss with you the**  
18 **possibility of a Russian hack-and-leak operation**  
19 **before the 2020 election from outside the FBI other**  
20 **than legal counsel?**

21 A. I believe that the companies would  
22 regularly ask if the FBI was aware of any  
23 hack-and-leak operations ahead of the 2020  
24 elections. We were not aware of any hack-and-leak  
25 operations.

1           However, as I mentioned, we would provide  
2           briefings about nation state groups that  
3           potentially had the capability of conducting  
4           hack-and-leak operations.

5           **Q.    Okay.  Other than the social media**  
6           **platforms, anybody else discuss that with you?**

7           A.    Not to my recollection.  Up.  Not to my  
8           recollection.

9           **Q.    You said "up"?**

10          A.    "Up" because we had already mentioned the  
11          FBI employees.  We mentioned the social media  
12          companies.  The reason I said "up" is because  
13          technically Microsoft is not a social media  
14          company.

15          **Q.    Did Microsoft discuss it with you?**

16          A.    During the -- they discussed their concern  
17          during the CISA-hosted USG-industry meetings.

18          **Q.    What did they say?**

19          A.    I think -- I can't recall exactly, but  
20          they shared the same sentiment about being  
21          concerned for a potential Russian hack-and-leak  
22          operation.

23          **Q.    Who said that?**

24          A.    The individual from Microsoft, his first  
25          name is Jan, J-a-n, but I can't remember his last

1 -- I can't remember how to -- his last name, or  
2 even how to spell it.

3 **Q. Antonaros, something like that?**

4 A. Maybe. I definitely remember his first  
5 name was Jan, and he had a last name that I am not  
6 familiar with.

7 **Q. Does it begin with an A-n-t?**

8 A. That doesn't sound familiar. It feels  
9 like it was a Scandinavian name, like Stevrud or  
10 something. I don't remember why, but for some  
11 reason I thought it sounded Scandinavian.

12 **Q. Did any other social media platform**  
13 **discuss these things in the USG-industry meetings?**

14 MR. SUR: Objection; vague.

15 **Q. BY MR. SAUER: Did any other social media**  
16 **platforms discuss the prospect of having these**  
17 **operations, or hack-and-dump operations in the**  
18 **USG-industry meetings?**

19 A. I would say not to my recollection because  
20 the primary individuals who spoke from the social  
21 media companies were the three companies that I  
22 previously referred to you, which is Facebook,  
23 Google and Twitter and then Microsoft. Those were,  
24 from my recollection, the four companies that spoke  
25 the most frequently. If individuals or

1 representatives from the other companies spoke, I  
2 don't recall what they said.

3 **Q. Did Facebook, Twitter or YouTube/Google**  
4 **representatives address this issue at all of the**  
5 **prospect of hack-and-leak operations?**

6 A. So during the CISA USG-industry meetings,  
7 I believe that those companies regularly flagged  
8 this as a concern at each meeting, or at least at  
9 most meetings they would ask if the U.S. government  
10 had any information about potential hack-and-leak  
11 operations.

12 **Q. How about other government agencies**  
13 **outside the FBI at these meetings, the USG-industry**  
14 **meetings, did any of them discuss the risk or**  
15 **prospect of Russian hack-and-leak or hack-and-dump**  
16 **operations?**

17 A. So from my recollection, CISA would  
18 discuss it from the standpoint of cybersecurity.  
19 Namely if an organization or individual has good  
20 cybersecurity, that will minimize the risk of being  
21 hacked. So that was their standpoint. So they  
22 were focused on cybersecurity and infrastructure  
23 protection.

24 **Q. Who is "they"? What individuals were**  
25 **saying this?**

1           A.     So as I mentioned to you before, the only  
2 individuals I remember who regularly spoke at these  
3 meetings were Mr. Masterson and Mr. Scully.

4           **Q.     And those individuals discussed how to**  
5 **defend against hacking operations?**

6           A.     Yes.

7           **Q.     Did they specifically say that they**  
8 **anticipated or there was a risk that there might be**  
9 **Russian hack-and-leak operations before the 2020**  
10 **election?**

11          A.     I don't specifically recall, but that  
12 sounds like something that they would have the  
13 general -- they would have the same concern or  
14 similar concern that I have.

15          **Q.     They might -- you believe they expressed**  
16 **that concern in these meetings?**

17          A.     I do not recall any specific situations  
18 where they did, but that, I believe, is something  
19 that they may have discussed.

20          **Q.     And that would include both Mr. Masterson**  
21 **and Mr. Scully, to your recollection?**

22          A.     Yes.

23          **Q.     Were you aware in 2020 that the FBI had**  
24 **Hunter Biden's laptop in its possession?**

25                MR. SUR:  Objection; lacks foundation,

1 calls for speculation.

2 Q. BY MR. SAUER: Did you know it at the  
3 time?

4 A. I was only aware when news media outlets  
5 posted it, or published it.

6 Q. Was Hunter Biden referred to in these  
7 meetings in any way?

8 A. Hunter Biden was not -- in my  
9 recollection, Hunter Biden was not referred to in  
10 any of the CISA USG-industry meetings.

11 Q. How about the FITF social media company  
12 meetings?

13 A. From my recollection, one meeting with  
14 Facebook after the regular agenda had been  
15 completed, one of the Facebook analysts asked if  
16 the FBI had any information they could share about  
17 the Hunter Biden investigation.

18 To that I recall Ms. Dehmlow saying that  
19 the FBI had no comment.

20 Q. Would that have been before or after the  
21 big -- the big news story broke on October 14th of  
22 2020?

23 MR. SUR: Objection; lacks foundation.

24 THE WITNESS: I am not certain, but I  
25 believe that it would have had to have been after

1 the news story broke because I don't know if it was  
2 publicly known then.

3 Q. BY MR. SAUER: Do you know that in 20- --  
4 so you remember sometime in 2020 a Facebook analyst  
5 asked the FBI to comment on the status of the  
6 Hunter Biden investigation?

7 A. That's correct.

8 Q. And you believe that this occurred after  
9 there had been, you know, a New York Post article  
10 about the contents of the laptop that you referred  
11 to -- I think you referred to earlier you finding  
12 out about it that way, right?

13 A. Yeah, I only found out through news media.  
14 I have no internal knowledge of that investigation,  
15 and yeah, I believe that it was brought up after  
16 the news story had broke.

17 Q. And so the -- what did the Facebook  
18 analyst ask Ms. Dehmlow? Did they ask, you know,  
19 "Hey, we have the story. Can you confirm it," or  
20 what did they ask?

21 A. Yeah, they just -- I can't remember the  
22 exact question, but I believe the investigator  
23 asked if the FBI could provide any information  
24 about the Hunter Biden investigation.

25 Q. Did they refer to the laptop in particular

1       **that had been the subject of the news stories?**

2           A.    I can't recall.

3           **Q.    And what did Ms. Dehmlow respond?**

4           A.    She said no comment.  She said something  
5 to the effect that the FBI has no comment on this.

6           **Q.    Did she indicate why the FBI declined to  
7 comment?**

8           A.    Yes.  It was because -- at the time I do  
9 not believe that we had confirmed that it was an  
10 active -- we had -- at the time we had not  
11 confirmed that the FBI was actually investigating  
12 Hunter Biden.  So she did not have the authority to  
13 say anything or to comment about it.

14          **Q.    Did she know at the time that the FBI had  
15 the laptop and that the contents had not been  
16 hacked?**

17               MR. SUR:  Objection; calls for speculation  
18 and gets into law enforcement privilege.

19          **Q.    BY MR. SAUER:  To your knowledge?**

20          A.    I have no idea.  I never asked her, and  
21 she never told me.

22          **Q.    Did Hunter Biden come up with any other  
23 social media platforms during 2020?**

24          A.    Not to my knowledge.

25          **Q.    Do you recall any mention of Hunter Biden**

1 at any meetings with any social media platforms?

2 A. No. It stood out because that Facebook  
3 meeting was the only one where an individual from  
4 one of the companies even asked about it.

5 Q. You're confident that Hunter Biden did not  
6 come up at any other meetings between federal  
7 government officials and social media platforms in  
8 2020?

9 A. I was confident that I was not a party to  
10 any meeting with social media companies where  
11 Hunter Biden was discussed outside of the one  
12 incident that I told you about.

13 Q. That was the one where it was a FITF  
14 Facebook meeting where the analyst asked  
15 Ms. Dehmlow and she refused to comment, correct?

16 A. That is correct. That is correct.

17 MR. SAUER: I am going to show you a new  
18 exhibit, Exhibit 8.

19 Counsel, I just emailed it to you, too. I  
20 will put it up on screen share, and it will be  
21 familiar to you.

22 (Reporter marked Exhibit No. 8 for  
23 identification.)

24 Q. BY MR. SAUER: Do you see this document  
25 here?

1 A. It says the "Declaration of Yoel Roth."

2 Q. Do you know Yoel Roth?

3 A. Yes. I mentioned to you -- mentioned him  
4 to you previously. He was the head of site  
5 integrity at Twitter.

6 Q. And it says that's a trust and safety  
7 department, correct?

8 A. Well, it says it is a site integrity team  
9 which assesses content posted to Twitter to  
10 determine whether it violates the company's  
11 policies. So in general, that would be construed  
12 as a trust and safety role.

13 Q. So in other words, he is -- has  
14 responsibility for content modulation at Twitter,  
15 or he at least did at the time of this declaration?

16 A. Yes, I believe so.

17 Q. In fact, your committee worked with him in  
18 that role, which he had until very, very recently,  
19 right? Just a couple weeks ago, right?

20 A. Until the day after the election.

21 Q. I am going to direct your attention to  
22 Paragraph 10 in this declaration. You see where it  
23 says in Paragraph 10, "Since 2018, I have had  
24 regular meetings with the" ODNI, "the Department of  
25 Homeland Security, the FBI and industry peers

1 regarding election security"? Do you see that?

2 A. Yeah, Paragraph 11?

3 Q. Paragraph 10.

4 A. I'm sorry, Paragraph 10. Yes, I see that.

5 Q. Do you know what regular meetings he's  
6 referring to in that paragraph? Is that the  
7 CISA-organized USG-industry meetings or is there  
8 other meetings as well?

9 A. I am not sure, but from my interpretation  
10 of this document, it would be in the context of the  
11 CISA-hosted USG-industry meeting. Because I never  
12 hosted a meeting with those U.S. government  
13 components.

14 Q. So let me ask you this: Are you aware of  
15 any meetings involving Twitter with ODNI, DHS and  
16 the FBI and other social media platforms?

17 A. Only in the context of the CISA-hosted  
18 USG-industry meetings.

19 Q. So the only meetings that you're aware of  
20 that this Paragraph 10 could be referring to are  
21 those USG-industry meetings that we have been  
22 talking about organized by CISA?

23 A. That is my belief.

24 Q. Paragraph 11, "During these weekly  
25 meetings, the federal law enforcement agencies

1       communicated that they expected 'hack-and-leak  
2       operations' by state actors might occur in the  
3       period shortly before the 2020 presidential  
4       election, likely in October." Do you see that?

5           A.    Yes.

6           Q.    Is that consistent with your recollection  
7       that the communications at the 2020 USG-industry  
8       meetings organized by CISA, that state actors, I  
9       take it he means foreign governments, might  
10      perpetrate hack-and-leak operations in a period  
11      shortly before the 2020 presidential election?

12          A.    Yeah, so the weekly meetings would have  
13      occurred like very shortly before. Like we did  
14      not switch to a weekly cadence until maybe six  
15      weeks from the election, around then, maybe six or  
16      eight weeks. It was a very short weekly meeting.

17                  I do believe -- as I mentioned previously,  
18      I don't remember who. I do remember myself  
19      mentioning a concern for that, but it was mentioned  
20      that there was the potential for hack-and-leak  
21      operations.

22          Q.    And so that first sentence you agree with  
23      basically that people did say that to Twitter in  
24      these meetings, that foreign state actors might do  
25      a hack-and-leak operation in the period shortly

1 before the 2020 presidential election; is that fair  
2 to say?

3 A. Yes. During the CISA USG-industry  
4 meetings.

5 Q. You're saying those obtained a weekly  
6 cadence in the six to eight weeks before that  
7 actual election in 2020?

8 A. Yes.

9 Q. Okay. In those meetings, I take it likely  
10 in October, was that relayed to Twitter and the  
11 other industry participants?

12 A. I can't remember specifically, but it  
13 would have made sense for the meetings to  
14 definitely have occurred on a weekly basis in  
15 October ahead of the elections in November.

16 Q. And did the federal officials in those  
17 meetings convey that they expected that  
18 hack-and-leak operations might occur shortly before  
19 the election, likely in October?

20 A. So I wouldn't have used the word  
21 "expected." I would have used the word "concern"  
22 about potential hack-and-leak operations. The  
23 reason I say that is because we were not aware of  
24 any hack-and-leak operations that were pending.

25 Q. Okay. He goes on to say in the next --

1 let me ask you this: Did you express that concern  
2 would be, quote, likely in October?

3 A. I would say possible in October.

4 Q. He refers to the federal law enforcement  
5 agencies, plural, in that sentence. Do you see  
6 that?

7 A. Yes.

8 Q. And other federal law enforcement agencies  
9 other than the FBI also convey an expectation or  
10 concern that Russian hack-and-leak operations would  
11 occur shortly before the 2020 election?

12 A. Not to my -- not to my knowledge.

13 Q. So the only agency you recall conveying  
14 that information is the FBI?

15 A. The only federal law enforcement agency I  
16 remember conveying our concern was the FBI.

17 Q. How about any other agency?

18 A. As I mentioned, I believe CISA would have  
19 had the same concern as the FBI.

20 Q. And that was relayed through Mr. Masterson  
21 and Mr. Scully, I think you said, correct?

22 A. Correct.

23 Q. Any other agencies or federal officials  
24 raise those concerns other than you, Ms. Dehmlow,  
25 Mr. Masterson and Mr. Scully?

1           A.     I believe that the senior election  
2     official from ODNI would also have flagged that as  
3     a concern.    Because that was a concern across the  
4     entire U.S. government.

5           **Q.     Who is that?**

6           A.     At the time the senior election official  
7     was Shelby Pierson.

8           **Q.     What did Mr. -- is that Mr. or Ms.?**

9           A.     Ms., Ms. Pierson.

10          **Q.     What did Ms. Pierson say about that**  
11     **concern for the social media platforms in these**  
12     **meetings?**

13          A.     I don't recall what she exactly said, but  
14     the sentiment would have been similar to what I  
15     already conveyed, which is that I was concerned  
16     about the potential for hack-and-leak operations.  
17     However, we were not aware of any pending  
18     hack-and-leak operations.    I believe she would have  
19     shared the same sentiment.

20          **Q.     Do you remember anything specific about**  
21     **what she said?**

22          A.     I don't.

23          **Q.     Mr. Roth in the affidavit goes on to say,**  
24     **"I was told in these meetings that the intelligence**  
25     **community expected that individuals associated with**

1 political campaigns would be subject to hacking  
2 attacks and that material obtained through those  
3 hacking attacks would likely be disseminated over  
4 social media platforms, including Twitter." Do you  
5 see that?

6 A. Yes.

7 Q. Do you remember that occurring, that --  
8 people in the intelligence community relaying that  
9 they expected attacks on individuals associated  
10 with political campaigns and that the material  
11 obtained would be disseminated over Twitter?

12 A. So my recollection is different from  
13 Mr. Roth's. Not that the intelligence community  
14 expected that individuals associated with political  
15 campaigns would be subject to hacking attacks, but  
16 that there was the potential for individuals  
17 associated with political campaigns.

18 The reason I say that is because I and the  
19 individuals I work with at FITF, we were not aware  
20 of any successful hacks into any political  
21 organizations or campaigns at the same time of  
22 these meetings.

23 Q. How about in the intelligence community?  
24 You know, I take it that may refer to ODNI --

25 A. Yeah.

1           **Q.    -- is Mr. Roth accurately describing what**  
2           **they said in these meetings?**

3                   MR. SUR:  Objection; calls for  
4           speculation.

5                   THE WITNESS:  Yeah, I don't know what  
6           Mr. Roth meant or meant, but what I'm letting you  
7           know is that from my recollection -- I don't  
8           believe we would have worded it so strongly to say  
9           that we expected there to be hacks.  I would have  
10          worded it to say that there was the potential for  
11          hacks, and I believe that is how anyone from our  
12          side would have framed the comment.

13                   And the reason I believe that is because I  
14          and the FBI, for that matter the U.S. intelligence  
15          community, was not aware of any successful hacks  
16          against political organizations or political  
17          campaigns.

18           **Q.    BY MR. SAUER:  You don't think that**  
19           **intelligence officials described it in the way that**  
20           **Mr. Roth does here in this sentence in the**  
21           **affidavit?**

22                   A.  Yeah, I would not have -- I do not believe  
23           that the intelligence community would have expected  
24           it.  I said that they would have been concerned  
25           about the potential for it.

1 Q. How about the second half of the sentence  
2 here where he says that he was told in these  
3 meetings that material obtained through those  
4 foreign hacking attacks would likely be  
5 disseminated over social media platforms, including  
6 Twitter, do you recall that being discussed in the  
7 meetings?

8 A. Yeah, so if you're going to break it up  
9 into two parts like that, if there were a  
10 successful hack, that is what the intelligence  
11 community and I both think would happen.

12 Q. Did you relay that to them, that if there  
13 were a successful hack, they would likely relay the  
14 hacked materials over social media platforms  
15 including Twitter?

16 A. I don't remember if I relayed that, but I  
17 do agree with Mr. Roth's statement, that if there  
18 was a hack, that that would be a method to  
19 disseminate the information.

20 Q. And that particular concern was relayed to  
21 social media platforms in these meetings?

22 A. Yes, you are correct.

23 Q. He goes on to say, "These expectations of  
24 these hack-and-leak operations were discussed  
25 throughout 2020." Do you see that?

1 A. Yes.

2 Q. What -- was that, in fact, true that all  
3 throughout 2020 there were discussions of these  
4 concerns about hack-and-leak operations?

5 A. So I would not have used the word  
6 "expectation." As I characterized it to you  
7 before, we regularly discuss the potential for  
8 nation state actors to conduct hack-and-leak  
9 operations. And we provided briefings on the  
10 specific nation state actors that we believe who  
11 were potentially capable of conducting these types  
12 of operations.

13 Q. That would include Russia, I presume?

14 A. Yes.

15 Q. And you -- so in the briefings you  
16 provided to them, you brief them on your  
17 understanding that Russia was capable of conducting  
18 those hack-and-leak operations?

19 A. Yes.

20 Q. Do you brief them on your concerns that  
21 those might occur in the 2020 election cycle in  
22 connection with those briefings as well, correct?

23 A. Yeah, from my recollection, "might" is a  
24 more appropriate word than "expected."

25 Q. So you feel like you said "might," and

1 Mr. Roth feels like he was told they were  
2 "expected"; is that fair to say?

3 A. Well, he wrote that -- well, in this  
4 deposition he provided, he said "expected," but I  
5 don't remember the language being so strong from --  
6 from me or from any FBI officials.

7 Q. I want to direct your sentence to the next  
8 page -- sentence. He says, "I also learned in  
9 these meetings that there were rumors" of a  
10 hack-and-leak -- "that a hack-and-leak operation  
11 would involve Hunter Biden," right, you see that?

12 A. Yes.

13 Q. Do you remember -- what's he referring to  
14 there, to your recollection?

15 A. So from my recollection, the social media  
16 companies, who include Twitter, would regularly ask  
17 us, "Hey, what kind of content do you think the  
18 nation state actors, the Russians would post," and  
19 then they would provide examples. Like, "Would it  
20 be X" or "Would it be Y" or "Would it be Z." And  
21 then we -- I and then the other FBI officials would  
22 say, "We believe that the Russians will take  
23 advantage of any hot-button issue."

24 And we -- I do not remember us  
25 specifically saying "Hunter Biden" in any meeting

1 with Twitter.

2 Q. Mr. Roth says in his sworn declaration he  
3 learned in these meetings, and I take it we are  
4 still talking about these weekly meetings, USG  
5 industry CISA-organized meetings, he learned in  
6 these meetings that there were rumors that a  
7 hack-and-leak operation would involve Hunter Biden,  
8 right? That's what he said in his sworn  
9 declaration, right?

10 A. Yes, I see that's what he said.

11 Q. And do you have any reason to doubt the  
12 veracity of what he said?

13 A. I would interpret what he said  
14 differently.

15 Q. How would you interpret what he said when  
16 he says he learned that there were rumors that a  
17 hack-and-leak operation would involve Hunter Biden?  
18 What do you think he's referring to?

19 MR. SUR: Objection; calls for  
20 speculation.

21 THE WITNESS: Yeah, in my estimation, we  
22 never discussed Hunter Biden specifically with  
23 Twitter. And so the way I read that is that there  
24 are hack-and-leak operations, and then at the  
25 time -- at the time I believe he flagged one of the

1 potential current events that were happening ahead  
2 of the elections.

3 Q. BY MR. SAUER: You believe that he, Yoel  
4 Roth, flagged Hunter Biden in one of these  
5 meetings?

6 A. No. I believe -- I don't believe he  
7 flagged it during one of the meetings. I just  
8 think that -- so I don't know. I cannot read his  
9 mind, but my assessment is because I don't remember  
10 discussing Hunter Biden at any of the meetings with  
11 Twitter, that we didn't discuss it.

12 So this would have been something that he  
13 would have just thought of as a hot-button issue on  
14 his own that happened in October.

15 Q. So you think that where he says he learned  
16 in the meetings that there were rumors that a  
17 hack-and-leak operation would involve Hunter Biden,  
18 you don't recall any basis for that actually being  
19 discussed in the meetings?

20 A. That is correct.

21 Q. Paragraph 12 goes on to say that "On  
22 October 14, 2020, I learned from media coverage  
23 that the New York Post had posted the articles to  
24 its website that morning containing emails and  
25 other personal materials found on a hard drive that

1 allegedly belonged to Hunter Biden." Do you see  
2 that?

3 A. Yes, Paragraph 12.

4 Q. There's that reference to those articles  
5 that you referred to earlier, correct?

6 A. Correct.

7 Q. It's your testimony that those news  
8 articles are the first time that you became aware  
9 that -- you became aware of Hunter Biden's laptop  
10 in any connection?

11 A. Yes. I don't remember if it was a New  
12 York Post article or if it was another media  
13 outlet, but it was on multiple media outlets, and I  
14 can't remember which article I read.

15 Q. And before that day, October 14th, 2020,  
16 were you aware -- were you aware of Hunter Biden --  
17 had anyone ever mentioned Hunter Biden's laptop to  
18 you?

19 A. No.

20 Q. The next paragraph Mr. Roth says, "The  
21 site integrity team preliminarily determined that  
22 the information in the articles," the New York Post  
23 articles, "could have been obtained through  
24 hacking, based on, among other things, the type of  
25 material, the sourcing described in the articles,

1 and the information security community's initial  
2 reactions." Do you see that?

3 A. Yes.

4 Q. Do you know what he's referring to in that  
5 last bit where he talks about the information  
6 security community's initial reactions?

7 MR. SUR: Objection; calls for  
8 speculation.

9 THE WITNESS: I do not know.

10 Q. BY MR. SAUER: Do you know -- what is the  
11 information security community?

12 A. So I don't know specifically that  
13 reference that he's using, but there is -- you  
14 know, I -- my assessment is that he's talking  
15 broadly about the American information security  
16 industry, but I don't know.

17 Q. Does that include the FBI?

18 MR. SUR: Objection; calls for  
19 speculation.

20 THE WITNESS: So I don't know. However, I  
21 do not believe that involves the FBI. To me when I  
22 read that, this is the first time I am reading that  
23 paragraph, it sounds like he is talking about the  
24 private sector information security community.

25 Q. BY MR. SAUER: He goes on to talk about

1 how Twitter ended up essentially blocking the  
2 articles from being shared on its platform and  
3 suspending the New York Post's Twitter accounts.

4 Generally without getting into the  
5 details, are you generally familiar with the fact  
6 that Twitter took steps to reduce the distribution  
7 of the Hunter Biden laptop story on its platforms?

8 A. Yeah, yeah, the extent of the information  
9 that I learned was exactly what you just described.  
10 I have no other knowledge of that.

11 Q. Okay. So right here at Paragraph 17 he  
12 says, "The Site Integrity Team blocked Twitter  
13 users from sharing links over Twitter to the  
14 applicable New York Post articles and prevented  
15 users who had previously sent tweets sharing those  
16 articles from sending new tweets until they deleted  
17 the tweets violating Twitter's policies," correct?

18 A. So that is what he wrote, but I am not  
19 aware of the specific details of the actions that  
20 they took until you just read that paragraph to me  
21 today.

22 Q. Do you know if anyone at Twitter reached  
23 out to anyone at the FBI to check or verify  
24 anything about the Hunter Biden story?

25 A. I am not aware of any communications

1 between Yoel Roth and the FBI about this topic.

2 Q. Are you aware of any communications  
3 between anyone at Twitter and anyone in the federal  
4 government about the decision to suppress content  
5 relating to the Hunter Biden laptop story once the  
6 story had broken?

7 MR. SUR: Objection; lacks foundation.

8 THE WITNESS: I am not aware of Mr. Roth's  
9 discussions with any other federal agency. As I  
10 mentioned, I am not aware of any discussions with  
11 any FBI employees about this topic as well. But I  
12 only know who I know. So I don't -- he may have  
13 had these conversations, but I was not aware of it.

14 Q. BY MR. SAUER: You mentioned Mr. Roth.  
15 How about anyone else at Twitter, did anyone else  
16 at Twitter reach out, to your knowledge, to anyone  
17 else in the federal government?

18 A. So I can only answer for the FBI. To my  
19 knowledge, I am not aware of any Twitter employee  
20 reaching out to any FBI employee regarding this  
21 topic.

22 Q. How about Facebook, other than that  
23 meeting you referred to where an analyst asked the  
24 FBI to comment on the Hunter Biden investigation,  
25 are you aware of any communications between anyone

1 at Facebook and anyone at the FBI related to the  
2 Hunter Biden laptop story?

3 A. No.

4 Q. How about any other social media platform?

5 A. No.

6 Q. How about Apple or Microsoft?

7 A. No.

8 MR. SUR: Counselor, if you have concluded  
9 with this exhibit, may I ask or may I suggest that  
10 a break would be appropriate? We have been in this  
11 session now I think for an hour and eight minutes.

12 MR. SAUER: I'm okay with that. Want to  
13 go off the record?

14 THE VIDEOGRAPHER: Off the record at 3:43  
15 p.m.

16 (Whereupon a recess was taken.)

17 THE VIDEOGRAPHER: Back on the record at  
18 3:57 p.m.

19 Q. BY MR. SAUER: Do you know Peter Strzok,  
20 s-t-r-z-o-k?

21 A. Yes, I do.

22 Q. How do you know him?

23 A. I know that he was a deputy assistant  
24 director at counterintelligence division, and the  
25 capacity that I worked with him in was related to

1 the Yahoo! hack, which also occurred in 2016, and  
2 our office did the investigation for that hack.

3 **Q. What was the Yahoo! hack?**

4 A. At the time the Yahoo! hack was the  
5 largest data breach in American history where 500  
6 million Yahoo! users' credentials were stolen by  
7 Russian intelligence service officers.

8 **Q. You worked on that investigation with  
9 Peter Strzok?**

10 A. So I oversaw the squad that ran the  
11 investigation. So I oversaw the investigation.  
12 Mr. Strzok consulted with me because he was  
13 concerned -- he had counterintelligence concerns  
14 about the investigation.

15 **Q. What were those concerns generally  
16 speaking? I am not going to ask specifics.**

17 A. Broadly speaking, U.S. government  
18 employees, U.S. current government employees as  
19 well as other government officials had used Yahoo!  
20 and still use Yahoo!, and he was concerned that  
21 Russian intelligence officers would be able to  
22 figure out the personal Yahoo! -- Yahoo! and AOL  
23 accounts for current and former U.S. government  
24 officials.

25 **Q. Did you have multiple interactions with**

1 him during the course of that investigation?

2 A. I would say regular -- like maybe once a  
3 month maybe.

4 Q. Over the course of how long?

5 A. Over the course of about six months.

6 Q. Would these be phone calls or did you have  
7 any in-person meetings with him?

8 A. These would be via classified Skype or  
9 Link, if you're familiar with that Microsoft  
10 product.

11 Q. So they'd be videoconferences that were in  
12 a secured link?

13 A. They would be voice conference -- there  
14 was video capability, but the FBI culture is not to  
15 use videoconference.

16 Q. Have you talked to him since then?

17 A. I have not. Yeah, I only spoke to him in  
18 the context of the Yahoo! investigation. So -- and  
19 he was interested, you know, in the extent of the  
20 damage, you know, like our intrusion investigation  
21 to determine if we could tell if Russians were  
22 aware which accounts belong to which U.S.  
23 government officials.

24 Q. These interactions with him occurred in  
25 the year 2016; is that right?

1           A.     Yeah, I would say spanning between 2015 to  
2     2016.

3           **Q.     So this would have been the same time**  
4     **frame that he's involved in the Crossfire Hurricane**  
5     **investigation?**

6           A.     I do not know when that investigation took  
7     place exactly, but I would say that I had  
8     engagement with him in the late 2015 to early 2016  
9     time frame.

10          **Q.     Do you know anyone associated with the**  
11     **Crossfire Hurricane investigation?**

12          A.     No, not to my knowledge.

13          **Q.     How about Lisa Page?**

14          A.     So Lisa Page is an attorney, an FBI  
15     attorney for the Office of General Counsel. She  
16     was on many of the calls. I don't know if she was  
17     on all of the calls, but she was on at least some  
18     of the, like, once-a-month calls that I had with  
19     Mr. Strzok.

20          **Q.     She was on -- so you would talk to**  
21     **Mr. Strzok and Ms. Page at the same time as the**  
22     **Yahoo! investigation?**

23          A.     Yes. My understanding was that she was --  
24     I don't know this for a fact, but my understanding  
25     was that she was a senior attorney in the

1 counterintelligence division and that she would be  
2 privy to the types -- she would need to know about  
3 the types of communications I had with Mr. Strzok  
4 about the extent of the damage.

5 **Q. Did you have any communications with**  
6 **Ms. Page after 2016?**

7 A. Yes, but not while she was working at the  
8 FBI.

9 **Q. What communications were those?**

10 A. She currently works for a private sector  
11 company, and I have regular communications focused  
12 on cybersecurity matters with her current company.

13 **Q. What company is that?**

14 A. The company is Twilio.

15 **Q. And you know her now and communicate with**  
16 **her in her work at Twilio?**

17 A. Yes.

18 **Q. And do those communications relate to**  
19 **hacking?**

20 A. Cybersecurity in general and potential  
21 hacks against the Twilio platform.

22 **Q. Have you communicated with her recently?**

23 MR. SUR: Objection; vague.

24 THE WITNESS: I would say the last time I  
25 communicated with her was maybe -- I can't recall

1 exactly, but maybe two months ago.

2 Q. BY MR. SAUER: How often do you talk to  
3 her?

4 A. Maybe on a quarterly basis.

5 Q. Have you ever discussed with Mr. Strzok or  
6 Ms. Page the prospect of a Russian hack-and-leak  
7 operation?

8 A. No. The only investigation that I ever  
9 discussed with either of them was the Yahoo! hack  
10 investigation.

11 Q. Do you know anyone else associated with  
12 the Crossfire Hurricane investigation?

13 A. No. But I do want to add during those  
14 meetings that I had with Mr. Strzok, Mr. Jim Baker,  
15 who was our general counsel at the time, would  
16 attend some of those meetings as well.

17 Q. Mr. Baker would attend those meetings that  
18 you had with Mr. Strzok about the Yahoo! hack?

19 A. Yes. At least some of them.

20 Q. Who else would attend those meetings?

21 A. Just the three of them. It would be the  
22 three of them getting a status update from -- they  
23 would be getting a case update from me.

24 Q. A case update about the Yahoo!  
25 investigation?

1 A. Correct.

2 Q. Did you ever discuss any hacking issues  
3 with Mr. Baker?

4 A. Not outside the context of the Yahoo!  
5 hack.

6 Q. Do you believe that Russian  
7 malign-foreign-influence activities affected the  
8 outcome of the 2016 presidential election?

9 MR. SUR: Objection; calls for  
10 speculation.

11 THE WITNESS: Quite honestly, I don't know  
12 if they had an impact.

13 Q. BY MR. SAUER: In your thesis you talk  
14 about how -- I think on multiple occasions you talk  
15 about how that election was decided by about 78,000  
16 votes in three key swing states; is that right?

17 A. That is correct. So I wanted to highlight  
18 that there was the potential, but unfortunately if  
19 you read my thesis, I could not conclus -- I could  
20 not conclusively say whether it had an impact, but  
21 it potentially could have an impact.

22 Q. So your thesis was -- the conclusion was  
23 that potentially Russian malign-foreign-influence  
24 operations may have affected the 2016 presidential  
25 election?

1 A. Yes, but that we would never know  
2 conclusively.

3 Q. I think you also cited statistics  
4 suggesting that something like 59 percent of all  
5 Facebook users had been reached by Russian malign  
6 social media content during that election cycle?

7 A. Yeah, I cited that from one of the  
8 reports, that is correct.

9 MR. SAUER: I am going to show you a new  
10 exhibit. Just give me a second to email it to your  
11 counsel.

12 (Reporter marked Exhibit No. 9 for  
13 identification.)

14 Q. BY MR. SAUER: Can you see this exhibit  
15 that I have labeled Exhibit 9 that I posted on the  
16 screen share?

17 A. I see it on there, but I don't see it on  
18 counsel's iPad yet.

19 Q. Just as a preliminary matter, you see that  
20 it is dated October 28, 2020, and it states, "Tech  
21 CEOs Senate Testimony Transcript October 28"?

22 A. Yes, I see that.

23 Q. And you refer in your thesis to the fact  
24 that tech CEOs were called in to testify before  
25 Congress shortly before the 2020 election, correct?

1 A. Yes, correct.

2 Q. I think you refer to this as one of the  
3 instances where pressure was put on them to take  
4 more aggressive action to -- to keep malign foreign  
5 influence off their platforms, right?

6 A. Yes, that was my assessment.

7 MR. SAUER: I am going to jump ahead to  
8 Page 56 of this document. So Indraneel, I don't  
9 know if you're following in the PDF.

10 MR. SUR: It hasn't arrived yet,  
11 unfortunately.

12 Q. BY MR. SAUER: If you look here at Page  
13 56, there's a question posed to Mark Zuckerberg who  
14 is the CEO of Meta or Facebook, correct?

15 A. Can you highlight the question that you  
16 want me to look at?

17 Q. I actually -- probably just look at what  
18 he said. I don't think the question is that  
19 relevant.

20 MR. SUR: If I may interrupt, the email  
21 just arrived, so we'll have it on the screen in a  
22 few seconds here.

23 MR. SAUER: Great.

24 Q. Can you see there --

25 MR. SUR: May I ask which page?

1 MR. SAUER: Page 56 of the PDF.

2 Q. Do you see there in the middle of the page  
3 it indicates that Mark Zuckerberg is the one  
4 speaking?

5 A. I see that at 2:34:35.

6 Q. That's the place. Thanks. In that answer  
7 he says along the lines of what you mentioned  
8 earlier, "one of the threats the FBI has alerted  
9 our companies and the public to, was the  
10 possibility of a hack and leak operation in the  
11 days or weeks leading up to this election,"  
12 correct?

13 A. Yeah, I am reading that.

14 Q. Okay. And then Mr. Zuckerberg went on to  
15 say, "So you had both the public testimony from the  
16 FBI and in private meetings alerts that were given  
17 to at least our company, I assume the others as  
18 well, that suggested that we be on high alert and  
19 sensitivity that if a trove of documents appeared  
20 that we should view that with suspicion, that it  
21 might be part of a foreign manipulation attempt."  
22 Do you see that?

23 A. I do see that.

24 Q. This testimony is occurring two weeks  
25 after the Hunter Biden stories in the New York

1 Post, correct, October 28, 2020?

2 A. Yes, that's what it was dated.

3 Q. Okay. Let's go through his account there.

4 Mr. Zuckerberg said "one of the threats that the  
5 FBI has alerted our companies and the public to,  
6 was the possibility of a hack-and-leak operations  
7 in the days" and/"or weeks leading up to this  
8 election," correct?

9 A. Correct.

10 Q. Yeah, and he says the FBI has alerted the  
11 public to that. Do you recall the FBI doing so?

12 A. I believe that we much more frequently  
13 than in the 2016 context -- context, "we," meaning  
14 the FBI and CISA, would put out advisories about  
15 concerns that we had about the elections. These  
16 would be public advisories.

17 Q. Would these include public advisories  
18 saying there might be a hack-and-leak operation  
19 shortly before the 2020 election?

20 A. I can't recollect. I know there are  
21 public advisories, and if you show them to me I  
22 would be able to read them and refresh my memory,  
23 but I don't recollect at this time.

24 Q. Do you know whether such public advisories  
25 were made, as Mr. Zuckerberg says, relating to

1 quote, the possibility of a hack-and-leak operation  
2 in the days or weeks leading up to this election?

3 A. I can't remember any specific advisories  
4 at this time.

5 Q. Were you involved in preparing public  
6 advisories?

7 A. No.

8 Q. Did you ever suggest that the FBI should  
9 issue a public advisory about a hack-and-leak  
10 operation?

11 A. No, not specifically. What I did tell our  
12 cyber intelligence section was that we, the FBI,  
13 should try to be as transparent as possible ahead  
14 of the 2020 elections.

15 Q. In the next sentence Mr. Zuckerberg says,  
16 "So you had both the public testimony from the FBI  
17 and in private meetings alerts that were given to  
18 at least our company, I assume the others as well,  
19 that suggested we be on high alert and  
20 sensitivity." Do you see that?

21 A. Yes, I see that statement.

22 Q. So do you know what he's referring to  
23 about the public testimony from the FBI?

24 MR. SUR: Objection; calls for  
25 speculation.

1 THE WITNESS: I don't know about the  
2 public testimony. I could assume it is from  
3 direct -- the director, Christopher Wray, or  
4 another senior official, but I am not aware of what  
5 testimony he's talking about.

6 Q. BY MR. SAUER: How about "in private  
7 meetings alerts that were given to at least our  
8 company, I assume others as well," do you know what  
9 private meetings alerts he's referring to?

10 MR. SUR: Objection; calls for  
11 speculation.

12 THE WITNESS: I don't know what private  
13 meetings he meant, but as I've discussed with you,  
14 I've hosted several meetings with Facebook ahead of  
15 the 2020 elections. So these may be these private  
16 meetings.

17 Q. BY MR. SAUER: You hosted several private  
18 meetings with Facebook where the concern about a  
19 hack-and-leak operation was raised?

20 A. Yes.

21 Q. Are you aware of any other private  
22 meetings between the FBI and Facebook?

23 A. I am not aware of any besides the ones  
24 I've hosted.

25 Q. Is it possible that others occurred that

1 didn't involve you?

2 A. That is possible, but I am not aware of  
3 them.

4 Q. And he describes those private meetings  
5 alerts as "suggested that we be on high alert and  
6 sensitivity that if a trove of documents appeared  
7 that we should view that with suspicion, that it  
8 might be part of a foreign manipulation attempt."  
9 Do you see that?

10 A. Yes.

11 Q. Was that discussed in your alerts, that if  
12 a trove of documents appear, that that should be  
13 something viewed with suspicion?

14 A. I don't remember that exact framing of our  
15 discussions with them.

16 Q. Do you remember saying -- I know you  
17 talked about, "Hey, there could be another  
18 hack-and-leak operation." Do you remember saying  
19 something like "If you get a whole bunch of  
20 documents that suddenly appear, that's something  
21 that should be viewed with suspicion"?

22 A. No, I don't remember any of us saying  
23 that. I think -- I don't remember this for a fact,  
24 but I think what we would have said is we would  
25 have asked "If you receive a whole -- if you see a

1 trove of potentially hacked materials, what are you  
2 going to do about it?" Which would be our way of  
3 asking them how their terms of service would handle  
4 a situation like that.

5 **Q. Do you recall asking them how they would**  
6 **handle it if potentially hacked materials appeared,**  
7 **correct?**

8 A. Yes.

9 **Q. And what did they say?**

10 A. So I believe that they would describe what  
11 their policies were for validating the information  
12 and handling the information in general. I can't  
13 remember what specific company said exactly what,  
14 but in general, I remember the social media  
15 companies having terms-of-service policies to  
16 handle this sort of situation.

17 **Q. Which social media companies did you ask**  
18 **that of, Twitter, Facebook and YouTube?**

19 A. Yes, I believe we would have asked them  
20 that, but I can't recollect when that would have  
21 happened, but I believe we would have asked them  
22 that at some point.

23 **Q. So you would have cautioned them that**  
24 **there might be a hack-and-leak operation and ask**  
25 **them how their terms of service would address it,**

1 fair to say?

2 A. That is fair to say.

3 Q. Okay. You specifically asked them how  
4 their terms of service would address it? You  
5 wanted to know whether and to what extent the  
6 material would be taken down or blocked if it  
7 appeared, correct?

8 A. Yeah, we wanted to know what actions they  
9 would take to include the two actions that you  
10 described.

11 Q. Why did you want to know that? Why did  
12 you want to know whether or not the various social  
13 media platforms would take down hacked materials if  
14 they appeared?

15 A. So this is just my personal opinion about  
16 why we wanted to know was because I think  
17 internally we wanted to know what actions that we  
18 would need to take, whether we would need to take a  
19 legal remedy such as like a seizure warrant or  
20 something. I can't ever recollect discussing this  
21 because it never came up.

22 In my assessment, why I would be concerned  
23 was -- if there's hacked materials and they stay  
24 up, then -- and if the companies do not believe  
25 they violate their terms of service, what actions

1 could the FBI take.

2 So I mean, these are all hypotheticals.

3 Q. And the idea would be the FBI could pursue  
4 a seizure warrant to have -- basically take -- take  
5 the materials down through legal process if the  
6 social media platforms wouldn't do it themselves?

7 A. So that was one hypothetical solution.

8 Q. And that was one that occurred to you?

9 A. Yeah, that was one that occurred to me. I  
10 don't remember discussing it with anyone else.

11 Q. The -- who -- who of the FBI asked them,  
12 the social media platforms, "How are your hacking  
13 materials policies addressing this?"

14 A. I would say we take turns asking. When I  
15 say "we," I mean either myself or the members of  
16 the Foreign Influence Task Force I already  
17 mentioned to you. Wherever it seemed like an  
18 organic follow-up question, we would ask "How would  
19 your terms of service apply to this situation or  
20 that situation?" Just so that we would understand  
21 what types of actions that they would take.

22 Q. I take it their answers would inform  
23 potential further actions by the FBI, such as  
24 potentially pursuing a seizure warrant to remove  
25 hacked materials?

1           A.     I think we were -- we were dealing in  
2     hypotheticals, so there was no concrete plan. In  
3     my mind, that would be one way to take down  
4     information.

5           And the reason I say that is because in a  
6     different situation where the FBI became aware of  
7     Iranian fake news sites, we did pursue a seizure  
8     warrant and got an IIFA/FARA-based search or  
9     seizure warrant to take down over 70 Iranian fake  
10    news websites.

11          **Q.     Did they take down hacked materials?**

12          A.     I don't know the specifics. I oversaw the  
13    squad that executed the seizure warrant.

14          **Q.     Do you recall, did Ms. Dehmlow ever**  
15    **discuss what actions might be taken if there was a**  
16    **hack-and-leak operation before the 2020 election to**  
17    **take down materials?**

18          A.     No.

19          **Q.     Do you recall discussing that with the**  
20    **FBI -- or anyone at the FBI, that is if we knew**  
21    **there was a hack-and-leak operation, how do we get**  
22    **the materials down?**

23                 MR. SUR: Objection; calls for  
24    deliberative process privilege of internal  
25    discussions within the FBI.

1 THE WITNESS: Yeah, we did have internal  
2 discussions. As I mentioned, the only -- one of  
3 the solutions was potentially to see if we have  
4 enough probable cause to execute a seizure warrant.

5 Another solution was to ask the company to  
6 consensually take down the information even if it  
7 did not violate their terms of service. So those  
8 were the two hypothetical solutions that I  
9 remember.

10 Q. BY MR. SAUER: Right. That second  
11 hypothetical solution about asking them to take it  
12 down even if it didn't violate their terms of  
13 service, did you pursue that with respect to the  
14 Hunter Biden laptop story?

15 A. No.

16 Q. Did you contact any social media platforms  
17 and say, "Hey, can you take this stuff down because  
18 it looks hacked"?

19 A. No.

20 Q. When the social media platforms answer,  
21 did Facebook and Twitter indicate that they would  
22 remove hacked materials under their terms of  
23 service when you asked them?

24 A. From my recollection, I think both of  
25 those companies said that they would remove hacked

1 materials if they were able to validate that it was  
2 hacked. I don't remember -- I don't remember the  
3 qualifiers that they used to determine whether they  
4 were hacked materials or not.

5 **Q. When did they tell you that, roughly?**

6 A. I can't remember, but it was ahead of the  
7 2020 elections.

8 **Q. That would have been before that Hunter  
9 Biden laptop story broke?**

10 A. I don't remember. It would have been --  
11 it might have happened in October. It could have  
12 happened before. I think it may have happened  
13 before then, but I can't remember.

14 **Q. They made that representation to you, both  
15 Twitter and Facebook, in these FITF Facebook  
16 preelection meetings -- sorry. Let me rephrase  
17 that.**

18 **Did they make that representation to you  
19 in the FITF-organized meetings with Facebook and  
20 then Twitter?**

21 A. I can't remember the specifics, but  
22 generally speaking, the companies provided us with  
23 overview of what their terms of service was and how  
24 hacked materials could be categorized within these  
25 terms of service and then just the types of actions

1 that they would potentially take.

2 Q. I think you said a minute ago that the  
3 kinds of actions they would potentially take  
4 included taking the materials down?

5 A. Yeah, that was -- that was a potential  
6 action. I think it had to reach a -- you know, it  
7 had -- they had an internal validation process and  
8 it had to clear internal hurdles before they would  
9 take that certain type of content down. But I  
10 can't remember the specifics of what the internal  
11 hurdles were.

12 Q. That information was conveyed to a group  
13 of FBI officials that had included you and  
14 Ms. Dehmlow as well as Mr. Olson, Mr. Cone,  
15 Ms. Chock and Mr. Giannini?

16 A. Yeah, I don't know if all of these people  
17 were present during any of those meetings where  
18 they were discussed, but in general, I would say  
19 that at least some subset of them would have been  
20 present.

21 Q. Okay. And then did you guys relay that  
22 information to anyone, "Here's what Facebook and  
23 Twitter will do if they find and receive hacked  
24 materials on their platforms"?

25 A. So I did not relay it to anyone else,

1 outside of my internal discussions with them. I do  
2 not know if they relayed it to anyone else.

3 Q. Do you know -- you don't know if it was  
4 relayed to anyone else by anyone?

5 A. I do not. I am only privy to what I  
6 discussed with them.

7 Q. Do you remember anything else -- turning  
8 back to the screen share, and you see  
9 Mr. Zuckerberg's testimony, he talks about the  
10 information received "suggested that we be on high  
11 alert and sensitivity." Is that a fair  
12 characterization of the communications from the FBI  
13 to Facebook that you were involved in?

14 A. So I would not have framed it like  
15 Mr. Zuckerberg did. As I mentioned, his language  
16 seems stronger than how I would have framed it, or  
17 how I believe FBI officials would have framed it.

18 We would have said something to the effect  
19 of "We are concerned about potential hack-and-leak  
20 operations ahead of the 2020 elections and that one  
21 of the methods that we would use is to disseminate  
22 the hacked materials on the social media  
23 platforms."

24 So I don't know if I -- we would have said  
25 that we should view that with suspicion. Instead

1 of "foreign manipulation attempt," I would have  
2 said "foreign malign influence."

3 Q. Did you, in fact, tell them that if a  
4 trove of document appears, it should be viewed with  
5 suspicion?

6 A. No. That's what I'm saying, is I don't  
7 think we would have said that language.

8 Q. Did you tell him that if a trove of  
9 documents appeared, it may be part of a foreign  
10 manipulation attempt?

11 A. I would -- we would not have used that  
12 language. As I said before, what we would have  
13 told them and what I recollect saying is that we --  
14 that I was concerned about a potential  
15 hack-and-leak operation, especially right before  
16 the election, and that one of the channels for  
17 disseminating that hacked information would be via  
18 the social media platforms.

19 Q. Do you know Timothy Thibault or Thibault,  
20 T-h-i-b-a-u-l-t?

21 (Discussion off the record.)

22 THE WITNESS: I am not familiar with that  
23 name.

24 Q. BY MR. SAUER: Do you know Brian Auten,  
25 A-u-t-e-n?

1 A. Yes. I believe he was a supervisory  
2 intelligence analyst in the -- in the special  
3 counsel's office. That's how I know him.

4 **Q. So he's an FBI official?**

5 A. Yeah, he is supervisory intelligence  
6 analyst, I believe is his title.

7 **Q. What's a supervisory intelligence analyst?**

8 A. A frontline supervisor position for  
9 analysts within the FBI.

10 **Q. Do you know -- how do you know him?**

11 A. I only know him in passing because I  
12 have -- I had engaged with the special counsel's  
13 office -- specifically Robert Mueller's special  
14 counsel's office. I know there are multiple  
15 special counsel's office, but specifically Robert  
16 Mueller's. I believe that he was part of the  
17 special counsel's office team.

18 **Q. What was your engagement with Robert  
19 Mueller's special counsel's office?**

20 A. So as I previously mentioned, we -- my  
21 squad ran one of the investigations associated with  
22 the hack of the DNC in 2016. The special counsel's  
23 office consolidated all investigations that had to  
24 do with any Russian interference in the 2016  
25 elections. So we, specifically my squad and I, had

1 to hand off that portion of the investigation to  
2 the special counsel's office.

3 **Q. So they took over your investigation of**  
4 **the DNC hack?**

5 A. Yes, they took over that portion of the  
6 investigation.

7 **Q. What other portions were there?**

8 A. The other portion is the continuing active  
9 investigation against the individuals for our  
10 computer intrusions besides the 2016 DNC hack.

11 **Q. So it involves the same malign actors but**  
12 **not the same hacking attempt?**

13 A. Correct, yeah, that is a correct  
14 assessment.

15 MR. SAUER: I am going to email you and  
16 your counsel a set of new exhibits.

17 Indraneel, can you tell me when you get  
18 these?

19 MR. SUR: I will.

20 MR. SAUER: Has that email come yet?

21 MR. SUR: Still waiting.

22 MR. SAUER: While you're waiting, I am  
23 going to go ahead and share, just to keep things  
24 moving, Exhibit 13 with you.

25 (Reporter marked Exhibit No. 13 for

1 identification.)

2 Q. BY MR. SAUER: Do you see that now, sir,  
3 Exhibit 13?

4 A. Yeah, I see the title is "Audio  
5 Transcription of Recording in re: State of  
6 Missouri, et al., versus Joseph R. Biden, Junior."

7 Q. It goes on "File: FBI on Election-There's  
8 Going to be a Lot of Noise," right?

9 MR. SUR: I'm sorry, we still don't have  
10 the email. So is this Exhibit 13?

11 MR. SAUER: Yeah. We may have the court  
12 reporter make a transcription of his publicly  
13 record -- public interviews, the audio of his  
14 public interviews.

15 Q. So Mr. -- Agent Chan, on October 28, 2020,  
16 did you give an interview to someone called Tom  
17 Field relating to the upcoming election?

18 A. I believe I did. I give a lot of  
19 interviews, but yeah, I am looking at the  
20 transcript of this one. Tom Field is associated  
21 with a media outlet called ISMG.

22 Q. Interestingly the date of this is October  
23 28, 2020, the same date as the tech CEOs  
24 congressional testimony we just talked about,  
25 right?

1           A.     Okay.  Yeah, I didn't remember when the  
2     tech CEOs testified, but you have refreshed my  
3     memory.

4           Q.     This would be less than a week before the  
5     October 2020 election, right?

6           A.     Yes.

7           Q.     And you told him there's going to be a lot  
8     of noise.  Do you know what you were talking about  
9     there?

10          A.     Can you tell me what page you're on?

11          Q.     That title "FBI on Election-There's Going  
12     to be a Lot of Noise," did you say that to him?

13          A.     What line is that?  What page?

14          Q.     I am highlighting it.  It is the all caps  
15     title on Lines 10 and 11 on Page 1, "FBI on  
16     Election-There's Going to be a Lot of Noise."

17          A.     So I don't recall making that title.

18          Q.     Do you remember making that statement,  
19     that there's going to be a lot of noise?

20          A.     Is it in the transcript anywhere?

21          Q.     I am just asking do you remember that?

22          A.     I don't remember it.  That's why I'm  
23     asking if it is in the transcript anywhere.

24          Q.     Fair enough.  If you don't remember, you  
25     don't remember.

1 A. Yeah.

2 Q. Go down to Page 9 of the transcript,  
3 there's a paragraph here starting on Line 3 at Page  
4 9 where you say, "So I am going to ask -- I'm  
5 probably going to say the same thing that I said  
6 the last time, but if you see something, say  
7 something; right? So if you are seeing any types  
8 of cyber attacks against your companies, let your  
9 local FBI office know; right?"

10 A. Yes, I see that.

11 Q. Is that -- do you recall saying that to  
12 Tom Field?

13 A. I don't specifically remember, but it  
14 appears to be a transcript of an interview I had  
15 with him. That seems like something I would say.

16 Q. And then you go to say, "If you're seeing  
17 something related to the election on your social  
18 media platform, all of them have portals where you  
19 can report that sort of information," correct?

20 A. Yes.

21 Q. So there you are encouraging the listeners  
22 of the podcast if they see something inaccurate on  
23 their social media platform, to go and report it  
24 directly to the social media platform, correct?

25 A. That is correct.

1 Q. Then you go on to say, "They are being  
2 very aggressive in trying to take down any  
3 disinformation or misinformation," right?

4 A. Yes.

5 Q. And I take it the context here you're  
6 talking about disinformation and misinformation  
7 related to the election, right?

8 A. Yes.

9 Q. So you're encouraging the listeners of  
10 this podcast to report to social media companies  
11 any election-related speech that they see that they  
12 think is disinformation or misinformation so that  
13 the social media platforms can take it down, right?

14 A. So that the social media platforms can  
15 review it and determine if it violates their terms  
16 of service.

17 Q. And it was your view at that time that the  
18 social media platforms were being, quote, very  
19 aggressive in trying to take down any  
20 disinformation or misinformation relating to  
21 elections, right?

22 A. Yes.

23 Q. And you go on to say "if they see anything  
24 on election day or before election day, you can  
25 always report it to FBI.gov or justice.gov, and you

1 know, there's a little button you can click to  
2 submit a complaint," correct?

3 A. Yes.

4 Q. So you're encouraging the listeners to  
5 report any disinformation or misinformation to  
6 FBI.gov or justice.gov, correct?

7 A. That is correct.

8 Q. FBI.gov is the FBI's website, right?

9 A. Yes.

10 Q. Justice.gov, is that the Department of  
11 Justice's website?

12 A. That is correct.

13 Q. Federal Department of Justice, right?

14 A. Yes, the U.S. Department of Justice.

15 Q. What happens to disinformation complaints  
16 that get submitted to FBI.gov relating to election  
17 misinformation or disinformation?

18 A. I believe that all these tips are reviewed  
19 by an intake analyst, either an FBI employee or an  
20 FBI contractor. And then I believe they have  
21 certain levels of predication where they would keep  
22 sending it higher -- higher up the chain.

23 Q. What do you mean by certain levels of  
24 predication where they would keep sending you  
25 higher up the chain?

1           A.     So I would say if something is a vague  
2     threat about -- for example, a common type of  
3     threat is "I hate Politician X." And then someone  
4     sends in a complaint like "I believe this user  
5     wants to kill Politician X," but you know, what  
6     that person said was a vague statement with no  
7     threat in it.

8                     So that is a -- that is like one type of  
9     example. So in that situation, that type of  
10    complaint would be filed away.

11                    In another situation, for example, a  
12    threat-to-life situation, "I want to kill  
13    Politician X, and I know where he lives."

14                    So then that would be they would -- the  
15    analyst would try to figure out what field office  
16    does Politician X reside in and then forward that  
17    information to the appropriate field office to  
18    conduct an initial assessment.

19                    So that would be an example of how we  
20    would handle two types of complaints.

21           **Q.     Those are complaints about threats. In**  
22    **this context you're referring to disinformation and**  
23    **misinformation, correct?**

24           A.     Yes.

25           **Q.     So if somebody reports not a threat to a**

1 public official but a disinformation -- someone  
2 reports disinformation or misinformation on social  
3 media to FBI.gov, how would that be processed?

4 A. So that would also be reviewed by the  
5 analyst, and then it would be the same situation.

6 So if I can give you a hypothetical  
7 example, "Political Party A vote on Tuesday.  
8 Political party B vote on Wednesday." So if  
9 someone submitted something like that, that would  
10 probably be flagged. Like an analyst would say,  
11 "Oh, this is involving the time, place or manner of  
12 an actual election. I need to send this up to  
13 someone who is more authoritative that can review  
14 this information."

15 So they may actually kick this out to the  
16 field office depending on if they can figure out  
17 where the account holder is from.

18 Q. What if -- okay. So if that -- sorry, say  
19 it again. They send it out to the field office?

20 A. In this hypothetical situation, let's say  
21 a social media account user somehow identifies  
22 themselves as being from the state of Missouri, you  
23 know, like it is a handle. And then they say or  
24 they portray themselves as being from St. Louis,  
25 Missouri and they say, "If you are affiliated with

1 Party A, you vote on Tuesday. If you're affiliated  
2 with Party B, you vote on Wednesday."

3 So that information would be reviewed by  
4 the analyst that does the intake, and that would  
5 likely revolve -- result in a lead being sent to  
6 the St. Louis field office to work with the U.S.  
7 Attorney's Office to see if, you know, they should  
8 serve a subpoena to get the additional information  
9 or if it, you know, if it rises to the level of an  
10 election requirement.

11 **Q. Does the FBI also report -- does anyone on**  
12 **that chain in the FBI report it to the social media**  
13 **platform to be assessed under their**  
14 **content-modulation policies?**

15 A. So that would only -- that -- that type of  
16 process that I'm aware of only happened during the  
17 election command post that I mentioned to you  
18 previously.

19 **Q. So if somebody went to FBI.gov and said,**  
20 **"Hey, you know, someone's saying in Missouri**  
21 **Republicans vote on Tuesday, Democrats vote on**  
22 **Wednesday," that would be referred to the Missouri**  
23 **field office for an investigation?**

24 A. Yeah, that would be referred to the St.  
25 Louis field office for investigation. And then

1 like, the investigators in the St. Louis office  
2 along with the U.S. Attorney's Office would  
3 determine if that is something that should be sent  
4 to FBI headquarters. And then that would be sent  
5 to FBI headquarters and there would be an FBI OGC  
6 attorney as well as a DOJ public integrity attorney  
7 along with, you know, another FBI official. They  
8 would all look at it and say, "Yes, we believe that  
9 this should be sent to FBI San Francisco."

10 So by the time it's reached us, there's  
11 already been what I will characterize as an FBI  
12 headquarter stamp of approval.

13 Q. And the FBI San Francisco then would relay  
14 those to social media platforms as you've discussed  
15 earlier --

16 A. Yes.

17 Q. -- in your testimony, correct?

18 A. Yes, correct.

19 Q. And there the idea is that the social  
20 media platforms will assess those in connection  
21 with their terms of service, assess them for  
22 compliance with their terms of service, correct?

23 A. That is correct.

24 Q. What if somebody posts something like  
25 "Voting by mail is unreliable, and your ballot

1 probably won't get there so don't vote that way"?

2 MR. SUR: Objection; incomplete  
3 hypothetical.

4 Q. BY MR. SAUER: What would happen to a  
5 report like that to FBI.gov?

6 A. So I think that would also be reviewed by  
7 the attorneys. When I mean "the attorneys," I mean  
8 specifically the FBI headquarters attorney as well  
9 as a DOJ public integrity attorney, and they will  
10 determine whether it will get sent to San Francisco  
11 or not.

12 Q. And would something like that, in your  
13 experience, get sent to San Francisco?

14 A. In my experience, something vague like  
15 that would not get sent to San Francisco.

16 Q. How about something specific like "Voting  
17 by mail is rife with fraud and it involves tons of  
18 people cheating and therefore, it should be  
19 abolished," how about that?

20 MR. SUR: Objection; hypothetical.

21 THE WITNESS: Honestly, I have never saw  
22 that type of complaint being submitted to us  
23 through the command post. As I mentioned to you  
24 previously, it was, from my recollection, time,  
25 place or manner disinformation or misinformation.

1 Q. BY MR. SAUER: What do you remember  
2 specifically about those being referred to you?  
3 What kind of things do you remember specifically --

4 A. The example I gave you where if you are  
5 registered with Party A, you vote on Tuesday; if  
6 you're registered with Party B, you vote on  
7 Wednesday. So that was a frequent one.

8 Another one was, depending on what state,  
9 some states where it has to arrive at the polling  
10 location on election day, whereas other states  
11 allow it -- the ballot -- the mail-in ballot to be  
12 postmarked by election day. So I remember I would  
13 look, and I was like, "Oh, like, huh, I don't  
14 understand this one." And then maybe I would  
15 follow up with the field office and they say,  
16 "Elvis, in our state it has to arrive at the  
17 polling location by a certain date."

18 So that would be the type of different  
19 information that we would provide to the social  
20 media companies.

21 Q. And I take it you testified earlier that  
22 posting the wrong information about that, the date  
23 that your ballot has to arrive, is criminal on --  
24 in the government's view; is that right?

25 A. It is a potential violation of federal

1 election laws.

2 **Q. What federal election statute does it**  
3 **violate?**

4 MR. SUR: Objection; calls for legal  
5 conclusion.

6 THE WITNESS: I am not an attorney, but  
7 you hear me saying the words "time, place or manner  
8 disinformation." So just based on my law  
9 enforcement training where the attorneys tell me  
10 that anything that is related to false information  
11 about the time, place or manner of an election or  
12 about the voting process, that that is a potential  
13 election crime.

14 **Q. BY MR. SAUER: You refer to the social**  
15 **media platforms being very aggressive in trying to**  
16 **take down any disinformation or misinformation.**  
17 **What were you talking about?**

18 A. I was saying in contrast to 2016 when they  
19 took no actions.

20 **Q. What did they do to be very aggressive?**

21 A. So as I mentioned to you previously, they  
22 developed technologies to be able to detect  
23 foreign-malign-influence operations, and they also  
24 add just their policies to be able to handle  
25 foreign-malign-influence operations.

1 MR. SAUER: I am going to show you Exhibit  
2 15. Indraneel, I sent you an email.

3 MR. SUR: Okay. 15.

4 (Reporter marked Exhibit No. 15 for  
5 identification.)

6 Q. BY MR. SAUER: Agent Chan, can you see  
7 this on the screen share?

8 A. Yes, the title "Preparing for Retaliatory  
9 Attacks from Russia."

10 Q. On June 29, 2022?

11 A. Yes.

12 Q. Again, this is a court reporter-created  
13 transcript of your podcast or interview with Anna  
14 Delaney on that date. Do you see that?

15 A. Yeah, on June 29th, 2022.

16 Q. Who is Anna Delaney?

17 A. She is now the -- now that I am looking at  
18 the transcript, she is a reporter with ISMG.

19 Q. Do you remember giving this interview last  
20 June?

21 A. I believe this was in the context of the  
22 RSA conference, but I can't remember specifically.

23 As I mentioned, I did a lot of public  
24 speaking, and I get interviewed frequently by media  
25 outlets.

1 Q. Going down to Page 8 of this transcript,  
2 starting on Page 7 you see that Ms. Delaney asks  
3 about the midterm elections 2022 and she asked you  
4 what the FBI is doing to prepare, right? "What's  
5 the FBI doing to prepare," you see that at the  
6 bottom of the page?

7 A. Okay. I see that question.

8 Q. And you respond to that, "The good news  
9 is, post 2020, we've never stopped," right?

10 A. Yes, I said that.

11 Q. You say that you were -- "As soon as  
12 November 3rd happened in 2020, we just pretty much  
13 rolled into preparing for 2022," correct?

14 A. Yes.

15 Q. And you say -- a little lower down you  
16 say, "From FBI San Francisco's standpoint, we are  
17 also really engaged with the technology companies  
18 out here and represented here at the RSA  
19 conference." There you go.

20 A. Yeah, so yeah, it was at the RSA  
21 conference.

22 Q. "So making sure that, you know, any  
23 vulnerabilities we think advanced persistent  
24 threats would be using" and so forth, right?

25 A. Yes.

1 Q. I think what you're talking about there is  
2 potential hacking attempts and working with the  
3 social media companies to defend against hacking  
4 attempts; is that right?

5 A. I wouldn't say because I mention  
6 technology companies, against all types of  
7 companies, even non-social media companies.

8 Q. Got you. You say, "We're also working  
9 with the social media companies to make sure that  
10 any foreign disinformation that's coming out that,  
11 you know, like, if we can identify them, we can  
12 share that information with them so they can knock  
13 down accounts, knock down disinformation content,"  
14 correct?

15 A. Yes, I said that.

16 Q. And do you agree with that statement, that  
17 you were working with social media companies in the  
18 2022 election cycle to make sure that foreign  
19 disinformation would be identified and you could  
20 share that information with them so they can knock  
21 down accounts and knock down disinformation  
22 content?

23 A. Yeah, so looking at that sentence and from  
24 my recollection, the FBI part of it is the  
25 information sharing portion, and then the social

1 media company portion is to decide if it violates  
2 their terms of service. And if it does violate  
3 their terms of service, one of the actions they  
4 could take is to knock down accounts or to knock  
5 down content.

6 **Q. And the purpose of the information sharing**  
7 **is the get them to assess it; and potentially if it**  
8 **violates the terms of service, to knock down**  
9 **content, correct, right?**

10 MR. SUR: Objection; mischaracterizes the  
11 document, calls for speculation.

12 THE WITNESS: Our -- my purpose was to  
13 share information with them so that they could  
14 protect their platforms as they deemed appropriate.  
15 I did highlight two of the actions that they could  
16 potentially take, which include knocking down  
17 accounts or knocking down misinformation content.

18 **Q. BY MR. SAUER: And you're aware that they**  
19 **do both of those things in response to your reports**  
20 **of disinformation on their platforms?**

21 A. I am aware of that because of the feedback  
22 they have provided me on several occasions.

23 **Q. Do you know Jen Easterly?**

24 A. I do know Jen Easterly.

25 **Q. How do you know Jen Easterly?**

1 A. I actually met her at this conference for  
2 the first time.

3 **Q. Had you been aware of her before that?**

4 A. I was aware when she was nominated and  
5 confirmed for her role as the director of CISA.

6 **Q. Were you aware that she's a Star Trek fan?**

7 A. I am aware that she's a Star Trek fan.

8 **Q. How do you know that?**

9 A. From reading news articles about her,  
10 specifically at the Black Hat and DEF CON  
11 conference which had happened previously.

12 **Q. What is the Black Hat and DEF CON  
13 conference?**

14 A. That -- those are two conferences which  
15 are back to back in Las Vegas sometime in the  
16 summer, and they are -- next to the RSA  
17 conference -- the leading cybersecurity conferences  
18 in the American industry.

19 **Q. Did you have any -- have you had any  
20 communications with Jen Easterly about  
21 disinformation on social media?**

22 A. No, I have not had -- the one time I met  
23 her in person was at the RSA conference. And  
24 primarily what I recollect us talking about was  
25 that I wanted her to have additional CISA

1 personnel, specifically to embed with FBI San  
2 Francisco cyber task force.

3 **Q. Did she agree to that?**

4 A. She said that she would work on it.

5 **Q. Did it happen?**

6 A. I was told by the CISA official, the  
7 regional CISA officials that I work with that there  
8 are funded bullets to hire people, but they are --  
9 I believe they are still going through the hiring  
10 process.

11 **Q. Who are the regional CISA officials that**  
12 **you work with?**

13 A. There are two regional CISA officials that  
14 I work with. One individual is based in  
15 Sacramento. His name is Mario Garcia. And then  
16 the second individual is based in the Los Angeles  
17 area. His name is Joseph Oregon.

18 **Q. How do you -- what do you do to work with**  
19 **them?**

20 A. So primarily when I work with them, it is  
21 on cybersecurity matters. So we coordinate  
22 regularly with CISA on any cyber attacks against  
23 critical infrastructure companies.

24 For example, a ransomware attack or a data  
25 breach against an energy company or -- yeah,

1 specifically an example I can give you is the  
2 ransomware attack against the Colonial Pipeline  
3 Company.

4 **Q. Do you work with CISA on any**  
5 **disinformation issues?**

6 A. I do not work with those two individuals  
7 on disinformation issues.

8 **Q. Do you work with anyone else at CISA on**  
9 **any disinformation issues?**

10 A. Only as we have discussed in the CISA-led  
11 USG-industry working group meetings.

12 **Q. I am going to open up Exhibit 6 again and**  
13 **share it with you. These are the amended**  
14 **interrogatory responses. Can you see them on the**  
15 **screen share now?**

16 A. Which exhibit is that?

17 MR. SUR: This is 6. This is on the first  
18 page.

19 THE WITNESS: Okay.

20 **Q. BY MR. SAUER: I am going to scroll back**  
21 **down to Page 38.**

22 A. Okay.

23 **Q. We talked a bit about this USG-industry**  
24 **meeting that's identified here, correct?**

25 A. You're on the first bullet on that page,

1 is that what you're referring to?

2 **Q. The first bullet on Page 37.**

3 A. Okay. "A recurring meeting usually  
4 entitled USG-industry meeting," yes.

5 **Q. Okay. We talked about -- I think we  
6 talked about the participants in this meeting in  
7 detail, and the CISA participants you mentioned are  
8 Matt Masterson and Brian Scully?**

9 A. That's correct.

10 **Q. How about DHS's Office of Intelligence and  
11 Analysis, who participated from there?**

12 A. I can't remember. I believe whoever was  
13 the head of that organization -- someone from I&A  
14 showed up, but I don't remember the names.

15 **Q. What does I&A do? What is it?**

16 A. So from my knowledge of I&A, they are the  
17 intelligence community agency, or at least one of  
18 them, within the Department of Homeland Security.  
19 What I -- the products that I have seen from them  
20 are all-source products, which means I have seen  
21 them take, you know, intelligence reports from  
22 different government agencies and provide more  
23 strategic overview types of products. That is what  
24 I have personally seen from I&A.

25 **Q. Let's scroll down to this next bullet**

1 point where it talks about a CISA cybersecurity  
2 advisory meeting. Do you know anything about those  
3 meetings between CISA and social media platforms?

4 A. I have never heard of the CISA  
5 cybersecurity advisory committee meetings. I have  
6 never heard of that organization within CISA.

7 Q. How about "ASD-HKS Tech Policy Paper  
8 Series," do you know anything about those meetings?

9 A. No, I don't even know what the acronym  
10 stands for.

11 Q. How about "DHS/Microsoft Disinformation  
12 Follow Up"?

13 A. I have no idea what that is in reference  
14 to.

15 Q. Let's scroll down to the CISA response.  
16 See there's an additional response under the  
17 heading here "CISA"; do you see that?

18 A. Yes.

19 Q. And that's CISA, C-I-S-A, in all caps?

20 A. Yes.

21 Q. It looks like it is identical to the  
22 bullet point above that we discussed.

23 There's a reference here in the second  
24 bullet point to "A recurring meeting to prepare for  
25 and set the agenda for the USG-industry meeting,

1 and participants have generally included CISA and  
2 Facebook." Do you see that?

3 A. I see that.

4 Q. That is a meeting to prepare for the  
5 meeting that we talked about in detail; is that  
6 right?

7 A. I see that.

8 Q. Were you aware that there were such  
9 meetings?

10 A. I was not aware that there was a separate  
11 preparatory meeting between CISA and Facebook ahead  
12 of the broader USG-industry meeting. I was only  
13 aware of the USG side, you know, where they would  
14 convene us to ask us, specifically the FBI and the  
15 other federal components, what agenda topics we  
16 wanted to talk about.

17 Q. So you participated in your own  
18 preparatory meeting with CISA that did not involve  
19 social media platforms, correct?

20 A. That is correct.

21 Q. During the course of those preparatory  
22 meetings, CISA would ask the FBI, you, Elvis Chan,  
23 what topics it might be useful to discuss at the  
24 USG-industry meeting?

25 A. Yes. They would ask the FBI, and I was a

1 part of the contingent.

2 **Q. Who was on that contingent?**

3 A. It would typically be Laura -- the  
4 individuals that I mentioned from FITF, Laura  
5 Dehmlow, Luke Giannini, Bill Cone, Brady Olson,  
6 Judy Chock. It would not necessarily be all of  
7 them, but it would be a subset of them or at least  
8 one of them. Sometimes the FBI would not have any  
9 agenda items for the CISA-hosted meetings.

10 **Q. Anyone else from FBI participate in those**  
11 **meetings?**

12 A. I can't recollect anyone else.

13 **Q. How about who from CISA would participate**  
14 **in those meetings?**

15 A. As I mentioned to you, the two people I  
16 remember are Mr. Masterson and Mr. Scully.

17 **Q. The same two who had run the USG-industry**  
18 **meeting, the big meeting, right?**

19 A. They were the two ranking officials that I  
20 was aware of from CISA.

21 **Q. Would those preparatory meetings be just**  
22 **Mr. Scully and Mr. Masterson and FBI, or would**  
23 **other agencies be involved with them?**

24 A. From my recollection, the ODNI, I&A, they  
25 would be involved in them as well. So we may have

1 the preparatory call or we may just have a  
2 coordination email. I remember both of those  
3 methods happening.

4 **Q. In either the email or the preparatory**  
5 **call, did anyone ever discuss raising hack-and-leak**  
6 **operations or the risk of hack-and-leak operations**  
7 **in a USG-industry meeting?**

8 MR. SUR: Objection; falls within the  
9 deliberative process privilege for interagency  
10 discussions and recommendations.

11 THE WITNESS: Yeah, I don't recollect that  
12 being a specific topic of discussion.

13 In my recollection, or in my opinion, this  
14 would be just a general topic of continued  
15 interest.

16 **Q. BY MR. SAUER: What else was discussed in**  
17 **those preparatory meetings, to your recollection?**

18 MR. SUR: Objection; deliberative process  
19 privilege covers interagency advice and  
20 recommendations before a decision is made. So I am  
21 going to -- you can respond if you can without  
22 describing the specifics of any proposals or  
23 recommendations.

24 THE WITNESS: All I can remember are the  
25 actual agenda items. So as I mentioned to you

1 previously, CISA would talk about state, county,  
2 local election processes and infrastructure and  
3 cybersecurity.

4 ODNI, when they spoke, substantively would  
5 discuss an unclassified description or overview of  
6 potential nation-state threats.

7 And then the FBI would discuss any  
8 unclassified information or concerns that we had  
9 related to malign-foreign-influence disinformation  
10 campaigns.

11 **Q. BY MR. SAUER: Would that include the kind**  
12 **of strategic and tactical information you testified**  
13 **about earlier?**

14 A. No. It would be a very condensed or, I'm  
15 sorry, more general version of strategic  
16 information that we would share with the specific  
17 companies, and we would never share tactical  
18 information at the CISA-hosted meetings.

19 **Q. That would only be on the kind of one**  
20 **or -- sort of one-on-one meeting, not really**  
21 **one-on-one, but FBI meeting with a specific social**  
22 **media platform, correct?**

23 A. Yes, that is -- that is correct. And the  
24 reason for that is because we would be providing  
25 law enforcement sensitive information in some

1 instances to the companies.

2 Q. Next bullet point refers to a CISA  
3 Cybersecurity Advisory Committee meetings on  
4 certain dates in 2021 and 2022. Do you know what  
5 those meetings are about?

6 A. I do not.

7 Q. Below that, "CISA CSAC, protecting  
8 critical infrastructure from misinformation and  
9 disinformation subcommittee meetings"?

10 A. I have no idea what those are.

11 Q. How about this next bullet point,  
12 "Meetings convened by the Election Infrastructure  
13 Subsector Government Coordinating Council  
14 (EIS-GCC)," do you know what the EIS-GCC is?

15 A. I do not know what that organization is.

16 Q. How about the Election Infrastructure  
17 Subsector Government Coordinating Council Joint MDM  
18 Working Group?

19 A. I do not know what that is.

20 Q. Do you know what the Joint MDM Working  
21 Group is?

22 A. I do not know what that is.

23 Q. Slipping back, it had to be recurring  
24 USG-industry meetings, I can't remember if you said  
25 this earlier, these continued throughout 2022,

1 correct?

2 A. Yeah, they are continuing.

3 Q. And they are planned to continue through  
4 2024, right?

5 A. I don't know that for a fact, but I would  
6 assume so.

7 Q. And disinformation concerns are discussed  
8 at these meetings on a regular basis?

9 A. I would say from the companies -- so as I  
10 mentioned to you previously, the federal agencies  
11 discuss the topics that they discuss, and then the  
12 social media companies, they -- they provide an  
13 overview of the content, which is what I would  
14 categorize the disinformation as.

15 For example, CISA would talk about the  
16 state election process and different states have  
17 different dates for primaries, and, you know, the  
18 ODNI would provide threat actor -- nation-state  
19 threat actor updates, and then the FBI would  
20 provide a broad overview of what we were seeing  
21 from, like, Russian and state-sponsored actors.

22 Q. And then the social media platforms, would  
23 they report on what sorts of disinformation they  
24 were seeing on posts on their platforms?

25 A. Yes, that is correct. And from my

1 recollection, this primarily came from the three  
2 social media companies, Google, Facebook and  
3 Twitter.

4 **Q. So in these USG-industry meetings, Google,**  
5 **Facebook and Twitter would report on what sorts of**  
6 **election-related disinformation they are seeing on**  
7 **their platforms?**

8 A. I would say they would discuss what broad  
9 types of disinformation they received, whether it  
10 was election related or not. And the example I  
11 want to flag for you is from my thesis where, for  
12 example, you saw like the postings about like Black  
13 Lives Matters or about 2nd Amendment rights, they  
14 would -- they would highlight the current topics  
15 that they saw the Russians were either amplifying  
16 information about or sowing disinformation about.

17 **Q. And would you take anything -- let me ask**  
18 **you this: If they provided that information, would**  
19 **there be a back-and-forth with the FBI or another**  
20 **federal agency about how that jibes with the**  
21 **information the FBI was seeing in its**  
22 **investigations?**

23 A. We would not discuss that during the  
24 CISA-hosted USG-industry meetings.

25 **Q. Would you take what the social media**

1 platforms had reported, that information, and take  
2 further action based on that generally?

3 A. In general -- in general what the social  
4 media companies provided at the CISA-industry USG  
5 working group meetings was just broad, strategic  
6 trends that they were seeing. So there was no  
7 actionable information from there.

8 The actionable information shared with the  
9 FBI was one-on-one from the companies with FBI San  
10 Francisco either during the FITF meetings or  
11 outside of the FITF meetings just during the  
12 regular course of work.

13 MR. SAUER: Why don't we go off the  
14 record.

15 THE VIDEOGRAPHER: Off the record at 5:04  
16 p.m.

17 (Whereupon a recess was taken.)

18 THE VIDEOGRAPHER: We are back on the  
19 record at 5:15 p.m.

20 (Reporter marked Exhibit No. 2 for  
21 identification.)

22 Q. BY MR. SAUER: Mr. Chan, I am going to  
23 show you Exhibit 2, which I emailed to your counsel  
24 earlier today. This is the read-through version on  
25 the screen of the LinkedIn emails.

1           **Mr. Chan, have you actually reviewed this**  
2           **collection of emails?**

3           **A. I have not.**

4           **Q. Okay. Are you aware that you're on 121**  
5           **pages of emails with the social media platform**  
6           **LinkedIn setting up meetings in 2020 and 2022, as**  
7           **you talked about today?**

8           **A. So I don't know the exact number, but I**  
9           **believe that sounds about right.**

10          **Q. And that would be -- what you did with**  
11          **LinkedIn, you also would have done with about six**  
12          **or seven other social media platforms as well,**  
13          **scheduling monthly -- sorry, quarterly then monthly**  
14          **then weekly meetings that led up to the elections,**  
15          **right?**

16          **A. That's correct, they would be similar**  
17          **types of correspondence.**

18          **Q. On the first page here you talk about**  
19          **"Increased cadence touch point before election"**  
20          **when you're sending an invite to them. Why did you**  
21          **increase cadence before the election?**

22          **A. This was actually at the company's**  
23          **request. We said, "Do you think a quarterly**  
24          **cadence is enough or should we go to a more**  
25          **frequent cadence?" I would say -- I can't remember**

1 which companies, but I would characterize most of  
2 the companies as wanting at least a weekly cadence  
3 just to have a touch point on the calendar in case  
4 they or we wanted to talk about something.

5 **Q. Typically did you actually meet with them**  
6 **on a weekly basis in the two months or so before**  
7 **the election?**

8 A. I think generally we had a meeting, but  
9 like I don't remember, like, the substance. You  
10 know, if during this message thread I may have, you  
11 know, put an agenda item or two, then we would have  
12 had substance. But I can't remember just from  
13 looking at these emails. I would have documented  
14 any substantive meetings that we had with LinkedIn  
15 or any of the other companies.

16 **Q. When you say "documented," did you write**  
17 **up a report of it?**

18 A. Yes. So the system of record for the FBI  
19 is called Sentinel. It is a file management  
20 system, and I would have and I did document every  
21 substantive interaction that I had with social  
22 media companies, or actually any organization, for  
23 that matter.

24 **Q. Would you have written Sentinel reports**  
25 **for all of the FITF social media platform meetings?**

1           A.     Based on my recollection, I wrote almost  
2     all of them, but maybe not all of them. And the  
3     reason I say that is malign foreign influence is  
4     just one of the issues that I have to deal with in  
5     my role. The majority of my role is dealing with  
6     cyber investigations. So maybe on a couple of  
7     occasions I may have asked someone else to write  
8     the meeting summary on my behalf.

9           **Q.     But there would be a Sentinel report for**  
10    **every meeting that you had with a social media**  
11    **platform that discussed this information and/or**  
12    **malign foreign influence?**

13          A.     Yes. There would be -- in FBI parlance,  
14    they are called electronic communications, ECs.

15          **Q.     So ECs exist that record your**  
16    **contemporaneous recollection of all of these**  
17    **meetings we have been talking about?**

18          A.     That is correct.

19          **Q.     And do those ECs exist with respect to the**  
20    **USG-industry meetings?**

21          A.     I would say that I documented all the  
22    meetings that I attended at those CISA USG-industry  
23    meetings.

24          **Q.     So you -- would you have documented what**  
25    **discussions that were related to foreign hacking**

1     **attempts?**

2           A.    I think in general, my practice for that  
3     was I would take the agenda from the email provided  
4     by CISA, and then I would cut and paste that or I  
5     would just retype that into my meeting summary.

6           **Q.    So your meeting summary would just be the**  
7     **agenda that you were given?**

8           A.    Yes.  I would say in the vast majority, if  
9     not all, of the communications.  And the reason for  
10    that is because they were just very broad overviews  
11    or, you know, trends that were being discussed.

12          **Q.    Whereas you'd have more specific detail in**  
13    **your ECs with respect to the FITF social media**  
14    **platform bilateral sync meetings?**

15          A.    That is correct.  I believe the reason for  
16    that is because the companies felt more comfortable  
17    or more forthcoming in a bilateral setting as  
18    opposed to in a group setting because these  
19    companies are all competitors at the end of the  
20    day.  That is just my personal opinion.

21          **Q.    On the third page of this document, where**  
22    **are those -- by the way, where are those ECs**  
23    **stored, or they are all housed by the FBI?**

24          A.    Yeah.  As I mentioned, they are in an  
25    application called Sentinel.  They would be

1 stored -- so as I mentioned, Sentinel is a case  
2 file management system. So they would be  
3 documented to the appropriate case file.

4 Q. And then -- and those reports still exist,  
5 correct?

6 A. Yes.

7 Q. The third page of this document there's a  
8 response to you from someone at LinkedIn whose  
9 identity is redacted, but they are identified as  
10 "Director of Threat Prevention LinkedIn Trust &  
11 Safety."

12 (Discussion off the record.)

13 Q. BY MR. SAUER: Third page of this  
14 document, now do you see it on the screen share?  
15 You are communicating with --

16 A. Is it the one -- is it the one dated  
17 September 29, 2020, 11:17 a.m.?

18 Q. Yes. No, 11:39 a.m., third page of the  
19 document. Just if you look at the -- can you see  
20 it on the screen share? I am highlighting it.

21 A. Yeah, it looks like the email was sent  
22 Tuesday, September 29, 2020, 11:17 a.m.

23 Q. Yeah, yeah, you're right. I'm sorry. I  
24 was looking at the top.

25 My only question is: Is this consistent

1 with what you testified earlier, that in these  
2 bilateral meetings between FITF and the social  
3 media platforms, the people that you would be  
4 meeting with would be trust and safety and site  
5 integrity people, correct?

6 A. Yes. Yeah, it would be typically director  
7 level and then their direct reports and, you know,  
8 people from the organizations.

9 Q. I am going to jump ahead to this page  
10 which is labeled LinkedIn 86. It is the seventh  
11 page of the PDF. Here in your email you see dated  
12 Tuesday, November 17, 2020, which is right after  
13 the 2020 election, you tell LinkedIn folks that you  
14 want to have a, quote, Post Election Hot Wash.  
15 What on earth does that mean, "hot wash"?

16 MR. SUR: I am sorry to interrupt. Can I  
17 ask for you to repeat what page you are on? This  
18 is a large document.

19 MR. SAUER: Seventh page of the PDF.

20 MR. SUR: Seventh page of the PDF.

21 MR. SAUER: It's got Bates No. 86 at the  
22 bottom.

23 MR. SUR: Okay. Okay. Mr. Chan, if you  
24 want to read the document.

25 THE WITNESS: Is this a document dated

1 Tuesday, November 17th, 2020, 12:16:09 p.m.?

2 Q. BY MR. SAUER: Yeah. And you say --

3 A. If you could bear with me while I read my  
4 email.

5 Q. Sure.

6 A. Oh, yeah, so you said the second agenda  
7 item was "Post Election Hot Wash"?

8 Q. Yeah. What does that mean?

9 A. So sorry. That is a law enforcement term.  
10 A hot wash -- so after the FBI -- when we conduct a  
11 search operation or execute an arrest operation,  
12 after we're done with the operation, then we have a  
13 meeting as closely thereafter the operation as we  
14 can to discuss what we thought went well, what we  
15 thought needs improvement, what we think needs to  
16 change for next time.

17 So a hot wash is similar to an  
18 after-action meeting.

19 Q. Did you discuss with all the social media  
20 platforms what went well, what didn't go well and  
21 what we need to do differently next time?

22 A. Yes. From my recollection, we had hot  
23 wash meetings with all of the social media  
24 companies that I previously listed.

25 Q. And what did -- what did you all think

1     **went well and think didn't go well?**

2           A.     So based on my recollection, this is  
3     specifically during the election command post that  
4     this hot wash occurred. So after the election  
5     command post. So my recollection was the hot wash  
6     was specifically about the election command post.

7           And for that context, what the companies  
8     said worked well was that -- I don't know if I  
9     mentioned this yet, but we used two separate  
10    communication channels to communicate with the  
11    social media companies at the election command  
12    post. One was called Signal -- I don't know if  
13    you're familiar with that communication  
14    application. It's an encrypted chat app.

15           And then the second method is via the  
16    Teleporter application, which I referenced before  
17    is the FBI's secure file transfer application.

18           So as I mentioned before, the companies  
19    liked knowing that they were getting information in  
20    realtime from the FBI and that they were getting  
21    the same information as all of the other companies  
22    on the Signal chat app. That was one of the things  
23    I was highlighting as good.

24           Another thing that was highlighted as good  
25    by the companies who received information from us

1 is we would send information about malign foreign  
2 influence to specific companies as we became aware  
3 of it, and then they would review it and determine  
4 if they needed to take action.

5 So the companies who did receive  
6 one-to-one Teleporter information from us also  
7 liked that.

8 So those were the two things that I  
9 remember that people liked in general.

10 **Q. What did they not like?**

11 A. So I think that -- so I don't remember the  
12 social media companies telling us there wasn't  
13 anything that they did not like. What I do  
14 remember was I can't remember who, perhaps it was  
15 me, just so you're aware, for the Signal channel,  
16 it was one-way communication. It was the FBI,  
17 specifically the FBI San Francisco command post,  
18 disseminating information to the companies.

19 If the companies needed to relay  
20 information back to the FBI, they would contact the  
21 FBI San Francisco election command post either by  
22 telephone or by email and request a Teleporter  
23 link, and then they would share information back to  
24 us in that fashion.

25 **Q. You think that was a cumbersome process?**

1           A.     It was not realtime. I mean, at the end  
2     of the day, I don't remember any specific instance  
3     where the delay caused any harm to anything, but I  
4     think what my preference would have been was for --  
5     if they needed to, to set up direct Signal channels  
6     only with the FBI so that they could get realtime  
7     information as well.

8                     But the social media companies -- or  
9     actually all of the companies who were on the  
10    receiving end, they -- I was told that they all had  
11    an internal discussion and their preference was to  
12    only use Signal for FBI broadcasts.

13           **Q.     You mentioned Signal and Teleporter as two**  
14    **channels of communication between the FBI and the**  
15    **social media companies. Are there any others?**

16           A.     No. So, I mean -- let me rephrase that.  
17    The only other commun- -- the only other situations  
18    where we relayed information to the companies was  
19    during those quarterly or monthly or weekly FITF  
20    meetings with the social media companies. So that,  
21    I guess, would be a third method of relaying  
22    information.

23           **Q.     Is Signal a self-deleting app? Is it an**  
24    **app where your messages disappear after they are**  
25    **read?**

1           A.     So yes, in general, Signal is a  
2 self-deleting app. But based on guidance from FBI  
3 headquarters, we had to turn that functionality off  
4 because we needed to save all of that information.  
5 So we did. We took screen shots of all of the  
6 information on the Signal channel. We burned it to  
7 DVDs, and then we have saved it as evidence.

8           **Q.     So all the -- all the communications on**  
9 **Signal between FBI and social media platforms from**  
10 **2022 and 2020 are saved on -- on DVDs or CDs?**

11          A.     No. Only the information -- only the  
12 Signal information from the 2020 FBI San Francisco  
13 command post was saved. And the reason for that  
14 was both the social media companies as well as the  
15 FBI assessed that there would not require the need  
16 for the Signal channel because we did not  
17 anticipate a large amount of information being  
18 disseminated from the FBI for the 2022 midterm  
19 elections.

20          **Q.     Did you not use Signal at all in 2022?**

21          A.     No. It was primarily through Teleporter.

22          **Q.     You did use Teleporter for the 2022**  
23 **elections to report misinformation concerns to**  
24 **social media platforms?**

25          A.     That is correct.

1 Q. And then you used both version -- or both  
2 channels in 2020?

3 A. That's correct.

4 Q. And the Teleporter communication still  
5 exists as well; is that right?

6 A. Yes, they currently exist.

7 Q. On this same page you talk about "what we  
8 need to do differently for next time." What did  
9 you -- what did you all decide you need to do  
10 differently next time?

11 MR. SUR: Objection; calls for  
12 speculation.

13 THE WITNESS: Honestly, I wrote that down,  
14 but I don't remember any things that the companies  
15 wanted to do differently.

16 Q. BY MR. SAUER: I take it one thing you did  
17 do differently was you stopped using Signal, right?

18 A. Well, that was for the 2022 elections only  
19 because both the companies and the FBI assessed  
20 that there would not be the same volume of  
21 information that happened in the 2020 cycle. I  
22 believe that differentiation is, you know, between  
23 a general elections versus a midterm election.

24 MR. SAUER: I am going to jump ahead to  
25 the page marked LinkedIn 146. And Indraneel, it is

1 the tenth page of the PDF.

2 MR. SUR: Tenth page of the PDF.

3 Q. BY MR. SAUER: If you go up there on the  
4 ninth page, Agent Chan, you see that Tuesday, July  
5 14th, 2020, 11:02 a.m. there's an email from you to  
6 the LinkedIn team?

7 MR. SUR: I apologize. I am not seeing  
8 the date. Is the date at the bottom of the  
9 previous page?

10 MR. SAUER: The date's at the bottom of  
11 Page 9 if you look at the file share.

12 THE WITNESS: Did you say July 14, 2020,  
13 11:02 a.m.?

14 Q. BY MR. SAUER: I said that.

15 A. Okay.

16 Q. If you scroll down, you are talking about  
17 having the next round of FITF bilateral meetings  
18 with LinkedIn scheduled. Do you see that?

19 A. Correct.

20 Q. And then at the bottom you say, "Planning  
21 for U.S. elections: FBI posture, your posture, and  
22 the information sharing" channel and "channels and  
23 methods," correct?

24 A. Yes.

25 Q. What did you mean by "FBI posture and your

1 **posture"?**

2 A. The FBI posture was what the FBI San  
3 Francisco command post would look like, when it  
4 would be active, who it would be staffed by. And  
5 then the FITF personnel would describe what the FBI  
6 headquarters command post would look like. That's  
7 what was meant by "FBI posture."

8 **Q. This is planning --**

9 A. And then your --

10 **Q. Go ahead.**

11 A. And then "Your posture," that's when we  
12 asked the companies how they expected to have  
13 personnel.

14 Just so you're aware, I think in general,  
15 like FBI -- so FBI headquarters, they just ran 24  
16 hours a day for their command post, I believe from  
17 Friday to Tuesday. FBI San Francisco ran from, I  
18 believe, 8:00 o'clock in the morning to perhaps  
19 10:00 o'clock at night every day except the  
20 election, when we ran until midnight.

21 So asking about your posture would be  
22 asking the companies when they intended to have  
23 personnel on what days monitoring their platform  
24 for any threats that they saw.

25 **Q. And what did you say about information**

1 **sharing channels and methods?**

2 A. So I think that is when we wanted to  
3 confirm if Signal and Teleporter would be the  
4 accepted communication channels.

5 **Q. Anything else?**

6 A. Not that I'm aware of.

7 **Q. Were the tech companies okay with using**  
8 **Signal and Teleporter?**

9 A. So the tech companies were the ones who  
10 suggested Signal as the real -- the, quote/unquote,  
11 realtime communication platform.

12 **Q. And the FBI continued to use Teleporter as**  
13 **well?**

14 A. Yes. Because that is our secure file  
15 transfer system, and I believe that the companies  
16 were comfortable using that system.

17 **Q. Jump ahead to LinkedIn 163.**

18 **(Discussion off the record.)**

19 MR. SUR: May I ask what the SES heading  
20 is?

21 MR. SAUER: This is the twenty-first page  
22 of the PDF.

23 **Q. Agent Chan, you see there on the file**  
24 **share this is an email from you to the LinkedIn**  
25 **team dated October 19th, 2020?**

1 MR. SUR: Yes, let's just give him a  
2 moment to see it on the screen.

3 THE WITNESS: Yes, I see that email.

4 Q. BY MR. SAUER: In this email you say  
5 "LinkedIn folks," says, "Subject: Additional  
6 information," correct?

7 A. Yes.

8 Q. There's a gentleman here who you've copied  
9 from -- right there with the initials AF from the  
10 FBI. Do you see that?

11 A. Yes, I do.

12 Q. Who is he?

13 A. He is a member of the Foreign Influence  
14 Task Force, specifically the global unit.

15 Q. What does "CID" stand for next to his  
16 name?

17 A. Criminal Investigative Division. That's a  
18 headquarters component.

19 Q. You refer to someone by a nickname here  
20 and in the body of the email. Is that the same  
21 individual with the initials AF?

22 A. That is correct.

23 Q. You say, "LinkedIn folks, please see  
24 additional information from FITF-Global Unit. I  
25 have cc'd" that guy "in case you have any

1 questions. Thanks."

2 Do you have any idea what the initial  
3 information was you are sending here?

4 A. I have -- I have no idea. I can't  
5 remember. I sent so much -- you know, it happens  
6 so regularly, I couldn't even speculate.

7 Q. It says -- it looks like you cut and  
8 pasted some texts saying, "Named U.S. political  
9 party: Republicans. Named U.S. presidential  
10 candidate: Biden. The U.S. President: Trump."  
11 Do you have any idea what that's referring to?

12 A. I don't. I can provide you with my  
13 speculation.

14 Q. Go ahead.

15 A. I believe that link -- I believe that we  
16 may not have named with specificity the U.S.  
17 political party, the U.S. presidential candidate or  
18 the U.S. president, and that LinkedIn may have  
19 asked for clarifying information.

20 Q. About what, clarifying --

21 A. About the information that was shared.

22 Q. Here there's a reference here to  
23 "Information Sharing 5," right?

24 A. Yes.

25 Q. What's that mean?

1           A.     So to me that would mean I had probably  
2     shared -- I don't know this for a fact, but from my  
3     own speculation, I would believe that at some point  
4     in October I shared five separate documents with --  
5     at least five separate documents with LinkedIn, and  
6     that one of the documents was named "Information  
7     Sharing 5," and that within that document we have  
8     information about a U.S. political party, a U.S.  
9     presidential candidate and a U.S. president.

10           **Q.     What kind of information about the U.S.**  
11     **political party, presidential candidate, president**  
12     **would you have shared with LinkedIn?**

13           A.     I have -- I have no idea. I can't  
14     recollect, unfortunately, without looking at the  
15     actual document.

16           **Q.     Would it be disinformation related?**

17           A.     My guess would be it would be  
18     disinformation related. And because it's coming  
19     from the global unit, it would be disinformation  
20     information not related to Russia or China.  
21     Because global unit handles Iran and other  
22     countries.

23           **Q.     This would be a potentially**  
24     **malign-foreign-influence-type activity from**  
25     **countries other than Russia or China?**

1           A.     Without seeing the actual document or  
2     remembering at this time, that would be my best  
3     assessment.

4           **Q.     Let me jump ahead to a page marked**  
5     **LinkedIn 168. This is the twenty-sixth page of the**  
6     **PDF. Are you with me?**

7           MR. SUR:   Yes. Mr. Chan needs a moment to  
8     review the document.

9           THE WITNESS: Is this a document sent on  
10    11/19/2020 9:07:16 a.m.?

11          **Q.     BY MR. SAUER: Correct. In this email you**  
12    **say, "LinkedIn folks, heads up I'll be sending you**  
13    **a Teleporter link with new indicators, which are**  
14    **not election related." Do you know what that**  
15    **means?**

16          A.     I can't remember, but I would surmise that  
17    it meant it was not related to the election that  
18    just occurred earlier in the month.

19          **Q.     And then indicators I think you testified**  
20    **earlier refers to URLs or specific accounts or**  
21    **things of that nature, right?**

22          A.     Yes. It would be different indicia of  
23    that nature.

24          **Q.     So do you flag disinformation/**  
25    **misinformation from malign foreign actors to social**

1 **media platforms that doesn't relate to elections?**

2 A. I don't know why I -- I can't remember why  
3 I flagged that as not being election related. I  
4 think the only -- I don't recall exactly, but I  
5 would surmise that I would have flagged it as  
6 election -- like, if it was election related, I  
7 believe that all of the companies, including  
8 LinkedIn, would have acted on it quickly.

9 You know, everyone was very tired from  
10 working very long hours and very long shifts during  
11 the election command posts.

12 So that would be the only reason -- or  
13 that would be a reason why I believe I would have  
14 flagged it as not election related so that they  
15 wouldn't have to, you know -- like, if they were  
16 taking the day off or taking time off because it  
17 was near Thanksgiving time frame.

18 **Q. What -- what malign-foreign-influence**  
19 **activities do you flag for social media companies**  
20 **that aren't related to elections? What sort of**  
21 **content do you flag?**

22 A. So in general, it would be -- in general,  
23 it would be from our cyber investigations, or from  
24 state-sponsored actors that were -- that we would  
25 not believe were associated with hack-and-dump

1 campaigns. That would be one type of nonelection  
2 related.

3 **Q. Are there others?**

4 A. Off the top of my head, that's the one  
5 that's sticking out to me. That would be a likely  
6 type of information. It would be related to a  
7 cyber investigation that was not necessarily  
8 related to any disinformation, specifically any  
9 malign foreign influence.

10 MR. SAUER: I don't have any further  
11 questions.

12 (Discussion off the record.)

13 EXAMINATION BY MR. SUR

14 **Q. Mr. Chan, you testified earlier today**  
15 **about the 2020 Hunter Biden laptop story in the**  
16 **questioning with Mr. Sauer. Do you remember the**  
17 **question that came from a Facebook analyst at one**  
18 **of the meetings in 2020?**

19 A. Yes.

20 **Q. Okay. And what was that question, to your**  
21 **recollection?**

22 A. To my recollection, the question was,  
23 "What can you share about the Hunter Biden case?"

24 **Q. And at that meeting you were there with**  
25 **other FBI officials; is that right?**

1 A. Yes, with Foreign Influence Task Force  
2 officials.

3 Q. Okay. And who were they again?

4 A. I specifically remember Laura Dehmlow was  
5 present because she was the official who said that  
6 the FBI had no comment.

7 Q. Okay. Did she --

8 (Discussion off the record.)

9 Q. BY MR. SUR: So picking up there, did  
10 Ms. Dehmlow say anything else?

11 A. Not in response to the Hunter Biden  
12 question.

13 MR. SUR: That's all I have.

14 MR. SAUER: Nothing further.

15 (Discussion off the record.)

16 THE VIDEOGRAPHER: Okay. This concludes  
17 today's deposition of Elvis Chan. We are off the  
18 record at 5:47 p.m.

19 (Whereupon the proceedings were  
20 concluded at 5:47 p.m.)

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I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in this action. (Fed. R. Civ. P. 28).

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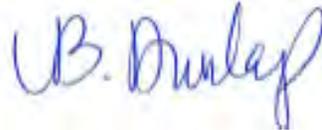
/ / /

1 of the testimony given by the witness. (Fed. R. Civ. P.  
2 30(f)(1)).

3 Before completion of the deposition, review of  
4 the transcript [ ] was [ ] was not requested. If  
5 requested, any changes made by the deponent (and  
6 provided to the reporter) during the period allowed, are  
7 appended hereto. (Fed. R. Civ. P. 30(e)).

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9 Dated:



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1

LEXITAS LEGAL

2 December 5, 2022

3 DEPARTMENT OF JUSTICE  
4 1100 L Street Northwest  
5 Washington, D.C. 29530  
6 INDRANEEL SUR, ESQ.

5

IN RE: STATE OF MISSOURI, et al. v. JOSEPH R.  
BIDEN, JUNIOR, et al.

6

7 Dear Mr. Sur,

8 Please find enclosed your copies of the deposition of  
9 ELVIS CHAN taken on November 29, 2022 in the  
10 above-referenced case. Also enclosed is the original  
11 signature page and errata sheets.

11

12 Please have the witness read your copy of the  
13 transcript, indicate any changes and/or corrections  
14 desired on the errata sheets, and sign the signature  
15 page before a notary public.

16

17 Please return the errata sheets and notarized  
18 signature page within 30 days to our office at 711 N  
19 11th Street, St. Louis, MO 63101 for filing.

20

21 Sincerely,

22

23

24 LEXITAS LEGAL

25

1 ERRATA SHEET

2 Witness Name: ELVIS CHAN

3 Case Name: STATE OF MISSOURI, et al. v. JOSEPH R. BIDEN, JUNIOR, et al.

4 Date Taken: NOVEMBER 29, 2022

5

6 Page #\_\_\_\_\_ Line #\_\_\_\_\_

7 Should read: \_\_\_\_\_

8 Reason for change: \_\_\_\_\_

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10 Page #\_\_\_\_\_ Line #\_\_\_\_\_

11 Should read: \_\_\_\_\_

12 Reason for change: \_\_\_\_\_

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18 Page #\_\_\_\_\_ Line #\_\_\_\_\_

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20 Reason for change: \_\_\_\_\_

21

22 Page #\_\_\_\_\_ Line #\_\_\_\_\_

23 Should read: \_\_\_\_\_

24 Reason for change: \_\_\_\_\_

25

26 Witness Signature: \_\_\_\_\_

1 STATE OF \_\_\_\_\_ )

2 COUNTY OF \_\_\_\_\_ )

3

4 I, ELVIS CHAN, do hereby certify:

5 That I have read the foregoing deposition;

6 That I have made such changes in form  
7 and/or substance to the within deposition as might  
8 be necessary to render the same true and correct;

9 That having made such changes thereon, I  
10 hereby subscribe my name to the deposition.

11 I declare under penalty of perjury that the  
12 foregoing is true and correct.

13 Executed this \_\_\_\_ day of \_\_\_\_\_,  
14 20\_\_\_\_, at \_\_\_\_\_.

15

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ELVIS CHAN

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23 My Commission Expires:

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**MONTEREY, CALIFORNIA**

**THESIS**

**FIGHTING BEARS AND TROLLS:  
AN ANALYSIS OF SOCIAL MEDIA COMPANIES AND U.S.  
GOVERNMENT EFFORTS TO COMBAT RUSSIAN  
INFLUENCE CAMPAIGNS DURING THE 2020  
U.S. ELECTIONS**

by

Elvis M. Chan

September 2021

Co-Advisors:

Christopher Bellavita (contractor)  
Erik J. Dahl

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EFFORTS TO COMBAT RUSSIAN INFLUENCE CAMPAIGNS  
DURING THE 2020 U.S. ELECTIONS**

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## **ABSTRACT**

This thesis seeks to evaluate the effectiveness of the Russian disinformation campaigns targeting the 2020 U.S. elections and the efforts taken by the U.S. government and social media companies to thwart them. To develop countermeasures for Russian interference activities targeting future American elections, this thesis asks the question: What impact did the countermeasures taken by the American social media companies and the U.S. government have on Russian social media influence campaigns targeting the 2020 U.S. elections?

This thesis uses a framework developed by Thomas Wilhelm, a U.S. Army researcher, to evaluate Russian hybrid warfare, based on the principles of Andrei Kartapolov, a prominent Russian general. Accordingly, it is used to measure the qualitative impact of the Russian measures and American countermeasures during the 2020 U.S. elections.

This thesis finds that the Russians shifted their tactics from 2016 to 2020. Still, the U.S. government and social media companies effectively impeded their influence campaigns primarily through information sharing and account takedowns, respectively. Because the Russians will continue their influence campaigns to undermine the United States, this thesis provides recommendations to include standardized information sharing and the establishment of a national coordination center.

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**LIST OF ACRONYMS AND ABBREVIATIONS**

CISA	Cybersecurity and Infrastructure Security Agency
DHS	Department of Homeland Security
DNC	Democratic National Committee
EBLA	Eliminating Barriers for the Liberation of Africa
FARA	Foreign Agent Registration Act
FSB	Federal Security Service
FS-ISAC	Financial Sector ISAC
GANS	generative adversarial networks
GEC	Global Engagement Center
GRU	Main Directorate of the General Staff of the Russian Armed Forces
HPSCI	U.S. House Permanent Select Committee on Intelligence
ICA	Intelligence Community Assessment
IRA	Internet Research Agency
ISAC	Information Sharing and Analysis
JAR	joint analysis report
NAEBC	Newsroom for American and European Based Citizens
NCSC	National Counterintelligence and Security Center
NDAA	National Defense Authorization Act
ODNI	Office of the Director of National Intelligence
SSCI	U.S. Senate Select Committee on Intelligence

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## EXECUTIVE SUMMARY

This thesis uses a systematic framework to evaluate the qualitative effectiveness of the Russian disinformation campaigns and the countermeasures taken by the U.S. government and social media companies to combat the aforementioned campaigns targeting the 2020 U.S. elections. To develop effective countermeasures for Russian interference activities targeting future American elections, this thesis seeks to answer the following question: What impact did the measures taken by the American social media companies and the U.S. government have on Russian social media influence campaigns targeting the 2020 U.S. elections?

Russian operatives working under the auspices of a St. Petersburg-based organization, known as the Internet Research Agency (IRA), created a significant degree of the toxicity on social media during the 2016 U.S. elections.<sup>1</sup> The online social media influence campaign perpetrated by the Internet Research Agency aimed to fan the flames of existing divisive rhetoric, drive a wedge between the many demographic groups in America, and erode confidence in democracy.<sup>2</sup> Russia remains a committed adversary with influence operations continuing to this very day, posing an active threat to American democracy.<sup>3</sup>

Since the end of 2016, federal agencies and private sector organizations, specifically the major American social media companies, have been actively helping to safeguard political campaigns and election infrastructure from computer intrusions through increased cybersecurity and other security measures. To date, most research has focused on quantitative and qualitative analyses of the IRA's influence campaigns. However, this research has not analyzed how the Russian government perceived the effectiveness of its

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<sup>1</sup> Robert Mueller, *Report on the Investigation into Russian Interference in the 2016 Presidential Election* (Washington, DC: Department of Justice, 2019), 4, <https://www.hsdl.org/?view&did=824221>.

<sup>2</sup> Renee DiResta et al., *The Tactics & Tropes of the Internet Research Agency* (New York: New Knowledge, 2018), 4.

<sup>3</sup> Miles Parks and Philip Ewing, "Foreign Interference Persists And Techniques Are Evolving, Big Tech Tells Hill," National Public Radio, June 18, 2020, <https://www.npr.org/2020/06/18/880349422/foreign-interference-persists-and-techniques-are-evolving-big-tech-tells-hill>.

campaigns. Furthermore, the efficacy of the U.S governmental and private sector actions to defend against the IRA's influence campaigns has not been systematically analyzed.

The objectives of this thesis are three-fold: (1) examining the Internet Research Agency and other Russian social media campaigns ahead of the 2020 U.S. elections to determine whether its tactics have shifted since 2016; (2) critically analyzing the private sector and U.S. government's actions to counter the Russian influence activities; and (3) proposing recommendations to safeguard future U.S. elections. The first two objectives are assessed using an analytical framework proposed by Thomas Wilhelm, Director of the U.S. Army's Foreign Military Studies Office. The results of the first two objectives, inform the last objective as well as a review of current literature by scholars and subject matter experts in different fields.

To design a helpful framework for analyzing Russian influence operations, Thomas Wilhelm surveyed the published works and speeches of General Lieutenant Andrei V. Kartapolov. Wilhelm surmised Kartapolov was one of the key architects of current Russian military science and doctrine.<sup>4</sup> Wilhelm believed the framework provided a well-rounded understanding of Russian martial intent and objectives about hybrid warfare from a Russian perspective.<sup>5</sup> Specifically, Kartapolov advocates using asymmetric, non-violent methods to undermine the strengths of Russia's opponents to achieve their strategic goals.<sup>6</sup>

The relevant components of the Kartapolov Framework for analyzing Russian social media-based influence operations against the United States are: (1) spreading discontent in the population; (2) exerting political pressure; and (3) confusing the political leadership.<sup>7</sup> This thesis uses the Kartapolov framework to conduct a qualitative evaluation of the Internet Research Agency's impact and the effectiveness of social media companies and the U.S. government's countermeasures. Specifically, it analyzes American actions to

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<sup>4</sup> Tom Wilhelm, "A Russian Military Framework for Understanding Influence in the Competition Period," *Military Review* (2020): 35.

<sup>5</sup> Wilhelm, 38.

<sup>6</sup> Rod Thornton, "The Russian Military's New 'Main Emphasis,'" *RUSI Journal* 162, no. 4 (2017): 18–28, <https://doi.org/10.1080/03071847.2017.1381401>.

<sup>7</sup> A. V. Kartapolov, "Lessons of Military Conflict, Perspectives on the Development of the Related Forms and Methods," *Journal of the Academy of Military Science* 51, no. 2 (2015): 36.

determine their effectiveness for countering the three influence-related components of the Kartapolov Framework.

Three main themes emerged from the 2020 U.S. elections. First, the Russians continued their efforts to target the U.S. elections but shifted tactics to avoid detection. Second, the social media companies, along with news media and research organizations, successfully identified and disrupted the evolving Russian disinformation campaigns. Third, the U.S. government acted more forcefully in securing the elections, primarily through its information sharing with the social media companies, political organizations, and the American public.

Despite the best efforts of the Russians, social media companies, news media, and research organizations detected, exposed, and disrupted the activities of the Internet Research Agency and other Russian-affiliated online groups. Although America's private sector may have been caught unaware during the 2016 elections, it was on heightened alert ahead of 2020, with the noteworthy efforts of American news outlets and non-governmental organizations exposing Russian disinformation activities and paving the way for the social media companies to shut down their social media accounts.

The U.S. government's response to the Russian influence campaign appeared more robust before the 2020 elections than in the 2016 or 2018 elections. The most important actions taken by the U.S. government may have been the information sharing with the social media companies to expose Russia's different operations and shut down its accounts. In addition, the U.S. government's information-sharing may have helped the social media companies secure their platforms by identifying malign Russian influence activities. The U.S. government's other responses, such as economic sanctions and indictments, provided the American public with factual narratives of the crimes perpetrated by the Russian Federation.

It took the collaborative efforts of the private sector, in the form of social media companies, researcher organizations, and news media, and the public sector, in the form of the executive and legislative branches of the U.S. government, to turn back the Putin-

sanctioned disinformation operations which were targeting the 2020 U.S. elections.<sup>8</sup> Ultimately, the American actions appeared effective in mitigating the Russian online tactics because voters were undeterred and turned out in record numbers for the election.

The 2021 Intelligence Community's annual threat assessment named Russia as one of "the most serious intelligence threats to the United States" and warned that the Russian government would continue its efforts to propagate dissension in the American populace.<sup>9</sup> Based on the evaluation of the Russian actions and the effectiveness of the American responses in the 2020 U.S. elections, this thesis makes recommendations for protecting future elections that have been drawn from experts in the U.S. government, non-governmental organizations, and academic institutions. The three types of possible actions are broadly categorized as security, transparency, and resiliency measures.<sup>10</sup> The proposed security measures include enhanced cybersecurity, enhanced disinformation detection, economic sanctions, information sharing, and the establishment of a fusion center. The transparency measures proposed include a public communications strategy, content labeling standards, updated political advertising and campaign finance laws, and transparent reporting. The resiliency measures suggested include improved media literacy

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<sup>8</sup> Office of the Director of National Intelligence, *Assessing Russian Activities and Intentions in Recent U.S. Elections: The Analytic Process and Cyber Incident Attribution* (Washington, DC: Office of the Director of National Intelligence, 2017), 7, [https://www.dni.gov/files/documents/ICA\\_2017\\_01.pdf](https://www.dni.gov/files/documents/ICA_2017_01.pdf).

<sup>9</sup> Office of the Director of National Intelligence, *2021 Annual Threat Assessment of the U.S. Intelligence Community* (Washington, DC: Office of the Director of National Intelligence, 2021), 11, <https://www.dni.gov/index.php/newsroom/reports-publications/reports-publications-2021/item/2204-2021-annual-threat-assessment-of-the-u-s-intelligence-community>.

<sup>10</sup> Gabriel Cederberg et al., *National Counter-Information Operations Strategy* (Cambridge, MA: Belfer Center for Science and International Affairs, Harvard Kennedy School, 2019), <https://www.belfercenter.org/publication/national-counter-information-operations-strategy>; Renée DiResta and Shelby Grossman, *Potemkin Pages & Personas: Assessing GRU Online Operations, 2014–2019* (Palo Alto, CA: Stanford University, 2019), <https://cyber.fsi.stanford.edu/io/publication/potemkin-think-tanks>; Angus King and Mike Gallagher, *Cybersecurity Lessons from the Pandemic*, CSC White Paper #1 (Washington, DC: U.S. Cyberspace Solarium Commission, 2020), <https://www.solarium.gov/public-communications/pandemic-white-paper>; *Report on Russian Active Measures* (Washington, DC: U.S. Congress. House, 2018), [https://republicans-intelligence.house.gov/uploadedfiles/final\\_russia\\_investigation\\_report.pdf](https://republicans-intelligence.house.gov/uploadedfiles/final_russia_investigation_report.pdf); *Report of the Select Committee on Intelligence, United States Senate on Russian Active Measures Campaigns and Interference in the 2016 U.S. Election. Volume 1: Russian Efforts against Election Infrastructure with Additional Views*, Senate, 116th Cong., 1st Sess. (Washington, DC: U.S. Congress. Senate, 2017), [https://www.intelligence.senate.gov/sites/default/files/documents/Report\\_Volume1.pdf](https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume1.pdf).

and critical thinking for the American public.<sup>11</sup> Hopefully, incorporating the proposed measures with existing ones will help repair and strengthen the framework of American democracy for the 21<sup>st</sup> century.

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<sup>11</sup> Michael McFaul, ed., *Securing American Elections* (Palo Alto, CA: Stanford University, Cyber Policy Center, 2019), 8, <https://www.hsd1.org/?view&did=827251>.

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## ACKNOWLEDGMENTS

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What I did not account for was undertaking this feat during a once-in-a-lifetime pandemic. While the pandemic has been an unmitigated disaster for the world, it has been a mixed blessing for me. On the one hand, I wonder how much more I would have learned from the instructors and cohort members if we were in person. Experience has taught me that some of the most valuable discussions happen between classes or during sidebar conversations. On the other hand, I have not had to travel for work since the start of the pandemic, which has allowed me to focus on my studies after work and on the weekends. I recognize these are first-world privileges and am thankful.

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## I. RUSSIA RISES FROM THE ASHES OF THE COLD WAR

Over the course of my career, I've seen a number of challenges to our democracy. The Russian government's effort to interfere in our election is among the most serious.

—Robert S. Mueller III, July 24, 2019

This statement from the well-respected former FBI Director underscored the severity of the Russian actions to interfere with the 2016 U.S. elections. After the end of the Cold War and the fall of the Soviet Union in 1991, Russia appeared to have faded from America's collective memory as an adversary.<sup>1</sup> This attitude abruptly changed on June 14, 2016, when a U.S.-based cybersecurity firm named CrowdStrike announced it had investigated intrusions into the computer networks of the Democratic National Committee (DNC) by two Russian hacking groups, code-named "Fancy Bear" and "Cozy Bear."<sup>2</sup> Away from the news media scrutiny, Russian operatives working under the auspices of a St. Petersburg-based organization, known as the Internet Research Agency (IRA), created a significant portion of the toxicity on social media during the presidential campaign season.<sup>3</sup> The "sweeping and sustained" online social media influence campaign perpetrated by the Internet Research Agency aimed to fan the flames of existing divisive rhetoric, drive a wedge between the many demographic groups in America, and erode

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<sup>1</sup> Jon Wiener, *How We Forgot the Cold War: A Historical Journey Across America* (Berkeley: University of California Press, 2012), 1, [https://books.google.com/books?hl=en&lr=&id=w\\_Sa-F8DXhgC&oi=fnd&pg=PA1&dq=american+memory+of+the+cold+war&ots=kvRphYu1TG&sig=sVpOOZBAdl0fqcHCskio5uy7tiE#v=onepage&q=american%20memory%20of%20the%20cold%20war&f=false](https://books.google.com/books?hl=en&lr=&id=w_Sa-F8DXhgC&oi=fnd&pg=PA1&dq=american+memory+of+the+cold+war&ots=kvRphYu1TG&sig=sVpOOZBAdl0fqcHCskio5uy7tiE#v=onepage&q=american%20memory%20of%20the%20cold%20war&f=false).

<sup>2</sup> Dmitri Alperovitch, "Our Work with the DNC: Setting the Record Straight," *CrowdStrike Blog* (blog), June 5, 2020, <https://www.crowdstrike.com/blog/bears-midst-intrusion-democratic-national-committee/>.

<sup>3</sup> Mueller, *Report on the Investigation into Russian Interference in the 2016 Presidential Election*, 2019, 4.

confidence in democracy.<sup>4</sup> Russia remains a committed adversary as its influence operations continue to this very day, posing an active threat to American democracy.<sup>5</sup>

#### A. PROBLEM STATEMENT

While “hack and dump” campaigns, such as the 2016 DNC attack and cyberattacks against election infrastructure, are broadly considered Russia influence operations, the Internet Research Agency’s social media influence campaign directly targeted voter confidence in election integrity aimed to harm democracy.<sup>6</sup> As Philip Howard, an Oxford researcher, contends, a healthy democracy relies on trustworthy news media and a climate that allows for civil discourse and consensus-building.<sup>7</sup> The IRA’s continued onslaught of fake news and amplification of inflammatory content sowed discord and confusion in the United States. For example, Hillary Clinton received damaging publicity during the campaign season in 2016 when the Main Directorate of the General Staff of the Russian Armed Forces (GRU) and Wikileaks continually leaked stolen content from the Democratic National Committee; the IRA magnified the negative image of her through its dissemination of memes and other negative content on social media platforms, which in turn politically damaged her heading into Election Day, and may have delegitimized her presidency had she been elected.<sup>8</sup> Russia understood that attacks against the elections

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<sup>4</sup> DiResta et al., *The Tactics & Tropes of the Internet Research Agency*, 4.

<sup>5</sup> Parks and Ewing, “Foreign Interference Persists And Techniques Are Evolving, Big Tech Tells Hill.”

<sup>6</sup> Sarah Birch, “Perceptions of Electoral Fairness and Voter Turnout,” *Comparative Political Studies* 43, no. 12 (December 1, 2010): 1601–22, <https://doi.org/10.1177/0010414010374021>; Kellie J. Weir, “Safeguarding Democracy: Increasing Election Integrity through Enhanced Voter Verification” (master’s thesis, Naval Postgraduate School, 2018), <https://www.hsdl.org/?view&did=811383>.

<sup>7</sup> Philip N. Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018* (Oxford, UK: University of Oxford, Computational Propaganda Research Project, 2019), 39, <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1004&context=senatedocs>.

<sup>8</sup> Allon J. Uhlmann and Stephen McCombie, “The Russian Gambit and the U.S. Intelligence Community: Russia’s Use of Kompromat and Implausible Deniability to Optimize Its 2016 Information Campaign against the U.S. Presidential Election,” *Library Trends* 68, no. 4 (2020): 684, <https://doi.org/10.1353/lib.2020.0017>.

struck at the heart of American democracy because this process expresses the people's will and gives the U.S. government legitimacy.<sup>9</sup>

Since the end of 2016, federal agencies and private sector organizations, specifically the major American social media companies, have been actively helping to safeguard political campaigns and election infrastructure from computer intrusions through increased cybersecurity and other security measures.<sup>10</sup> To date, most research has focused on quantitative and qualitative analyses of the IRA's influence campaigns. However, this research has not analyzed how the Russian government itself perceived the effectiveness of the campaigns in achieving their goals. Furthermore, the efficacy of the aforementioned governmental and private sector actions to defend against the IRA's influence campaigns has not been studied much in a methodical fashion. This thesis seeks to use a systematic framework to evaluate the qualitative effectiveness of the Russian disinformation campaigns and the countermeasures taken by the U.S. government and social media companies to combat the aforementioned campaigns targeting the 2020 U.S. elections. In summation, Russian influence operations' continual assault will weaken American democracy over the long term if not effectively countered.

## **B. RESEARCH QUESTION**

To develop effective countermeasures for Russian interference activities targeting future American elections, this thesis seeks to answer the following question: What impact did the countermeasures taken by the American social media companies and the U.S. government have on Russian social media influence campaigns targeting the 2020 U.S. elections?

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<sup>9</sup> Gregory A. Miller et al., *Critical Democracy Infrastructure: Protecting American Elections in the Digital Age Threats, Vulnerabilities, and Countermeasures as a National Security Agenda*, 2nd ed. (Palo Alto, CA: OSET Institute, 2020), 9, [https://trustthevote.org/wp-content/uploads/2020/05/01May20\\_CDI-2nd.pdf](https://trustthevote.org/wp-content/uploads/2020/05/01May20_CDI-2nd.pdf).

<sup>10</sup> Federal Bureau of Investigation, "Protected Voices," Federal Bureau of Investigation, accessed August 5, 2020, <https://www.fbi.gov/investigate/counterintelligence/foreign-influence/protected-voices>; Facebook, "Facebook - Preventing Election Interference," About Facebook, 2020, <https://about.fb.com/actions/preventing-election-interference/>; Google Threat Analysis Group, "Google Safety & Security," *Google* (blog), accessed May 27, 2020, <https://blog.google/technology/safety-security/>; Twitter, "Elections Integrity: We're Focused on Serving the Public Conversation," About Twitter, 2020, [https://about.twitter.com/en\\_us/advocacy/elections-integrity.html](https://about.twitter.com/en_us/advocacy/elections-integrity.html).

### C. LITERATURE REVIEW

This literature review analyzes the leading scholarly and expert debates on the Internet Research Agency and other Russia-backed social media activities targeting the U.S. elections from 2014 to 2020, the countermeasures taken by American social media companies and the U.S. government, a framework for understanding the objectives of Russian hybrid warfare, and the recommendations to counter Russian influence activities provided by subject matter experts in a variety of fields. Russian influence campaigns, known as “active measures,” have been in existence since the inception of the Soviet Union over 100 years ago.<sup>11</sup> Prior research in this topic drew primarily from the ranks of history, political science, public policy, and international studies. An extensive survey of the current academic literature indicates that the types of researchers drawn to the field of foreign influence campaigns have recently broadened due to the Internet Research Agency’s success in employing social media platforms to conduct influence campaigns targeting the 2016 U.S. elections. Presently, scholarly analyses also come from researchers in the fields of computer science, data analytics, and communications. This thesis attempts to evaluate the efficacy of the aforementioned actions to determine if finetuning or a wholesale change in tactics is required to counteract future Russian influence campaigns.

The literature review will be comprised of four parts. The first part examines the studies of Russian online influence campaigns from 2014 to 2020. The sources for this topic include reports and papers by the U.S. government, think tanks, private research firms, academic researchers, and news media. The second part examines the documents which analyze or disclose countermeasures taken by the American social media companies, specifically Facebook, Google, and Twitter, and the U.S. government. The sources include government reports and statements, academic research papers, private research firm reports, think tanks papers, the social media companies’ transparency reports, and news media reporting. The third part examines a framework for understanding the objectives of Russian hybrid warfare. The sources primarily include articles and research papers from academic and military institutions. The fourth part examines recommendations for

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<sup>11</sup> *Disinformation: A Primer in Russian Active Measures and Influence Campaigns, Panel I: Hearing before the Select Committee on Intelligence, Senate, 115th Cong., 1st sess., March 20, 2017, 10.*

countering future Russian online influence campaigns. The sources for this topic include Congressional reports, think tank papers, academic research papers, and private research companies' reports. The literature review has revealed an abundance of source materials covering the activities surrounding the 2016 and 2018 U.S. elections. At the time of this thesis, there have not been many scholarly works published examining Russia's interference against the 2020 U.S. elections.

### **1. Russian Online Influence Activities from 2014 to 2020**

Groups of investigators and scholars provide a critical review and analysis of Russian online influence activities and tactics vis-à-vis the 2016 U.S. election. The U.S. Intelligence Community Assessment (ICA) issued in January 2017 encapsulated the Executive Branch of the U.S. government's consensus judgment that the Russian Federation endeavored to erode public confidence in the U.S. elections and favor one presidential candidate over another.<sup>12</sup> Since that ICA was published, an abundance of literature into the IRA's 2016 to 2020 activities has been written by governmental entities, non-governmental organizations, and academic researchers.

Both the U.S. government's executive and legislative branches conducted investigations into the Russian interference in the 2016 U.S. elections, which included the IRA's social media campaigns. The foundational work detailing the IRA's actions during this timeframe may be the 2019 report from Robert Mueller III, the former FBI Director appointed by the Department of Justice as the Special Counsel to investigate Russian interference in the 2016 U.S. elections.<sup>13</sup> This report resulted from approximately two years of work by the Special Counsel's Office and the analysis of a multitude of evidence collected through legal processes and interviews.<sup>14</sup> Mueller and his team had two main findings regarding the Russian influence campaign. First, the report found that the IRA's

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<sup>12</sup> Office of the Director of National Intelligence, *Assessing Russian Activities and Intentions in Recent U.S. Elections: The Analytic Process and Cyber Incident Attribution* (Washington, DC: Office of the Director of National Intelligence, 2017), 7, [https://www.dni.gov/files/documents/ICA\\_2017\\_01.pdf](https://www.dni.gov/files/documents/ICA_2017_01.pdf).

<sup>13</sup> Robert Mueller, *Report on the Investigation into Russian Interference in the 2016 Presidential Election* (Washington, DC: Department of Justice, 2019).

<sup>14</sup> Department of Justice, "Special Counsel's Office," Department of Justice Special Counsel's Office, October 16, 2017, <https://www.justice.gov/sco>.

social media campaign aimed to sow discord in the U.S. elections but pivoted to favoring Donald Trump when it became apparent he would be the Republican presidential nominee.<sup>15</sup> Second, Mueller's team concluded that the hack and dump attack against the DNC was intended to harm Hillary Clinton's presidential campaign.<sup>16</sup>

The intelligence committees for both houses of Congress also issued reports regarding Russian interference in the 2016 U.S. elections. Of the two, the U.S. Senate Select Committee on Intelligence (SSCI) report had bipartisan approval from the committee members when it was published. Its findings coincided with the Special Counsel's report.<sup>17</sup> The U.S. House Permanent Select Committee on Intelligence (HPSCI) report was issued by the Republican majority over the Democratic committee members' dissent. The HPSCI majority and minority reports concluded that the Russians had interfered with the elections through the cyberattack against the DNC and the IRA's social media campaigns.<sup>18</sup> The majority report neglected to mention that these two operations were intended to damage the Clinton campaign and favor the Trump campaign, whereas the minority report highlighted the majority's omission and suggested partisan politics explained the omission.<sup>19</sup>

In August 2020, the State Department's Global Engagement Center published a report, which exposed Russia's current disinformation strategy and tactics.<sup>20</sup> Though the report did not address the Russian activities targeting the 2016 U.S. elections, it described

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<sup>15</sup> Mueller, *Report on the Investigation into Russian Interference in the 2016 Presidential Election*, 2019, 4.

<sup>16</sup> Mueller, 4.

<sup>17</sup> *Report of the Select Committee on Intelligence, United States Senate on Russian Active Measures, Campaigns, and Interference In the 2016 U.S. Election, Volume 2: Russia's Use Of Social Media With Additional Views*, Senate, 116th Cong., 1st Sess. (Washington, DC: U.S. Congress. Senate, 2019), 4, [https://www.intelligence.senate.gov/sites/default/files/documents/Report\\_Volume2.pdf](https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume2.pdf).

<sup>18</sup> *Report on Russian Active Measures*, 98.

<sup>19</sup> *Report of the House Permanent Select Committee on Intelligence on Russian Active Measures Together with Minority Views*, H.Rept 115–1110 (Washington, DC: Government Publishing Office, 2019), 257, <https://www.congress.gov/115/crpt/hrpt1110/CRPT-115hrpt1110.pdf>.

<sup>20</sup> Global Engagement Center, *Pillars of Russia's Disinformation and Propaganda Ecosystem* (Washington, DC: Department of State, 2020), [https://www.state.gov/wp-content/uploads/2020/08/Pillars-of-Russia%E2%80%99s-Disinformation-and-Propaganda-Ecosystem\\_08-04-20.pdf](https://www.state.gov/wp-content/uploads/2020/08/Pillars-of-Russia%E2%80%99s-Disinformation-and-Propaganda-Ecosystem_08-04-20.pdf).

Russian online influence operations, the online ecosystem that Russia was aiming to cultivate, and framed the IRA's current activities as a continuation of the Russian active measures strategy.<sup>21</sup> The State Department and Special Counsel's Office reports, coupled with the Congressional intelligence committee reports, represented the U.S. government's understanding of Russian disinformation strategy in general and the IRA's role within the broader Russian influence enterprise.

In March 2021, the Office of the Director of National Intelligence (ODNI) issued an unclassified version of the intelligence community assessment summarizing foreign state-sponsored threats to the 2020 U.S. elections.<sup>22</sup> In particular, the ODNI's report provided a succinct but comprehensive overview of the Russian influence campaign, which focused on damaging the Biden presidential campaign and favoring the Trump campaign.<sup>23</sup> In April 2021, the ODNI issued an unclassified version of the Intelligence Community's annual worldwide threat assessment, highlighting Russian influence operations as a persistent threat to the United States.<sup>24</sup> Reporting from the ODNI represents the collective efforts of all 18 organizations which comprise the U.S. Intelligence Community.<sup>25</sup>

Another corpus of literature written by non-governmental and academic researchers tended to be more quantitatively detailed in its findings of the IRA than governmental counterparts as they delved into statistical analyses of social media activities. Researchers from the New Knowledge private research firm, now known as Yonder, conducted a comprehensive analysis of the IRA's activities in 2016 and authored a report at the request

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<sup>21</sup> Global Engagement Center.

<sup>22</sup> Office of the Director of National Intelligence, "Intelligence Community Assessment on Foreign Threats to the 2020 U.S. Federal Elections," Intelligence Community Assessment (Washington, DC, March 16, 2021), <https://www.odni.gov/index.php/newsroom/reports-publications/reports-publications-2021/item/2192-intelligence-community-assessment-on-foreign-threats-to-the-2020-u-s-federal-elections>.

<sup>23</sup> Office of the Director of National Intelligence, 2–5.

<sup>24</sup> Office of the Director of National Intelligence, *2021 Annual Threat Assessment of the U.S. Intelligence Community*, 11.

<sup>25</sup> Office of the Director of National Intelligence, "Members of the IC," Office of the Director of National Intelligence, accessed April 27, 2021, <https://www.dni.gov/index.php/what-we-do/members-of-the-ic>.

of the Senate Select Committee on Intelligence.<sup>26</sup> Renee DiResta and her colleagues conducted a highly detailed qualitative and quantitative analysis of all the social media data submitted to SSCI by Facebook, Google, and Twitter. The data encompassed the IRA's activities from about 2015 to 2018. Their findings regarding the intent of the IRA's social media campaign and the cyberattack against the DNC aligned with the Special Counsel's and SSCI's reports.<sup>27</sup> DiResta et al. go beyond the government reports' findings and conclude that the Russians actively attempted to suppress voter turnout, especially among black voters, and foment insurrectionist sentiment against different levels of American government.<sup>28</sup>

Philip Howard, a University of Oxford researcher, also had the opportunity to analyze the aforementioned social media data provided to SSCI. Howard and his colleagues conducted a statistical analysis of the social media data, to include an in-depth examination of the IRA's strategy and tactics.<sup>29</sup> Howard, who along with Samuel Woolley, had previously coined the phrase "computational propaganda" to describe the IRA's cyber covert operation activities, also found that the IRA's social media campaign was designed to interfere in the 2016 U.S. elections, specifically favoring Trump over Clinton.<sup>30</sup> Their report went further than prior research by describing the specific targeting of different demographic groups to elicit particular responses; i.e., promoting right-wing turnout for Trump, discouraging black voters from voting or civic engagement, and amplifying the differences between the ideologically progressive and conservative.<sup>31</sup>

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<sup>26</sup> DiResta et al., *The Tactics & Tropes of the Internet Research Agency*.

<sup>27</sup> DiResta et al., 4.

<sup>28</sup> DiResta et al., 8.

<sup>29</sup> Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*.

<sup>30</sup> Samuel C. Woolley and Philip N. Howard, "Political Communication, Computational Propaganda, and Autonomous Agents," *National Science Foundation Public Access Repository*, September 3, 2016, 6; Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 3; Woolley and Howard, "Political Communication, Computational Propaganda, and Autonomous Agents," 3.

<sup>31</sup> Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 18.

More recently, Robert Walker examined the IRA's online activities in his 2019 master's thesis at the Naval Postgraduate School.<sup>32</sup> His work's primary focus was to evaluate the purpose and impact of the IRA's social media content, coming to the same conclusions as his predecessors.<sup>33</sup> Unlike the previously mentioned researchers, Walker also examined the countermeasures taken by private sector companies and the U.S. government from 2016 to 2018 to assess their impact and found them to be partially effective.<sup>34</sup> These researchers did not have the same political considerations or constraints as governmental investigators to examine and make qualitative judgments about the intent of the IRA's activities and motivations.

Despite a broad agreement within the United States that the Russians attempted to interfere in the 2016 U.S. elections, some conservative American media have disputed the impact these efforts had on the election outcome. In a *New York Magazine* article, Margaret Hartmann, senior editor, stated, "the general consensus is that liberals are overstating the significance of Russia's alleged meddling in an effort to shift the blame for their loss from Hillary Clinton, and undermine Trump's presidency."<sup>35</sup> A 2018 poll taken by British marketing research firm YouGov found that only 37% of Republicans believed Russia interfered with the 2016 U.S. elections.<sup>36</sup> This researcher's extensive literature search could not find any scholars, private research organizations, or prominent conservative think tanks who had authored papers discussing the Russian interference in the 2016 U.S. elections, the Internet Research Agency's social media activities, or policy recommendations for countermeasures. The negative results of this query suggest that this topic did not rate as relevant to these organizations.

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<sup>32</sup> Robert E. Walker, "Combating Strategic Weapons of Influence on Social Media" (master's thesis, Naval Postgraduate School, 2019), <http://hdl.handle.net/10945/62826>.

<sup>33</sup> Walker, 69–79.

<sup>34</sup> Walker, 89–100.

<sup>35</sup> Margaret Hartmann, "How Conservatives View Russia's Alleged Meddling in the U.S. Election," *New York Magazine*, December 16, 2016, <https://nymag.com/intelligencer/2016/12/how-the-right-is-talking-about-russias-election-meddling.html>.

<sup>36</sup> Kathy Frankovic, "Republicans Still Not Convinced of Russian Election Meddling," YouGov, August 10, 2018, <https://today.yougov.com/topics/politics/articles-reports/2018/08/10/republicans-still-not-convinced-russian-election-m>.

## 2. Countermeasures by the Private Sector and the U.S. Government

The Internet Research Agency appeared to conduct their influence activities undetected on the major social media platforms, specifically those belonging to Facebook, Google, and Twitter, before and during the 2016 U.S. elections.<sup>37</sup> Thus, the social media companies did not pursue any policy changes or take any actions to thwart the influence campaign. In October 2016, the Department of Homeland Security (DHS) and Office of the Director of National Intelligence publicly blamed the Russian Federation for hacking the Democratic National Committee.<sup>38</sup> Subsequently, the FBI and ODNI issued a joint analysis report (JAR), providing more details to the previously published joint statement.<sup>39</sup> The JAR attributed the 2016 DNC hack to two Russian hacking groups, known as APT28 and APT29, and provided technical details to allow organizations to safeguard themselves from these types of computer intrusions.<sup>40</sup> Typically, the U.S. government does not publicly disclose foreign actors' tradecraft because it can reveal sensitive sources and methods used to acquire this information. Likely, the significance of the DNC hack and public pressure prompted the U.S. government to supplement its initial October 2016 statement.<sup>41</sup>

During the time frame after the 2018 U.S. elections and before the 2020 U.S. elections, private research firms and academic research centers played a more prominent role as the social media companies decided to partner with them. These research

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<sup>37</sup> Cecilia Kang, Nicholas Fandos, and Mike Isaac, "Tech Executives Are Contrite About Election Meddling, but Make Few Promises on Capitol Hill," *New York Times*, October 31, 2017, <https://www.nytimes.com/2017/10/31/us/politics/facebook-twitter-google-hearings-congress.html>.

<sup>38</sup> Department of Homeland Security and Office of the Director of National Intelligence, *Joint Statement from the Department of Homeland Security and Office of the Director of National Intelligence on Election Security* (Washington, DC: Department of Homeland Security and Office of the Director of National Intelligence, 2016), <https://www.dhs.gov/news/2016/10/07/joint-statement-department-homeland-security-and-office-director-national>.

<sup>39</sup> Department of Homeland Security and Federal Bureau of Investigation, *GRIZZLY STEPPE – Russian Malicious Cyber Activity* (Washington, DC: Department of Homeland Security and Federal Bureau of Investigation, 2016), [https://www.us-cert.gov/sites/default/files/publications/JAR\\_16-20296A\\_GRIZZLY%20STEPPE-2016-1229.pdf](https://www.us-cert.gov/sites/default/files/publications/JAR_16-20296A_GRIZZLY%20STEPPE-2016-1229.pdf).

<sup>40</sup> Department of Homeland Security and Federal Bureau of Investigation, 5–10.

<sup>41</sup> Chris Strohm, "Russian Hacking Began as 'Grizzly Steppe,'" *Chicago Tribune*, December 30, 2016, sec. Nation & World, <https://www.chicagotribune.com/nation-world/ct-russian-hack-grizzly-steppe-20161230-story.html>.

organizations were pivotal in identifying the Internet Research Agency's activities and its various influence campaigns. The two noteworthy organizations were Graphika and the Stanford Internet Observatory. In 2020, Graphika issued a series of reports that exposed Russian influence operations' activities across different platforms. The organization coordinated with the social media companies that shut down IRA-controlled accounts. It discovered that the IRA had made fake left-wing and right-wing news sites to amplify the existing discourse on hot-button topics, such as governmental corruption, gun control, and racial discrimination.<sup>42</sup> The Graphika researchers concluded that the IRA made these sites to help them target people through their ideologies, similar to their tactics in 2016.<sup>43</sup> The Stanford Internet Observatory was led by Alex Stamos, formerly Facebook's Chief Security Officer, and Renee DiResta, one of the researchers retained by SSCI to investigate Russian interference in 2016. The Stanford Observatory collaborated with the social media companies to identify Russian influence campaigns, which the companies would subsequently disrupt through account takedowns and content removal.<sup>44</sup> The Stanford researchers identified influence operations conducted by the GRU and IRA in Africa, which mostly followed prior Russian influence campaign tactics.<sup>45</sup> These two instances showed the social media companies partnering with different research organizations to identify and disrupt various foreign influence campaigns, likely to avoid duplicating efforts and spread the workload.

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<sup>42</sup> Ben Nimmo et al., "IRA Again: Unlucky Thirteen" (New York, NY: Graphika, September 2020), [https://public-assets.graphika.com/reports/graphika\\_report\\_ira\\_again\\_unlucky\\_thirteen.pdf](https://public-assets.graphika.com/reports/graphika_report_ira_again_unlucky_thirteen.pdf); Jack Stubbs, "Exclusive: Russian Operation Masqueraded as Right-Wing News Site to Target U.S. Voters - Sources," Reuters, October 1, 2020, <https://www.reuters.com/article/usa-election-russia-disinformation-idUSKBN26M5OP>.

<sup>43</sup> Nimmo et al., "IRA Again: Unlucky Thirteen," 24; Stubbs, "Exclusive."

<sup>44</sup> DiResta and Grossman, *Potemkin Pages & Personas: Assessing GRU Online Operations, 2014–2019*; Stanford Internet Observatory, "Analysis of June 2020 Twitter Takedowns Linked to China, Russia, and Turkey," *Stanford Internet Observatory* (blog), June 11, 2020, <https://cyber.fsi.stanford.edu/io/news/june-2020-twitter-takedown>.

<sup>45</sup> DiResta and Grossman, *Potemkin Pages & Personas: Assessing GRU Online Operations, 2014–2019*; Shelby Grossman, Daniel Bush, and Renée DiResta, "Evidence of Russia-Linked Influence Operations in Africa," *Stanford Internet Observatory* (blog), October 30, 2019, [https://fsi-live.s3.us-west-1.amazonaws.com/s3fs-public/29oct2019\\_sio\\_-\\_russia\\_linked\\_influence\\_operations\\_in\\_africa.final\\_.pdf](https://fsi-live.s3.us-west-1.amazonaws.com/s3fs-public/29oct2019_sio_-_russia_linked_influence_operations_in_africa.final_.pdf).

### 3. Framework for Understanding Russian Hybrid Warfare

The concept of Russian hybrid warfare was devised by Western experts around 2014 to describe Russia's use of conventional military force and unconventional means, specifically cyberattacks and information operations, in its incursions into Crimea, Eastern Ukraine, and Syria.<sup>46</sup> A review of current literature determined that the Russian military officers who are believed to have contributed the most to the Russian hybrid warfare concept were General Valery Gerasimov, Chief of the Russian Federation's General Staff, Lieutenant General S. A. Bogdanov, a retired General Staff officer, and Lieutenant General Andrei V. Kartapolov, currently Russia's Deputy Minister of Defense and the former head of the Russian General Staff's Main Operational Directorate.<sup>47</sup> Of these individuals, Gerasimov was most widely attributed to have created modern Russian hybrid warfare because of a heavily cited article he wrote in February 2013 to describe his thoughts on 21<sup>st</sup>-century wars.<sup>48</sup> In 2014, a British researcher, Mark Galeotti, coined the term "The

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<sup>46</sup> Ofer Fridman, "On the 'Gerasimov Doctrine': Why the West Fails to Beat Russia to the Punch," *PRISM* 8, no. 2 (2019): 101.

<sup>47</sup> Viorel Barbu, "The Hybrid War in the East-West Paradigm," in *Strategic Changes in Security and International Relations*, ed. Dorin Corneliu Pleşcan et al., vol. XVI, Part 2 (16th International Scientific Conference, Bucharest, Romania: "Carol I" National Defence University, 2020), 101–12, [https://www.strategii21.ro/A/2020-04.%20STRATEGIC%20CHANGES%20IN%20SECURITY%20AND%20INTERNATIONAL%20RELATIONS/FSA\\_2020\\_VOLUMUL%202.pdf#page=102](https://www.strategii21.ro/A/2020-04.%20STRATEGIC%20CHANGES%20IN%20SECURITY%20AND%20INTERNATIONAL%20RELATIONS/FSA_2020_VOLUMUL%202.pdf#page=102); Elizabeth Bodine-Baron et al., *Countering Russian Social Media Influence* (Santa Monica, CA: RAND Corporation, 2018), <https://doi.org/10.7249/RR2740>; Sandor Fabian, "The Russian Hybrid Warfare Strategy – Neither Russian nor Strategy," *Defense & Security Analysis* 35, no. 3 (2019): 308–25, <https://doi.org/10.1080/14751798.2019.1640424>; Fridman, "On the 'Gerasimov Doctrine'"; Mark Galeotti, "The Mythical 'Gerasimov Doctrine' and the Language of Threat," *Critical Studies on Security* 7, no. 2 (2019): 157–61, <https://doi.org/10.1080/21624887.2018.1441623>; Krisztian Jojart, "Russia Military Thinking and the Hybrid War," *Scientific Periodical of the Hungarian Military National Security Service*, no. 1 (2019): 82; Nina A. Kollars and Michael B. Petersen, "Feed the Bears, Starve the Trolls: Demystifying Russia's Cybered Information Confrontation Strategy," *The Cyber Defense Review* Special edition (2019): 145–60; Sarah O'Connor et al., *Cyber-Enabled Foreign Interference in Elections and Referendums*, Policy Brief Report No. 41 (Canberra, Australia: Australian Strategic Policy Institute, 2020), <https://www.aspi.org.au/report/cyber-enabled-foreign-interference-elections-and-referendums>; Timothy Thomas, "The Evolution of Russian Military Thought: Integrating Hybrid, New-Generation, and New-Type Thinking," *Journal of Slavic Military Studies* 29, no. 4 (2016): 554–75, <https://doi.org/10.1080/13518046.2016.1232541>; Timothy Thomas, "The Evolving Nature of Russia's Way of War," *Military Review* 97, no. 4 (August 2017): 34–42; Thornton, "The Russian Military's New 'Main Emphasis'"; Wilhelm, "A Russian Military Framework."

<sup>48</sup> Valery Gerasimov, "The Value of Science in Prediction," *Military-Industrial Kurier*, February 27, 2013, <https://www.ies.be/files/Gerasimov%20HW%20ENG.pdf>.

Gerasimov Doctrine” to encapsulate this evolution in Russian military thinking.<sup>49</sup> Over the next five years, the Gerasimov Doctrine was referenced or cited in hundreds of scholarly works.<sup>50</sup> In 2019, Galeotti gave a mea culpa when he clarified that the term was meant to be a placeholder for the changing thoughts about Russian military strategy.<sup>51</sup> Galeotti pointed out that Gerasimov was a career armored division officer and not considered a military science theoretician.<sup>52</sup> Other Russian experts also dismissed the Gerasimov Doctrine as a model for understanding how Russia incorporated information operations into its conventional warfare strategy.<sup>53</sup>

Like Gerasimov, Lieutenant General Bogdanov and a colleague wrote an article about hybrid warfare called the “New Generation War.”<sup>54</sup> In this article published in February 2013, Bogdanov discussed the need for information technology and information operations superiority, as it perceived the United States and other Western countries were already using technology-enabled psychological warfare to target Russia.<sup>55</sup> Bogdanov believed these information operations could internally undermine a country’s ability to govern and leave it vulnerable to conventional military force.<sup>56</sup> However, since the publication of that article, Bogdanov has not mentioned the term “New Generation War” in his subsequent articles.<sup>57</sup> Later on, Bogdanov would use a different term for hybrid warfare, popularized by Lieutenant General Kartapolov.<sup>58</sup>

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<sup>49</sup> Galeotti, “The Mythical ‘Gerasimov Doctrine’ and the Language of Threat.”

<sup>50</sup> Galeotti.

<sup>51</sup> Galeotti.

<sup>52</sup> Galeotti.

<sup>53</sup> Fridman, “On the ‘Gerasimov Doctrine,’” 101; Fabian, “The Russian Hybrid Warfare Strategy,” 311; Kollars and Petersen, “Feed the Bears, Starve the Trolls”; Thomas, “The Evolving Nature of Russia’s Way of War.”

<sup>54</sup> S.G. Chekinov and S.A. Bogdanov, “The Nature and Content of New Generation War,” *Military Thought*, no. 4 (February 2013): 12–23.

<sup>55</sup> Chekinov and Bogdanov; Thomas, “The Evolving Nature of Russia’s Way of War,” 39.

<sup>56</sup> Kollars and Petersen, “Feed the Bears, Starve the Trolls,” 147.

<sup>57</sup> Thomas, “The Evolving Nature of Russia’s Way of War,” 41.

<sup>58</sup> Thomas, 41.

In 2015, Lieutenant General Kartapolov published an article and gave a speech at the Russian Academy of Military Science about hybrid warfare, which he described as “New-Type Warfare.”<sup>59</sup> Specifically, Kartapolov discussed using asymmetric means, such as cyber operations and other forms of political pressure, to weaken an adversarial state’s military strength.<sup>60</sup> What differentiates Kartapolov from Gerasimov and Bogdanov was the specific manner in which he laid out the elements for successfully waging New-Type Warfare.<sup>61</sup> Multiple Western scholars consider Kartapolov’s article and speech to be a roadmap for the current Russian military thought and practice of hybrid warfare.<sup>62</sup> Figure 1 shows a graphic from the Kartapolov article, which describes the tactics for conducting a New-Type War. In particular, Thomas Wilhelm, an American military scholar, has devised a framework for understanding Russian influence operations based on his analyses of multiple works by General Kartapolov, which will be discussed in further detail in the Research Design section of this thesis.<sup>63</sup>

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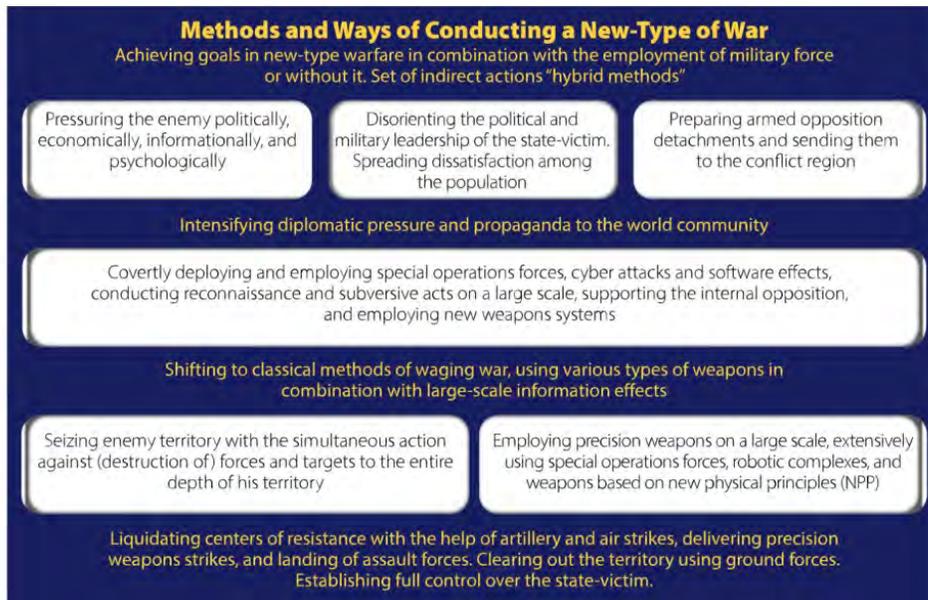
<sup>59</sup> Kartapolov, “Lessons of Military Conflict, Perspectives on the Development of the Related Forms and Methods”; Thomas, “The Evolving Nature of Russia’s Way of War,” 38.

<sup>60</sup> Kartapolov, “Lessons of Military Conflict, Perspectives on the Development of the Related Forms and Methods”; Kollars and Petersen, “Feed the Bears, Starve the Trolls,” 147.

<sup>61</sup> Kartapolov, “Lessons of Military Conflict, Perspectives on the Development of the Related Forms and Methods,” 35.

<sup>62</sup> Barbu, “The Hybrid War in the East-West Paradigm,” 109; Jojart, “Russia Military Thinking and the Hybrid War,” 19; Kollars and Petersen, “Feed the Bears, Starve the Trolls,” 147; Thomas, “The Evolution of Russian Military Thought”; Thomas, “The Evolving Nature of Russia’s Way of War,” 41; Thornton, “The Russian Military’s New ‘Main Emphasis,’” 23; Wilhelm, “A Russian Military Framework,” 33.

<sup>63</sup> Wilhelm, “A Russian Military Framework,” 33.

Figure 1. Kartapolov's Components for Conducting Hybrid Warfare.<sup>64</sup>

#### 4. Recommendations for Countering Russian Influence Campaigns

Recommendations for countering Russian malign influence operations primarily come from three sectors: (1) the U.S. government, (2) non-governmental organizations such as think tanks, and (3) researchers affiliated with academic institutions. The intelligence committees for both houses of Congress provided recommendations in the reports, which summarized their investigations of Russian interference in the 2016 U.S. elections. The House Permanent Select Committee on Intelligence report's recommendations focused on information sharing between election-related stakeholders, improved cybersecurity for election information infrastructure, and potential legislative actions to enhance cybersecurity.<sup>65</sup> The Senate Permanent Select Committee on Intelligence report's recommendations discussed the Executive Branch using a suite of deterrents to dissuade foreign influence in U.S. elections, such as sanctions, diplomatic pressure, and cyber operations, enhanced cybersecurity measures for election

<sup>64</sup> Source: Kartapolov, "Lessons of Military Conflict, Perspectives on the Development of the Related Forms and Methods," 35; Thomas, "The Evolution of Russian Military Thought," Appendix 1.

<sup>65</sup> H.R., *Report on Active Measures*, 120–22.

infrastructure, and replacing outdated election equipment.<sup>66</sup> All of these recommendations may broadly be characterized as security measures.

Like the Congressional reports, various policy think tanks have proposed a series of recommendations to counter Russian influence campaigns. The RAND Corporation suggested a three-pronged set of activities: (1) targeting the Russian government through sanctions, diplomacy, and pro-democracy programs; (2) identifying and disrupting the activities of the Internet Research Agency and other proxies through information sharing and improved detection technologies; and (3) disrupting the effectiveness of social media amplification channels through technology enhancements and policy changes.<sup>67</sup> Similar to the third prong of RAND's recommendations, the German Marshall Fund was highly focused on improved transparency through better information-sharing between companies and better labeling state-sponsored content.<sup>68</sup> Looking at the environment from a more holistic perspective than RAND or the German Marshall Fund, the Belfer Center advocated for a national strategy for countering information operations, to include increased transparency to attribute and reveal Russian influence operations, leveraging all facets of the U.S. government to disrupt these operations, increased engagement with allies to counter influence operations, and better cooperation between the U.S. government and social media companies.<sup>69</sup> In contrast to the other organizations, the Belfer Center also advocated for improved media literacy in the nation's education system.<sup>70</sup> In summary, the writers' consensus viewpoint from the literature review is that enhanced security, transparency, and resiliency are crucial to combating malign Russian influence in elections.

As another group of outside observers of social media influence campaigns, academic researchers provided practical proposals based on their analysis of the IRA's

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<sup>66</sup> *Russian Active Measures Campaigns: Volume 1*, 55–60.

<sup>67</sup> Bodine-Baron et al., *Countering Russian Social Media Influence*, 12.

<sup>68</sup> Bradley Hanlon, *A Long Way to Go - Analyzing Facebook, Twitter, and Google's Efforts to Combat Foreign Interference*, Policy Brief No. 41 (Washington, DC: German Marshall Fund of the United States, 2018), 1, <https://securingdemocracy.gmfus.org/wp-content/uploads/2018/12/A-Long-Way-to-Go-Analyzing-Facebook-Twitter-and-Googles-Efforts-to-Combat-Foreign-Interference.pdf>.

<sup>69</sup> Cederberg et al., *National Counter-Information Operations Strategy*, 11–12.

<sup>70</sup> Cederberg et al., 12.

tactics and activities. These proposals may have added weight because they are in peer-reviewed publications. Both DiResta and Howard's academic research teams, from Stanford University and Oxford University respectively, provided wide-ranging proposals involving collaboration between relevant stakeholders to counter current and future Russian influence campaigns.<sup>71</sup> These recommendations included information sharing between private sector companies and the government, better policing and content moderation by the social media companies, and critically thinking about how future technologies can influence campaigns.<sup>72</sup>

In contrast to DiResta and Howard's teams, researchers from the Harvard Kennedy School concentrated their recommendations on social media companies.<sup>73</sup> Specifically, the Harvard researchers focused on policy improvements for the social media companies concerning increased transparency for taking down content, better content moderation, labeling state-sponsored content, providing links to reliable sources of information, and focusing on their users' rights and privacy.<sup>74</sup> Kate Starbird, a University of Washington researcher, agreed on the critical nature of better content moderation by the social media companies but expressed concern about the potential curtailment of free speech.<sup>75</sup> In a completely different vein, Canadian researchers Barry Cartwright et al. believe advanced

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<sup>71</sup> DiResta et al., *The Tactics & Tropes of the Internet Research Agency*, 101; Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 40.

<sup>72</sup> DiResta and Grossman, *Potemkin Pages & Personas: Assessing GRU Online Operations, 2014–2019*, 1–2.

<sup>73</sup> Deen Freelon and Tetyana Lokot, "Russian Disinformation Campaigns on Twitter Target Political Communities across the Spectrum. Collaboration between Opposed Political Groups Might Be the Most Effective Way to Counter It.," *Harvard Kennedy School Misinformation Review* 1, no. 1 (2020): 2, <https://doi.org/10.37016/mr-2020-003>.

<sup>74</sup> Freelon and Lokot, 2.

<sup>75</sup> Kate Starbird, Ahmer Arif, and Tom Wilson, "Disinformation as Collaborative Work: Surfacing the Participatory Nature of Strategic Information Operations," *Proceedings of the ACM on Human-Computer Interaction* 3, no. CSCW (November 2019): 19, <https://doi.org/10.1145/3359229>.

technology, specifically artificial intelligence, will be vital for detecting and combating foreign influence campaigns.<sup>76</sup>

A review of the literature revealed some trends among the different sectors, which provided recommendations. The Congressional recommendations focused on security measures such as enhanced cybersecurity, economic sanctions, and cyber operations.<sup>77</sup> The think tank recommendations ran the gamut from security measures similar to Congressional recommendations to transparency measures, such as promoting public communications about disinformation campaigns by the U.S. government, to resilience measures, such as improved media literacy.<sup>78</sup> Academic literature generally supported the same security, transparency, and resiliency measures favored by think tanks and public policy organizations.<sup>79</sup>

## 5. Conclusions from Literature Review

A review of all the relevant literature makes clear that Russia has and will continue to persist as an adversarial nation-state seeking to destabilize American democracy. The current online influence campaigns being conducted by Russian actors are an extension of Soviet-era psychological warfare operations, amplified by 21<sup>st</sup>-century social media platforms. The sources providing recommendations to counter these malign influence operations include academia, private sector, government, think tanks, and other non-

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<sup>76</sup> Barry Cartwright, George Weir, and Richard Frank, “Fighting Disinformation Warfare with Artificial Intelligence: Identifying and Combatting Disinformation Attacks in Cloud-Based Social Media Platforms,” in *CLOUD COMPUTING 2019 Proceedings of the Tenth International Conference on Cloud Computing, GRIDs, and Virtualization*, ed. Bob Duncan et al. (Cloud Computing 2019, Venice, Italy: IARIA, 2019), 73–77, [https://www.researchgate.net/publication/333024381\\_CLOUD\\_COMPUTING\\_2019\\_Proceedings\\_of\\_the\\_Tenth\\_International\\_Conference\\_on\\_Cloud\\_Computing\\_GRIDs\\_and\\_Virtualization](https://www.researchgate.net/publication/333024381_CLOUD_COMPUTING_2019_Proceedings_of_the_Tenth_International_Conference_on_Cloud_Computing_GRIDs_and_Virtualization).

<sup>77</sup> *Report on Russian Active Measures*, 121–27; *Russian Active Measures Campaigns: Volume 1*, 54–57.

<sup>78</sup> Cederberg et al., *National Counter-Information Operations Strategy*, 11–12; William Marcellino et al., *Foreign Interference in the 2020 Election: Tools for Detecting Online Election Interference* (Santa Monica, CA: RAND Corporation, 2020), [https://www.rand.org/pubs/research\\_reports/RRA704-2.html](https://www.rand.org/pubs/research_reports/RRA704-2.html).

<sup>79</sup> DiResta and Grossman, *Potemkin Pages & Personas: Assessing GRU Online Operations, 2014–2019*, 1–2; Darren L. Linvill and Patrick L. Warren, “Engaging with Others: How the IRA Coordinated Information Operation Made Friends,” *Harvard Kennedy School Misinformation Review* 1, no. 2 (April 2020): 2, <https://doi.org/10.37016/mr-2020-011>.

governmental organizations. The variety of sources and input indicates that a whole-of-society approach utilizing a range of security, transparency, and resiliency measures will be necessary to combat Russian influence operations.

#### **D. RESEARCH DESIGN**

The objectives of this thesis are three-fold: (1) examining the Internet Research Agency and other Russian social media campaigns ahead of the 2020 U.S. elections to determine whether its tactics have shifted since 2016; (2) critically analyzing the private sector and U.S. government's actions to counter the Russian influence activities; and (3) proposing recommendations to safeguard future U.S. elections. The first two objectives will be assessed using an analytical framework proposed by Thomas Wilhelm, Director of the U.S. Army's Foreign Military Studies Office. The last objective will be informed by the results of the first two objectives, as well as a review of current literature by scholars and subject matter experts in different fields.

To design a useful framework for analyzing Russian influence operations, Thomas Wilhelm surveyed the published works and speeches of General Lieutenant Andrei V. Kartapolov. Wilhelm surmised Kartapolov was one of the key architects of current Russian military science and doctrine, specifically the aforementioned "New-Type War."<sup>80</sup> Wilhelm believed the framework provided a well-rounded understanding of Russian martial intent and objectives about hybrid warfare through a Russian perspective.<sup>81</sup> Specifically, Kartapolov advocates utilizing asymmetric, non-violent methods to undermine the strengths of Russia's opponents to achieve their strategic goals.<sup>82</sup> Kartapolov highlighted ten components for conducting hybrid warfare, herein referred to as the Kartapolov Framework: (1) spreading discontent in the population; (2) exerting political pressure; (3) confusing the political leadership; (4) use of new and advanced weaponry; (5) train and arm opposition forces; (6) utilization of special military forces

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<sup>80</sup> Tom Wilhelm, "A Russian Military Framework for Understanding Influence in the Competition Period," *Military Review* (2020): 35.

<sup>81</sup> Wilhelm, 38.

<sup>82</sup> Thornton, "The Russian Military's New 'Main Emphasis.'"

behind enemy lines; (7) commit large scale subversive acts to destabilize to the enemy; (8) shift to conventional warfare after softening the enemy; (9) destroy the enemy and seize territory concurrently; and (10) use airstrikes and artillery to destroy any focal points of resistance to establish complete control of the territory.<sup>83</sup>

The relevant components of the Kartapolov Framework for analyzing Russian social media-based influence operations against the United States are: (1) spreading discontent in the population; (2) exerting political pressure; and (3) confusing the political leadership.<sup>84</sup> This thesis will use the Kartapolov framework to conduct a qualitative evaluation of the Internet Research Agency's impact and the effectiveness of social media companies and the U.S. government's countermeasures. To assess the social media companies and the U.S. government's actions to counter Russian influence activities, this thesis will also employ the Kartapolov framework. Specifically, the American actions will be analyzed to determine their effectiveness for countering the three influence-related components of the Kartapolov Framework. In particular, a qualitative analysis will evaluate American efforts to counter the spread of discontent in the American populace, defuse political pressure, and stop confusion in political leadership. The analysis will be dependent on publicly available information.

The review of the private sector countermeasures to the IRA's influence campaign will be based on examining three sources of information. Private sector actions, specifically those of the "Big Three" social media companies of Facebook, Google, and Twitter, are tracked and reviewed by academic researchers and non-governmental organizations.<sup>85</sup> These two groups write reports or papers based on their findings. An example of this type of information is a recently published paper examining Twitter's account suspensions related to the 2020 U.S. elections by researchers from the University of New Mexico and

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<sup>83</sup> Kartapolov, "Lessons of Military Conflict, Perspectives on the Development of the Related Forms and Methods," 35.

<sup>84</sup> Kartapolov, 36.

<sup>85</sup> Ryan Robinson, "7 Top Social Media Sites in 2020," Adobe Spark, accessed July 21, 2021, <https://www.adobe.com/express/learn/blog/top-social-media-sites>.

the Georgia Institute of Technology.<sup>86</sup> The social media companies have also regularly made public announcements of their actions to combat foreign influence activities. These types of information will be used to assess the impact of the private sector's countermeasures.

The review of U.S. government countermeasures will rely only on publicly available, unclassified information. Although classified reporting on U.S. government actions likely exists, these sources will fall outside this thesis's scope. In certain instances, different facets of the U.S. Government generates unclassified reports, such as those produced by the different committees in Congress or various executive branch agencies. In other circumstances, the U.S. government will make public statements or unseal legal documents such as indictments or arrest affidavits. On occasion, the news media will also leverage their sources to reveal U.S. government actions. These types of information will be used to assess the impact of the U.S. government's countermeasures.

Recommendations for safeguarding future U.S. elections will be informed by the aforementioned analyses of actions taken by the private sector and the U.S. government and a review of advice provided by subject matter experts in various fields. These experts comprise academic scholars, researchers from non-governmental organizations, and U.S. government officials from both the legislative and executive branches. The diverse experiences and perspectives should provide a robust set of recommendations for a whole-of-society approach to secure elections.

In summation, the examination of the Internet Research Agency's social media campaigns ahead of the 2020 U.S. elections will rely primarily on exploring literature produced by four groups: academic researchers, non-governmental research organizations, reports from the social media companies, and U.S. government investigatory reports. Although offering different perspectives, these subject matter experts provide the most reliable analysis and assessment of the Russian influence activities.

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<sup>86</sup> Farhan Asif Chowdhury et al., "Examining Factors Associated with Twitter Account Suspension Following the 2020 U.S. Presidential Election," *ArXiv* 2101, no. 09575 (January 23, 2021), <https://arxiv.org/pdf/2101.09575.pdf>.

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## II. OPENING MOVES – SCOPE AND BACKGROUND

We're all targets of a sophisticated and capable adversary and we must engage in a whole-of-government approach to combat Russian active measures.

— Richard Burr, March 30, 2017

In the Russian Federation, President Vladimir Putin, who has been in power since 2000, makes every major decision.<sup>87</sup> As a former senior-level KGB officer, Putin holds antagonistic views of liberal democracies in general and the United States in particular.<sup>88</sup> Michael McFaul, former U.S. Ambassador to Russia, assessed that Putin sees the United States as “a hostile power and a serious threat to Russian national interests.”<sup>89</sup> As such, Putin perceives himself to be in an ideological struggle “between conservative, Christian, sovereign values—which he embraces—and decadent, liberal, multilateral ideas championed by many Western governments, including first and foremost the United States.”<sup>90</sup> Harkening back to Soviet-era information operations, Putin recognized the advent of online social media platforms as an avenue to target U.S. elections.<sup>91</sup> The Russian influence operations started before the 2016 U.S. elections and continued through the 2020 U.S. elections.

Before delving into the nuances of the Russian online social influence campaigns targeting the 2020 U.S. elections, this chapter outlines the scope of the issue to be studied in this thesis, the recent history motivating these influence campaigns, a review of Russian and American measures during the 2016 and 2018 U.S. elections, and an analysis of the effectiveness of these measures using the Kartapolov Framework.

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<sup>87</sup> Timothy J. Colton and Michael McFaul, “Russian Democracy under Putin,” *Problems of Post-Communism* 50, no. 4 (July 2003): 13, <https://doi.org/10.1080/10758216.2003.11656043>.

<sup>88</sup> S., *Russian Active Measures*, 14.

<sup>89</sup> McFaul, *Securing American Elections*, 11.

<sup>90</sup> McFaul, 11.

<sup>91</sup> Starbird, Arif, and Wilson, “Disinformation as Collaborative Work,” 4.

## A. SCOPE OF THESIS

The current Russian information operations targeting U.S. elections can trace their roots to Soviet-era propaganda and disinformation campaigns.<sup>92</sup> Because of the immense longevity and scale of these Russian information operations, it is essential to frame what will be discussed within the confines of this thesis. The critical components to be bounded are time periods covered, types of influence operations, and the social media platforms to be examined.

### 1. Relevant Time Periods

On March 30, 2017, Eugene Rumer, Senior Fellow at the Carnegie Endowment for International Peace, testified before the Senate Select Committee on Intelligence and described active measures as a century-old suite of information warfare tools continuously being used by Russia to advance its ideological objectives and erode the stability of its liberal democratic rivals.<sup>93</sup> The use of disinformation campaigns, i.e., intentionally propagating false or misleading information, is one of the primary tools in their portfolio.<sup>94</sup> Soviet-era active measures evolved and are now “enabled by technology and adapted for a globalized world, their modern incarnations are much more sinister, with far greater range and speed – and, through the Internet, able to influence popular opinion on a scale never before possible.”<sup>95</sup> However, it was only around the 2016 U.S. elections when the Russians deployed these large-scale online disinformation campaigns against the American democratic system.<sup>96</sup> Therefore, this thesis will focus on Russian activities from three distinct periods: (1) preceding and during the 2016 U.S. elections, (2) after the 2016 U.S. elections to preceding the 2018 U.S. midterm elections, and (3) after the 2018 U.S. midterm elections to the 2020 U.S. elections.

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<sup>92</sup> Steve Abrams, “Beyond Propaganda: Soviet Active Measures in Putin’s Russia,” *Connections: The Quarterly Journal* 15, no. 1 (2016): 8, <https://doi.org/10.11610/Connections.15.1.01>.

<sup>93</sup> S., *Russian Active Measures*, 10.

<sup>94</sup> S., *Russian Active Measures*, 10.

<sup>95</sup> Abrams, “Beyond Propaganda,” 8.

<sup>96</sup> Mueller, *Report on the Investigation into Russian Interference in the 2016 Presidential Election*, 2019, 22.

## 2. Types Of Russian Influence Operations

The Russian influence operations directed at the 2016 U.S. Presidential elections are broadly divided into three categories, the last of which will be within the scope of this thesis.<sup>97</sup> The first category is “hack and dump,” wherein Russian hackers breached the DNC computer networks, stole data, and then disseminated it via different online platforms such as WordPress, Twitter, and Wikileaks.<sup>98</sup> The second category is attempted hacks on the actual voting systems in each state. The systems include voter registration databases and online polling equipment. The last category, as described by researchers from New Knowledge, is the “sweeping and sustained” online social media influence campaign perpetrated by the Internet Research Agency “consisting of various coordinated disinformation tactics aimed directly at U.S. citizens, designed to exert political influence and exacerbate social divisions in U.S. culture.”<sup>99</sup>

Online social media influence campaigns conducted by the Internet Research Agency and other Russian-backed organizations will be the focus of this thesis because they have a significant and continuing impact on Americans and democracy. In contrast, the other two types of Russian influence operations, focused on political campaigns and election infrastructure, are only germane to Americans every two years during election seasons. Since the 2016 election, federal agencies and private sector organizations have been actively helping to safeguard political campaigns and election infrastructure from computer intrusions through increased cybersecurity and other security measures. Arguably, campaigns and election systems are better protected now than they were in 2016. Though regularly occurring on a biennial basis, American engagement with the electoral process is little compared to their daily, and sometimes hourly, social media engagement.

In 2019, about 70 percent of all Americans had at least one social media account and used the Internet between 30 minutes to two hours per day.<sup>100</sup> This statistic means the

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<sup>97</sup> DiResta et al., *The Tactics & Tropes of the Internet Research Agency*, 4.

<sup>98</sup> DiResta et al., 4.

<sup>99</sup> DiResta et al., 4.

<sup>100</sup> J. Clement, “Social Media Usage in the United States,” Statista, May 19, 2020, <https://www.statista.com/topics/3196/social-media-usage-in-the-united-states/>.

IRA has daily opportunities to reach out to Americans via social media newsfeeds or posts. Due to First Amendment constraints, federal agencies have little involvement in Americans' usage of social media. Couple this with the fact that social media companies have a vested interest in keeping American users on their platforms. For the most part, Americans are left to fend for themselves on social media platforms.

Research has shown mixed results regarding people's usage of social media. On the one hand, social media usage positively correlates with increased political engagement.<sup>101</sup> On the other hand, users tend to stay on social media platforms longer when engaged with content that conforms to their own opinions, whether factual or not.<sup>102</sup> The social media companies understand this phenomenon and finetune their algorithms to keep feeding content they think users want.<sup>103</sup> The IRA could take advantage of this behavior by inserting itself into the social media ecosystem and working to sow discord and erode the American public's trust in democratic institutions.

### 3. Targeted Social Media Platforms

Despite a vast array of social media platforms, Russians primarily targeted these three of the four most visited ones: #1 – YouTube, a Google subsidiary, #3 – Twitter, and #4 – Facebook.<sup>104</sup> Wikipedia is the #2 most visited website, but not a social media platform and heavily moderated, unlike the other sites.<sup>105</sup> Whereas previous studies focused on discrete periods around a single election (2016, 2018, or 2020), this thesis will review and analyze Russian activities across the entire time when the IRA and other Russian-backed groups have targeted the United States with its social media influence campaigns. The term,

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<sup>101</sup> Sebastián Valenzuela, “Unpacking the Use of Social Media for Protest Behavior: The Roles of Information, Opinion Expression, and Activism,” *American Behavioral Scientist* 57, no. 7 (July 2013): 923, <https://doi.org/10.1177/0002764213479375>.

<sup>102</sup> Armin A. Rad, Mohammad S. Jalali, and Hazhir Rahmandad, “How Exposure to Different Opinions Impacts the Life Cycle of Social Media,” *Annals of Operations Research* 268, no. 1 (2018): 88, <https://doi.org/10.1007/s10479-017-2554-8>.

<sup>103</sup> Rad, Jalali, and Rahmandad, 89.

<sup>104</sup> DiResta and Grossman, *Potemkin Pages & Personas: Assessing GRU Online Operations, 2014–2019*, 6.

<sup>105</sup> Joshua Hardwick, “Top 100 Most Visited websites by Search Traffic (as of 2020),” *Ahrefs* (blog), May 12, 2020, <https://ahrefs.com/blog/most-visited-websites/>.

private sector companies, will refer to the three companies whose social media platforms were the most heavily used by the Russians for their influence operations. Understanding the IRA's activities across this period may reveal the efficacy of actions taken by the private sector companies and the U.S. government in response to the IRA's efforts.

## **B. RECENT HISTORY – THE CAMPAIGNS FROM 2016 TO 2018**

Around 2014, Putin tapped his close ally Yevgeniy Prigozhin to conduct influence operations against the American public.<sup>106</sup> Prigozhin, recognized as “Putin’s Chef,” is a Russian oligarch who owns a conglomerate known as Concord Management, with subsidiaries in various businesses, including catering.<sup>107</sup> Project Lakhta is the umbrella term for Prigozhin-owned firms focused on domestic and overseas influence operations. By September 2016, the monthly operating budget of Project Lakhta was the equivalent of \$1.25 million.<sup>108</sup> One of the businesses under Project Lakhta is the Internet Research Agency, founded around 2013 in St. Petersburg, Russia, to be a sophisticated marketing and influence firm. Organized like a legitimate business, its management group oversees various departments, including finance, information technology, search engine optimization, data analysis, and graphics.<sup>109</sup> Before targeting Americans, IRA employees engaged in around-the-clock influence operations directed at Russian and Ukrainian citizens.<sup>110</sup> In April 2014, a new department called the “Translator Project” was formed to conduct online activities against Americans on the American social media platforms of Twitter, Facebook, Instagram, and YouTube.<sup>111</sup> By July 2016, IRA assigned more than 80 employees to the Translator Project.<sup>112</sup> These machinations showed the Russian

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<sup>106</sup> Mueller, *Report on the Investigation into Russian Interference in the 2016 Presidential Election*, 2019, 5.

<sup>107</sup> U.S. vs. Internet Research Agency LLC, No. 18-cr-00032-DLF (U.S. District Court for the District of Columbia February 16, 2018).

<sup>108</sup> U.S. vs. Internet Research Agency LLC at 7.

<sup>109</sup> U.S. vs. Internet Research Agency LLC at 5.

<sup>110</sup> DiResta et al., *The Tactics & Tropes of the Internet Research Agency*, 6.

<sup>111</sup> U.S. vs. Internet Research Agency LLC at 6.

<sup>112</sup> U.S. vs. Internet Research Agency LLC at 6.

Federation's commitment of personnel and resources to pursue this type of covert online campaigning.

President Putin's initial strategy appeared to be inflaming the existing discord in the American populace and eroding public confidence in American institutions such as free speech and the electoral process. Still, that strategy evolved as it became clear who the nominees would be. By June 2016, Hillary Clinton was the presumptive Democratic nominee and frontrunner for president. Putin was known to despise Clinton during her tenure as Secretary of State during the Obama Administration.<sup>113</sup> She seemed to be the ideological opposite of Putin. Clinton believed in multilateral international cooperation, wanted to strengthen NATO, desired increased sanctions for Russia's occupation of Crimea, and advocated for fair elections and greater freedoms within Russia.<sup>114</sup> Putin may have sensed that Donald Trump's rise as a legitimate candidate offered an avenue to advance his anti-American agenda. Putin's strategy evolved as the presidential campaign season continued through the summer, supporting Trump as its centerpiece.<sup>115</sup> The Russian covert influence operation pivoted to helping the Trump campaign, in addition to its continued efforts to tear down the Clinton campaign.<sup>116</sup> An IRA-purchased political advertisement on Facebook reflected its efforts to target Clinton in Figure 2. This behavior showed the adaptability of the Russians to make use of contemporaneous events for their advantage.

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<sup>113</sup> McFaul, *Securing American Elections*, 14.

<sup>114</sup> McFaul, 14.

<sup>115</sup> Office of the Director of National Intelligence, *Assessing Russian Activities and Intentions*, 7.

<sup>116</sup> Mueller, "Report on The Investigation into Russian Interference in the 2016 Presidential Election," 5.

Figure 2. Facebook Political Advertisement Targeting Hillary Clinton.<sup>117</sup>

### 1. What Happened During the 2016 U.S. Elections?

The Russian influence campaigns utilizing American social media platforms started around 2013 and extended through the 2016 U.S. elections.<sup>118</sup> Reviewing the Russian measures and the countermeasures taken by the private sector companies and the U.S. government during this time sets up the baseline for comparison to the Russian and American activities during the 2020 U.S. elections. Moreover,

<sup>117</sup> Source: “HPSCI Minority Open Hearing Exhibits,” Permanent Select Committee on Intelligence, accessed March 20, 2021, <https://intelligence.house.gov/hpsc-11-1/hpsc-minority-open-hearing-exhibits.htm>.

<sup>118</sup> DiResta et al., *The Tactics & Tropes of the Internet Research Agency*, 6.

examining these actions across three separate elections may reveal trends and evolutions in tactics by the Russians and Americans.

**a. *The IRA's Social Media Activities***

Before the 2016 U.S. Elections, the Internet Research Agency's influence operations against the American public encompassed three lines of effort. First, IRA employees made and maintained fake user accounts and pages on social media platforms that covered a range of political issues.<sup>119</sup> For these accounts and pages, the IRA employees generated organic content to ingratiate themselves with online communities and amplify or steer the themes discussed in these communities. Second, IRA employees used social media bots, i.e., computer programs which control social media accounts, to amplify existing content.<sup>120</sup> Third, IRA employees covertly purchased online advertisements from social media companies to enhance their organic content and drive online traffic to sites controlled by them.<sup>121</sup> In the marketing world, advertisements are known as "paid content." In contrast, organic content refers to unpaid messaging generated by people that helped foster support for a product or brand through voluntary and spontaneous recommendations by users.<sup>122</sup> Although the IRA employees were being paid, they impersonated regular users on the social media platforms so their messaging could look authentic. Ironically, Russians masqueraded as Americans and weaponized free speech to foment division and corrode Americans' faith in such speech.

For the first line of effort, the IRA managed its influence operations like a digital marketing campaign.<sup>123</sup> It created false personas and imitated activist groups on the left and right sides of the political spectrum. These personas and groups extended across

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<sup>119</sup> U.S. vs. Internet Research Agency LLC at 14.

<sup>120</sup> Dhiraj Murthy et al., "Bots and Political Influence: A Sociotechnical Investigation of Social Network Capital," *International Journal of Communication* 10 (2016): 4.

<sup>121</sup> Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 17.

<sup>122</sup> Nicole A. Buzzetto-More, "Social Media and Prosumerism," *Issues in Informing Science and Information Technology* 10 (July 2013): 75.

<sup>123</sup> DiResta et al., *The Tactics & Tropes of the Internet Research Agency*, 6.

multiple social media platforms.<sup>124</sup> Philip Howard, University of Oxford researcher, opined that “users were more likely to assume the credibility of the false organizations set up by the IRA with a presence across multiple platforms, operating websites, YouTube channels, Facebook pages, Twitter accounts, and even PayPal accounts set up to receive donations.”<sup>125</sup> Viewers believed these were legitimate because of the extraordinary efforts the personas and groups had taken. To finetune its messaging, IRA employees visited the United States in 2014 to learn about American culture, gather intelligence, and take photographs later used to enhance the authenticity of their false online personas.<sup>126</sup> The care the IRA took showed its deep commitment and calculation in its endeavors to harness American-style free speech to undermine trust in democracy.

When reviewing the IRA-generated Facebook content, some themes emerge. First, on the left end of the political spectrum, the IRA’s efforts targeted minority groups to suppress voter turnout.<sup>127</sup> Topics of messaging included anti-government rhetoric, boycotting the election, following the wrong voting procedures, and scaring voters from showing up at polling locations.<sup>128</sup> Figure 3 illustrates an example of IRA-purchased political advertisements on Facebook with anti-government messaging targeting black voters. Second, on the right end of the political spectrum, the IRA promoted conspiracy theories, stopping legal and illegal immigration, protecting gun rights and religious freedom, and other relevant issues for conservatives (see Figure 4).<sup>129</sup> Again, the efforts were presumably targeting conservatives to drive up voter turnout.

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<sup>124</sup> F. Sattelberger, “Optimising Media Marketing Strategies in a Multi-Platform World: An Inter-Relational Approach to Pre-Release Social Media Communication and Online Searching,” *Journal of Media Business Studies* 12, no. 1 (2015): 66, <https://doi.org/10.1080/16522354.2015.1027117>.

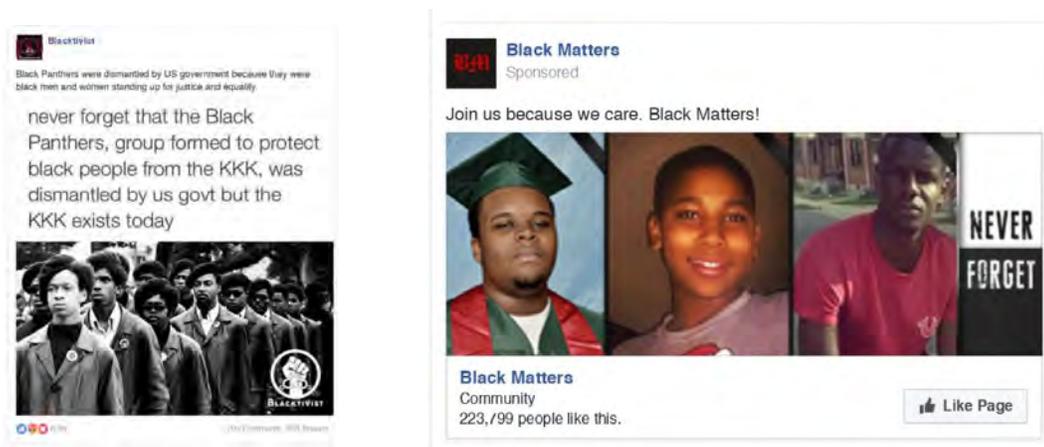
<sup>125</sup> Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 8.

<sup>126</sup> Mueller, *Report on the Investigation into Russian Interference in the 2016 Presidential Election*, 2019, 14.

<sup>127</sup> Linvill and Warren, “Engaging with Others,” 2.

<sup>128</sup> Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 3.

<sup>129</sup> Howard et al., 3.

Figure 3. Facebook Political Ads Targeting Black voters.<sup>130</sup>Figure 4. Facebook Political Ads Targeting Right-Wing Voters.<sup>131</sup>

The ratios of IRA-generated content on Facebook changed through the course of 2016. In the first half of 2016, over half of all the most active IRA-made Facebook accounts targeted right-wing audiences with posts discussing the topics referenced above.<sup>132</sup> This phenomenon happened before Trump had won the Republican presidential nomination. Explicit mentions of Trump increased by mid-2016 after he secured the nomination and

<sup>130</sup> Source: "HPSCI Minority Open Hearing Exhibits."

<sup>131</sup> Source: "HPSCI Minority Open Hearing Exhibits."

<sup>132</sup> Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 33.

focused on amplifying the anti-immigrant rhetoric, which was a hallmark of the Trump campaign.<sup>133</sup> Howard summed up his analysis by stating it was “clear that the IRA sought to energize conservatives around Trump’s campaign and encourage the cynicism of other voters in an attempt to neutralize their vote.”<sup>134</sup> Howard’s examination concluded that the Russians sought to elicit specific behavior, namely encouraging right-wing voters to turn out for Trump and discouraging left-wing and minority voters from going to the polls.<sup>135</sup>

A review of Twitter activities in 2016 showed similar behavior to the IRA’s activities on Facebook.<sup>136</sup> In further support of the idea that the IRA treated its influence operations as a marketing campaign, Josephine Lukito, a University of Wisconsin researcher, observed the IRA posting messages on Reddit before similar messages appeared on Twitter.<sup>137</sup> Lukito assessed that the IRA could have been using Reddit to test message resonance before deployment to Twitter.<sup>138</sup> From July 2, 2015 to May 31, 2017, there were about 1.9 million tweets but only 12,603 Reddit posts.<sup>139</sup> Lukita noted that “Twitter’s centrality to the IRA’s campaign may also explain why more content was produced on Twitter relative to Reddit.”<sup>140</sup> Lukita suggested that Reddit’s usage may have been a “trial balloon” and opined it could be evidence of the IRA treating their social media influence operation like a marketing campaign.<sup>141</sup> One of the campaign’s central goals appeared to be influencing voter turnout during the elections, which was similar to what Philip Howard had concluded.<sup>142</sup>

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<sup>133</sup> Howard et al., 33.

<sup>134</sup> Howard et al., 32.

<sup>135</sup> Howard et al., 3.

<sup>136</sup> Howard et al., 27.

<sup>137</sup> Josephine Lukito, “Coordinating a Multi-Platform Disinformation Campaign: Internet Research Agency Activity on Three U.S. Social Media Platforms, 2015 to 2017,” *Political Communication* 37, no. 2 (2020): 249, <https://doi.org/10.1080/10584609.2019.1661889>.

<sup>138</sup> Lukito, 249.

<sup>139</sup> Lukito, 249.

<sup>140</sup> Lukito, 249.

<sup>141</sup> Lukito, 238.

<sup>142</sup> Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 19.

In contrast to the IRA activities on Facebook and Twitter, the YouTube videos provided by Google to the Senate Select Committee on Intelligence revealed that most of them were used to target African Americans.<sup>143</sup> It is unclear why the IRA chose this platform to target African Americans specifically. However, because Google provided only a limited amount of data for public research, making any general conclusions regarding IRA activities on Google's platforms is difficult.<sup>144</sup> YouTube is the most visited site in the United States, mainly used for broadcasting videos.<sup>145</sup> It does not facilitate two-way communications as quickly as the other two platforms.<sup>146</sup> As on the other two platforms, the Senate Intelligence Committee assessed the intent of the YouTube videos might have been to suppress black voter turnout since the YouTube videos were primarily targeted at African Americans.<sup>147</sup>

The sheer magnitude of the IRA's social media campaign targeting the United States was unparalleled in the digital age. Researchers retained by the SSCI estimated the IRA had uploaded over 1,000 videos on YouTube and reached a significant number of American users: 59 percent on Facebook, 19 percent on Instagram, and two percent on Twitter.<sup>148</sup> In table 1, the Special Counsel's Office estimated the number of people reached by a Facebook posting or a Twitter tweet. Although the ultimate number of individual American voters influenced by the IRA remains unclear, table 1 reveals the scale of the reach by the social media platforms.

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<sup>143</sup> Howard et al., 18.

<sup>144</sup> Howard et al., 9.

<sup>145</sup> Hardwick, "Top 100 Most Visited websites by Search Traffic (as of 2020)."

<sup>146</sup> Hardwick.

<sup>147</sup> *Russian Active Measures Campaigns: Volume 2*, 6.

<sup>148</sup> DiResta et al., *The Tactics & Tropes of the Internet Research Agency*, 6.

Table 1. Reach of IRA-controlled Social Media Accounts<sup>149</sup>

Social Media Platform	Number of Accounts	Number of Users Reached
<b>Facebook</b>	470	126,000,000
<b>Twitter</b>	3,814	1,400,000

For the second line of effort, the IRA amplified real user accounts whose identities, behavior, and content aligned with the IRA’s strategic goals.<sup>150</sup> Clemson University researchers discovered over 100,000 real user accounts amplified by IRA-controlled social media bots.<sup>151</sup> They noted the IRA-targeted accounts with fewer followers for amplification and speculated these types of accounts would generate less scrutiny from the social media companies or perhaps wanted to increase these accounts’ prominence to serve their ends. Immediately before and after the 2016 U.S. elections, the IRA changed from generating its own original content to amplifying real users’ messages. The IRA may have presumed that real users’ posts would be more impactful and resonant with American viewers.<sup>152</sup> This shift showed the IRA’s continued evolution to maximize its effectiveness.

For the third line of effort, the IRA purchased online advertisements from the social media companies to complement its other activities.<sup>153</sup> In 2016, the IRA spent about \$100,000 on Facebook and \$5,000 on Google.<sup>154</sup> Twitter noted that the Kremlin-controlled media site, Russia Today, spent about \$274,000 in online advertisements to

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<sup>149</sup> Adapted from Mueller, *Report on the Investigation into Russian Interference in the 2016 Presidential Election*, 2019, 15.

<sup>150</sup> Mueller, *Report on the Investigation into Russian Interference in the 2016 Presidential Election*, 2019, 26.

<sup>151</sup> Linvill and Warren, “Engaging with Others,” 3.

<sup>152</sup> Linvill and Warren, 3.

<sup>153</sup> U.S. Congress. Senate Select Committee on Intelligence, *Russian Active Measures Campaigns: Volume 2*, 7.

<sup>154</sup> Patrick Savage, *Russian Social Media Information Operations: How Russia Has Used Social Media to Influence U.S. Politics* (Washington, DC: American Security Project, 2017), 1, <https://www.hsdl.org/?view&did=808713>.

promote over 1,800 tweets on its platform.<sup>155</sup> The IRA was very tactical in its advertising campaign. Using “race, ethnicity, and self-identity” as categories allowed it to use Facebook and Instagram to target specific demographic groups.<sup>156</sup> Then, it would run advertising targeting each of these demographic groups to drive users to IRA-created social media content.<sup>157</sup> The IRA employed different tactics for the purchase of Google online advertisements. In this case, Google ads guided users to various IRA-controlled websites and domains.<sup>158</sup> Marketing research indicates organic content has more resonance than paid content (i.e., advertisements).<sup>159</sup> Since the IRA’s online advertising campaign primarily drove users to the organic content, evaluating its success is difficult. The Senate Select Committee on Intelligence concluded that the advertisements were not a vital component of the IRA’s campaign.<sup>160</sup> However, the IRA used different techniques to further its social media influence operation, showing flexibility and adaptability.

***b. Private Sector Countermeasures***

In broad terms, organizations may take three categories of actions to counter influence operations: security, transparency, and resiliency. Security measures involve the monitoring, detection, and neutralization of threats. Transparency measures comprise information sharing to relevant stakeholders, whether between organizations, organizations and individuals, or the general public. Transparency measures also promote trust by allowing people to see what is going on. Finally, resiliency measures involve taking steps to be able to recover quickly from adverse situations.

During and immediately after the 2016 U.S. elections, the Big Three social media companies of Facebook, Google, and Twitter were utterly unaware of the IRA’s massive

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<sup>155</sup> Savage, 1.

<sup>156</sup> Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 17.

<sup>157</sup> Howard et al., 17.

<sup>158</sup> Howard et al., 17.

<sup>159</sup> Buzzetto-More, “Social Media and Prosumerism,” 75.

<sup>160</sup> S., *Russian Active Measures Campaigns: Volume 2*, 7.

influence campaign across all of their platforms.<sup>161</sup> The social media companies had no countermeasures in place to mitigate or disrupt the IRA's activities. Even if they had been aware, whether the social media companies would have taken any serious actions cannot be known for sure. Comments from Mark Zuckerberg, Founder and Chief Executive Officer of Facebook, on November 11, 2016, exemplified the companies' mindset when he famously said the notion that fake news would have any impact on the presidential elections was "a pretty crazy idea."<sup>162</sup> The social media companies took no security, transparency, or resilience measures. Ultimately, they offered no resistance to the IRA's malign activities during the 2016 U.S. elections.

*c. U.S. Government Countermeasures*

The private sector and U.S. government's efforts were disconnected ahead of the 2106 elections. Although U.S. government agencies, such as the FBI, monitored Russian influence operations, none of their acquired intelligence was relayed to the social media companies to protect their platforms.<sup>163</sup> Ambassador McFaul noted that cooperation between the technology companies and the U.S. government was "almost non-existent" before the 2016 U.S. Elections in the post-Snowden leak era.<sup>164</sup> This condition showed an almost complete lack of transparency between the two entities.

The U.S. government's attempts at security or transparency measures did not come until late into the presidential campaign season. The first official statement regarding the 2016 elections from the U.S. government came on October 7, 2016, when the Department of Homeland Security and Office of the Director of National Intelligence issued a one-page joint statement attributing the hack of the DNC and multiple hacking attempts against state election infrastructure to the Russian Federation.<sup>165</sup> However, the statement provided no technical details and only general cybersecurity guidance. The joint statement's intended

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<sup>161</sup> McFaul, *Securing American Elections*, 43.

<sup>162</sup> Shahani, "Zuckerberg Denies Fake News on Facebook Had Impact on The Election."

<sup>163</sup> McFaul, *Securing American Elections*, 43.

<sup>164</sup> McFaul, *Securing American Elections*, 43.

<sup>165</sup> "Joint Statement from the Department of Homeland Security and Office of the Director of National Intelligence on Election Security."

effect may have been to inform the American electorate of malign actions being taken by Russia. Though such an effect was probably diminished because on the same day, the media was focused on the breaking news that Donald Trump had made lewd comments about women to Entertainment Tonight reporter Billy Bush in 2005 when the *Washington Post* released a video of their conversation.<sup>166</sup>

The second set of transparency and security-related actions from the U.S. government came on December 29, 2016, which was well after the elections. As an act of transparency, the FBI and DHS issued a joint action report titled “GRIZZLY STEPPE—Russian Malicious Cyber Activity.” The report provided an overview of the Russian hacking activities ahead of the election and shared technical details.<sup>167</sup> If the U.S. government had provided this information ahead of the elections, especially the technical details, it could have helped political organizations and campaigns safeguard their computer networks and electronic devices. As another security and transparency action by the U.S. government, the Department of the Treasury publicly sanctioned nine Russians and two Russian intelligence agencies, the Federal Security Service (FSB) and the General Military Intelligence Directorate, for election-related cybercrimes.<sup>168</sup> It also sanctioned two Russian hackers for financial cybercrimes under the same executive order (E.O. 13694).<sup>169</sup> The purpose of these sanctions was to expose the American public to all of the Russian activities directed against the U.S. elections. Other sanctions such as those imposed by the Magnitsky Act have illuminated Russian oligarchs’ and bureaucrats’ corrupt financial dealings while relinquishing their ill-gotten funds.<sup>170</sup> Although these actions showed a proportional response from the U.S. government, the effect of such

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<sup>166</sup> THR Staff, “Donald Trump Caught on Hot Mic in 2005 Talking About Women: ‘When You’re a Star, They Let You Do It,’” News, *Hollywood Reporter*, October 7, 2016, <https://www.hollywoodreporter.com/news/donald-trump-caught-hot-mic-936343>.

<sup>167</sup> Department of Homeland Security and Federal Bureau of Investigation, *GRIZZLY STEPPE – Russian Malicious Cyber Activity*.

<sup>168</sup> Dianne E. Rennack, *U.S. Sanctions on Russia: An Overview*, CRS Report No. IF10779 (Washington, DC: Congressional Research Service, 2018), <https://www.hsdl.org/?view&did=813693>.

<sup>169</sup> Rennack.

<sup>170</sup> Julia Ioffe, “Why Does the Kremlin Care So Much about the Magnitsky Act?,” *The Atlantic*, July 27, 2017, <https://www.theatlantic.com/international/archive/2017/07/magnitsky-act-kremlin/535044/>.

actions as a deterrent for future Russian meddling in U.S. elections remains indeterminate. U.S. economic sanctions imposed after the annexation of Crimea did not deter Russia from its occupation of certain parts of Eastern Ukraine but may have curtailed further encroachment into Ukraine.<sup>171</sup>

During this period, the last transparency action from the U.S. government came on January 6, 2017, when the ODNI issued a supplemental report to the previously published GRIZZLY STEPPE report. This report aimed to lay out the U.S. government's analytical process and provide additional details justifying the attribution of election interference to the Russian Federation.<sup>172</sup> Unfortunately, whether this belated disclosure meaningfully affected public discourse or Americans' understanding of the activities surrounding the 2016 U.S. Elections is nebulous at best.

***d. Using the Kartapolov Framework to Evaluate Russian & American Measures in 2016***

As mentioned in the Research Design section, Thomas Wilhelm, Director of the U.S. Army's Foreign Military Studies Office, developed a framework to understand how asymmetric techniques fit within the Russian philosophy of warfare to achieve its goals. This framework was inspired by Wilhelm's analysis of the writings and speeches of Russian Deputy Minister of Defense, Andrei V. Kartapolov.<sup>173</sup> Using the Kartapolov Framework offers an organized structure to evaluate the effectiveness of the Russian measures and American countermeasures. As a reminder, the relevant elements of the Kartapolov Framework for analyzing Russian social media-based influence operations against the United States are: (1) spreading discontent in the population; (2) exerting political pressure; and (3) confusing the political leadership.<sup>174</sup> These elements will be used to gauge the effectiveness of the Russian measures targeting the 2016 elections. In addition, the

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<sup>171</sup> Nigel Gould-Davies, "Russia, the West and Sanctions," *Survival* 62, no. 1 (January 2, 2020): 19, <https://doi.org/10.1080/00396338.2020.1715060>.

<sup>172</sup> Office of the Director of National Intelligence, *Assessing Russian Activities and Intentions*.

<sup>173</sup> Wilhelm, "A Russian Military Framework," 35.

<sup>174</sup> Kartapolov, "Lessons of Military Conflict, Perspectives on the Development of the Related Forms and Methods," 36.

American countermeasures will be assessed in terms of their effectiveness in mitigating the aforementioned elements.

The critical elements of the Kartapolov Framework can easily be superimposed on the 2016 activities of the IRA's campaign in a step-by-step fashion.<sup>175</sup> The first element, spreading discontent in the population, described the IRA's precise method of targeting different demographic groups with fake content, amplifying actual user content, and purchasing advertising. Researchers concluded that IRA's tailored messaging aimed to motivate conservatives to vote while suppressing liberals, specifically black voters.<sup>176</sup> A record number of Americans voted in 2016, but Black voter turnout dropped from its 2012 levels.<sup>177</sup> Table 2 below illustrates the decreased Black voter turnout levels. The Pew Research Center said voter turnout percentages among the other racial demographics stayed about the same.<sup>178</sup>

Table 2. Comparison of Black Voter Turnout for Presidential Elections.<sup>179</sup>

Election Year	Black Voter Turnout
<b>2012</b>	66.6%
<b>2016</b>	59.6%
<b>Change</b>	<b>-7.0%</b>

A direct correlation between the IRA's activities and lower Black voter turnout cannot be determined within the scope of this thesis. American voters' motivations to vote

<sup>175</sup> Wilhelm, "A Russian Military Framework," 35.

<sup>176</sup> Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 39.

<sup>177</sup> Jens Manuel Krogstad and Mark Hugo Lopez, "Black Voter Turnout Fell in 2016, Even as a Record Number of Americans Cast Ballots," FactTank: News in the Numbers, May 12, 2017, <https://www.pewresearch.org/fact-tank/2017/05/12/black-voter-turnout-fell-in-2016-even-as-a-record-number-of-americans-cast-ballots/>.

<sup>178</sup> Krogstad and Lopez.

<sup>179</sup> Adapted from Krogstad and Lopez.

or not vote are myriad and not always easy to discern. Chryl Laird, Bowdoin College professor, suggested that Black voter turnout fell in 2016 because the Black community did not have the same incentives to vote as they did in 2008 and 2012 when there was a Black candidate for president.<sup>180</sup> It is still unclear whether the IRA's operation contributed to the record number of Americans voting or suppressing turnout among Black voters in 2016. What is clear is that the IRA deliberately intended to influence American voters' behavior regarding the elections and possibly eroded their faith in the electoral process.

For the second element of the framework, exerting political pressure, the IRA's efforts seemed to impact the U.S. government as its responses appeared delayed and muted. After the Senate Intelligence Committee issued its report reviewing the response of the Obama Administration to the Russian interference, Senator Richard Burr commented that they were "frozen by 'paralysis of analysis,' hamstrung by constraints both real and perceived; Obama officials debated courses of action without truly taking one."<sup>181</sup> In this report, the Senate Intelligence Committee noted that the FBI and DHS did not provide the general public or state and county election officials with notifications about the malicious cyber activities until the late summer of 2016.<sup>182</sup> Because the activities were not attributed to Russia, these notifications would not have drawn much scrutiny.<sup>183</sup> The third element of the framework, confusing political leadership, appeared in one of the SSCI report findings, which noted that government officials were conflicted about making public announcements for fear of feeding the political narratives about insecure or fraudulent elections.<sup>184</sup>

The social media companies were utterly caught by surprise and had no awareness of the malign Russian influence activities on their platforms. As such, they did not take any

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<sup>180</sup> Chryl Laird, "Why Black Voter Turnout Fell in 2016," Vox, January 15, 2020, <https://www.vox.com/mischiefs-of-faction/2018/1/15/16891020/black-voter-turnout>.

<sup>181</sup> Tucker Higgins, "Obama Response to 2016 Russian Election Meddling Had 'many Flaws,' Senate Report Finds," CNBC, February 6, 2020, <https://www.cnbc.com/2020/02/06/obama-response-to-2016-russian-meddling-had-many-flaws-senate-report.html>.

<sup>182</sup> *Russian Active Measures Campaigns: Volume 1*, 4.

<sup>183</sup> S., *Russian Efforts against Election Infrastructure*, 4.

<sup>184</sup> S., *Russian Efforts against Election Infrastructure*, 4.

action against the Internet Research Agency's influence campaign in 2016. Instead, these companies allowed the IRA free rein to achieve the relevant elements of the Kartapolov Framework. However, later on, intense pressure from U.S. lawmakers and the media would eventually force the social media companies to examine what had taken place on their platforms and strive to ensure it did not happen in the future.<sup>185</sup>

Reviewing the U.S. government's countermeasures through the Kartapolov Framework revealed its ineffectiveness to counter the Internet Research Agency's efforts. For the first element of the framework, the IRA had an unfettered ability to conduct information operations on social media and spread discontent throughout the American population. Not until October 2016 did the U.S. government take any action. However, the one-page statement from DHS and the ODNI attributing election interference to Russia did not make an impression with Americans as news media reporting on the tawdry revelations of the Trump discussion on the Entertainment Tonight video and the hacked emails from John Podesta likely overwhelmed all other news coverage.<sup>186</sup>

For the second element, the Russian activities appeared to exert tremendous political pressure on the Obama White House. Multiple news media outlets reported that in the summer of 2016, President Obama was reluctant to take explicit actions because he did not want to appear to be influencing the election in favor of Clinton.<sup>187</sup> By the same token, the third element involved confusing the political leadership. Whether the IRA's tactics perplexed the Obama administration is moot because the delayed governmental

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<sup>185</sup> *Report on Russian Active Measures; Report of the House Permanent Select Committee*; March 20, 2017; *Russian Active Measures Campaigns: Volume 1; Putin's Asymmetric Assault on Democracy in Russia and Europe: Implications for U.S. National Security*, S.Rpt. 115-21 (Washington, DC: Government Publishing Office, 2018), <https://www.hsdl.org/?view&did=806949>; *Mass Violence, Extremism, and Digital Responsibility: Hearing before the Committee on Commerce, Science, and Transportation*, Senate, 116th Cong., 1st sess., September 18, 2019, <https://www.commerce.senate.gov/2019/9/mass-violence-extremism-and-digital-responsibility>.

<sup>186</sup> Devlin Barrett and Damian Paletta, "FBI Suspects Russia in Hack of John Podesta Emails," *Wall Street Journal*, October 12, 2016, <https://www.wsj.com/articles/top-russian-officials-shift-away-from-denying-dnc-hack-1476295233>; THR Staff, "Donald Trump Caught on Hot Mic in 2005 Talking About Women."

<sup>187</sup> Philip Ewing, "FACT CHECK: Why Didn't Obama Stop Russia's Election Interference In 2016?," National Public Radio, February 21, 2018, <https://www.npr.org/2018/02/21/587614043/fact-check-why-didnt-obama-stop-russia-s-election-interference-in-2016>.

response represented the result that the Russians would have desired. The U.S. government's actions in the form of the FBI/DHS joint report detailing Russian activities and the Treasury Department's economic sanctions did not come until well after the elections had already been decided. The U.S. Intelligence Community assessed that Putin and Russia perceived their ability to shape the American discourse and influence the outcome of the 2016 U.S. Elections to be at least a "qualified success" and that there would be little negative impact to continuing their online operations.<sup>188</sup>

Evaluating the Russian and American efforts using the Kartapolov Framework for this period revealed that Russia was the ultimate winner of the 2016 U.S. elections. The IRA's social media campaign had fulfilled the Kartapolov Framework's core tenets of spreading discontent in the population, exerting political pressure, and confusing political leadership.<sup>189</sup> The American efforts ranged from non-existent, in the case of the social media companies, to ineffective, in the case of the U.S. government.

## **2. What Happened During the 2018 U.S. Midterm Elections?**

After the 2016 U.S. Elections, the Internet Research Agency's online operations continued unabated through the 2018 U.S. Elections.<sup>190</sup> Analyzing the IRA's activities and the countermeasures taken by the private sector companies and the U.S. government revealed how their tactics have evolved. The effectiveness of the Russian and American measures was evaluated using the Kartapolov Framework.

### ***a. The IRA's Social Media Activities***

Despite being outed by the media and the U.S. government in late 2016, the IRA appeared to operate without interruption at almost the same levels in 2017 and 2018. This success indicated that the IRA continued to be a well-financed organization and a

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<sup>188</sup> Office of the Director of National Intelligence, *Assessing Russian Activities and Intentions*, 5.

<sup>189</sup> Wilhelm, "A Russian Military Framework," 35.

<sup>190</sup> Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 3.

seemingly worthwhile investment for Yevgeniy Prigozhin, Putin’s close ally.<sup>191</sup> The IRA’s financial strength is shown in Table 3. Given the power structure in Russia, Putin likely knew of and approved of these activities.<sup>192</sup> From his perspective, Putin had won the battle of 2016 and wanted to continue the social media campaign as part of the ideological struggle between Russia and the United States.<sup>193</sup>

Table 3. IRA Spending Plan for 2017 and 2018.<sup>194</sup>

Year	Budget
2017	\$12,000,000
2018	\$10,000,000 (January through June)

Oxford researcher Philip Howard observed the IRA taking advantage of prominent events by timing its online advertising purchases to coincide with events such as the announcement of the Trump tax plan and U.S. military strikes in Afghanistan and Syria.<sup>195</sup> This development may suggest the IRA had honed its skills to cater to the users it engaged. A second reason could be that the IRA shifted much of its social media activities from Facebook to Instagram. Because Instagram is more image-focused, it could be more conducive to the meme operations which the IRA appeared to favor. In addition, Instagram recognized the importance of meme campaigns and hired a manager focused solely on the

<sup>191</sup> Peter Laurence, “Powerful ‘Putin’s Chef’ Cooks up Murky Deals,” *BBC News*, November 4, 2019, Online edition, sec. Europe, <https://www.bbc.com/news/world-europe-50264747>.

<sup>192</sup> *Report on Russian Active Measures*, 1.

<sup>193</sup> DiResta et al., *The Tactics & Tropes of the Internet Research Agency*, 99.

<sup>194</sup> Adapted from DiResta et al., *The Tactics & Tropes of the Internet Research Agency*; Department of Justice, “Russian National Charged with Interfering in U.S. Political System,” United States Attorney’s Office Eastern District of Virginia, October 19, 2018, <https://www.justice.gov/usao-edva/pr/russian-national-charged-interfering-us-political-system>.

<sup>195</sup> Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 3.

meme community.<sup>196</sup> Lastly, DiResta stated that groups of low-paid workers, known as click farms, could have been used by the IRA to fraudulently make their Instagram accounts more prominent than they otherwise would have been through organic user engagement.<sup>197</sup>

An analysis of the IRA's Twitter activities from 2014 to 2018 uncovered the sophistication used to target distinct online communities. Specifically, the IRA targeted people from different demographic groups based on their political issues of interest<sup>198</sup> Approximately half of all the tweets from the IRA-controlled accounts happened in 2017.<sup>199</sup> This targeted approach indicated a certain mastery of the platform and seemed to be focused on fomenting dissension among the different groups identified by the IRA.

The IRA continued using online advertising through 2017 before social media companies adjusted their ad purchasing policies, effectively shutting them out.<sup>200</sup> Thus, at least through 2017, the IRA's tactics appeared to be relatively unchanged. Ostensibly, the IRA's continued social media activities on these platforms were meant to set the stage for influencing voter opinions and turnout ahead of the 2018 U.S. Midterm Elections and beyond.

***b. Private Sector Countermeasures***

Before the 2018 U.S. Midterm Elections, Facebook, Google, and Twitter announced they had taken substantive actions and policy changes to address malign foreign influence and election integrity issues on their platforms.<sup>201</sup> These actions seemed to be

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<sup>196</sup> Heather Leighton, "For Instagram's 10th Birthday, Experts Predict The Future Of Meme Culture," *Forbes*, October 7, 2020, <https://www.forbes.com/sites/heatherleighton/2020/10/07/for-instagram-10th-birthday-experts-predict-the-future-of-meme-culture/>.

<sup>197</sup> DiResta et al., *The Tactics & Tropes of the Internet Research Agency*, 8.

<sup>198</sup> Freelon and Lokot, "Russian Disinformation Campaigns on Twitter Target Political Communities across the Spectrum. Collaboration between Opposed Political Groups Might Be the Most Effective Way to Counter It.," 3.

<sup>199</sup> Freelon and Lokot, 3.

<sup>200</sup> Facebook, "Facebook - Preventing Election Interference"; Google Threat Analysis Group, "Google Safety & Security"; Twitter, "Elections Integrity."

<sup>201</sup> Facebook, "Facebook - Preventing Election Interference"; Google Threat Analysis Group, "Google Safety & Security"; Twitter, "Elections Integrity."

focused on security and transparency measures. Facebook and Twitter appeared to be the most detailed in sharing their changes and the most public about account takedowns. A possible reason could be that Facebook and Twitter faced more Congressional scrutiny than Google as their senior executives testified before Congress on three separate occasions before the midterm elections.<sup>202</sup> In one of the hearings, Google was also in attendance but appeared more circumspect about account takedown notifications because it did not observe as many IRA-controlled accounts on YouTube.<sup>203</sup> In fact, Google only announced the takedown of one IRA-controlled YouTube account ahead of the 2018 midterm elections.<sup>204</sup>

Facebook stated it took a series of measures to protect its platform: (1) “better collaboration with governmental, non-governmental, and technology companies to identify and disrupt new threats; (2) hiring fact-checking organizations to review content and; (3) improved technological methods for detecting fake accounts.”<sup>205</sup> Facebook also changed its advertising purchasing policies to make the buyers transparent and maintains a library of purchased political advertisements. Most notably, Facebook began to publicize its detection and takedowns of fake accounts and pages. In 2018, Facebook announced three takedowns totaling 597 Facebook pages, 287 Facebook accounts, and 99 Instagram accounts.<sup>206</sup> Thus, whether bowing to political pressure or genuinely wanting to reform, Facebook appeared to take tangible actions to combat foreign influence campaigns.

Google and Twitter also took countermeasures ahead of the 2018 U.S. midterm elections. For example, Google announced improved cybersecurity measures to protect

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<sup>202</sup> Kang, Fandos, and Isaac, “Tech Executives Are Contrite About Election Meddling, but Make Few Promises on Capitol Hill”; Tony Romm, “5 Things We Learned When Facebook, Google, and Twitter Testified to Congress About Russia’s Election Meddling,” Recode Daily, October 31, 2017, <https://www.vox.com/2017/10/31/16588032/facebook-google-twitter-congress-russia-election-2016-tech-hearings-franken-cruz-graham>; Katy Steinmetz, “Lawmakers Hint at Regulating Social Media During Hearing with Facebook and Twitter Execs,” *Time*, September 5, 2018, <https://time.com/5387560/senate-intelligence-hearing-facebook-twitter/>.

<sup>203</sup> Kang, Fandos, and Isaac, “Tech Executives Are Contrite About Election Meddling, but Make Few Promises on Capitol Hill.”

<sup>204</sup> Google Threat Analysis Group, “Google Safety & Security.”

<sup>205</sup> Facebook, “Facebook - Preventing Election Interference.”

<sup>206</sup> Facebook.

political campaigns and their platforms.<sup>207</sup> During the same year, Twitter indicated its efforts included improving its algorithms to detect and takedown social media bots, establishing an internal cross-functional team to handle foreign influence threats, modifying its advertising policies to promote buyer transparency, updating its terms of service to ban all inauthentic behavior, and enhancing the security configuration settings for the application programming interface.<sup>208</sup> In addition, Twitter highlighted its intelligence sharing with Jigsaw, Google, other social media companies, and law enforcement agencies.<sup>209</sup> In October 2018, Twitter released an archive of foreign-influence-related account information so “members of the public, governments, and researchers can investigate, learn, and build media literacy capacities for the future.”<sup>210</sup> In 2018, Twitter announced the takedown of 3,613 IRA-associated accounts.

On the one hand, Google’s response to the Russian influence campaigns appeared to be subdued, likely because YouTube had not played a significant role in the IRA’s playbook for 2016. For example, Howard noted that Google only provided 228 YouTube 2016 election-related videos to the Senate Intelligence Committee, and each video was viewed about 1,500 times or less.<sup>211</sup> On the other hand, Twitter’s response was similar to Facebook’s and made substantive efforts to combat malign foreign influence on its platform. As a result, the number of accounts taken down by Facebook and Twitter in 2018 was roughly commensurate with the number of accounts discovered after the 2016 U.S. elections. The reason for this disparity in the number of IRA accounts on each platform is indeterminate.

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<sup>207</sup> Google Threat Analysis Group, “Google Safety & Security.”

<sup>208</sup> Carlos Monje Jr., “2018 U.S. Midterm Elections Review,” *Twitter Company* (blog), January 31, 2019, [https://blog.twitter.com/en\\_us/topics/company/2019/18\\_midterm\\_review.html](https://blog.twitter.com/en_us/topics/company/2019/18_midterm_review.html).

<sup>209</sup> Twitter, “Elections Integrity.”

<sup>210</sup> Twitter, “Retrospective Review Twitter, Inc. and the 2018 Midterm Elections in the United States,” Twitter, February 4, 2019, [https://blog.twitter.com/content/dam/blog-twitter/official/en\\_us/company/2019/2018-retrospective-review.pdf](https://blog.twitter.com/content/dam/blog-twitter/official/en_us/company/2019/2018-retrospective-review.pdf).

<sup>211</sup> Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 7, 11.

*c. U.S. Government Countermeasures*

Before the 2018 U.S. midterm elections, the U.S. government took a series of public actions to address Russia's interference in the 2016 U.S. elections and put countermeasures in place to ensure better protection in subsequent elections. These actions comprised both transparency and security measures. Transparency-focused efforts aimed to inform the American electorate about what happened in 2016 and was still occurring. Jennifer Hochschild, a Harvard College professor, believed "democracies thrive best...if citizens have a broad education and some level of political knowledge."<sup>212</sup> Americans should have access to information that is free of corrupt foreign influence to inform their voting. The security-focused actions were intended to deter and punish Russian interference in the U.S. electoral process or safeguard their intended targets. These actions took the form of Congressional hearings, an FBI initiative, multiple indictments, economic sanctions, and other operations. Unlike in the lead-up to the 2016 U.S. elections, the U.S. government was very active and public in enacting countermeasures before the 2018 U.S. midterm elections. These actions are described below in chronological order.

On August 31, 2017, the State Department announced the closures of the Russian Consulate in San Francisco and annexes in New York City and Washington, D.C.<sup>213</sup> These closures were taken in response to Russia reducing the size of the American workforce at the U.S. Embassy in Moscow, which was perceived as a retaliatory measure for the United States sanctioning multiple Russians in December 2016 for their interference in U.S. Elections.<sup>214</sup>

On October 31, 2017, the Senate Judiciary Committee held a hearing with senior executives from Facebook, Google, and Twitter to discuss the extent of the Russian disinformation campaigns on their respective platforms.<sup>215</sup> This public hearing was one

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<sup>212</sup> Jennifer Hochschild, "If Democracies Need Informed Voters, How Can They Thrive While Expanding Enfranchisement?," *Election Law Journal: Rules, Politics, and Policy* 9, no. 2 (2010): 111–23.

<sup>213</sup> Department of State, "Senior Administration Official on Russia," U.S. Department of State, August 31, 2017, <https://2017-2021.state.gov/senior-administration-official-on-russia/>.

<sup>214</sup> Rennack, *U.S. Sanctions on Russia*.

<sup>215</sup> Romm, "5 Things We Learned When Facebook, Google, and Twitter Testified to Congress About Russia's Election Meddling."

of America's first opportunities to hear about what happened from the U.S. social media companies. It also provided politicians with the occasion to exert pressure on the companies to make constructive changes to their platforms.

In December 2017, Congress reestablished the Global Engagement Center (GEC) as an agency within the State Department responsible for countering foreign state and non-state propaganda and disinformation operations.<sup>216</sup> Previously, the GEC was established under Executive Order 13721 in the Obama administration to counter foreign terrorist propaganda and online recruitment efforts.<sup>217</sup> It would later pivot to focusing on exposing foreign state disinformation campaigns.

On January 29, 2018, the FBI announced its Protected Voices Initiative. FBI Director Christopher Wray said it "provides tools and resources to political campaigns, companies, and individuals to protect against online foreign influence operations and cybersecurity threats."<sup>218</sup> Under the auspices of the initiative, the FBI provided cybersecurity briefings to, and stayed engaged with, the national-level political organizations. This security-based countermeasure was focused on protecting one of the primary targets for Russian information operations.

On February 16, 2018, the Special Counsel's Office indicted Yevgeniy Prigozhin and 12 employees of the IRA with eight criminal counts for their efforts to interfere in the 2016 U.S. Elections.<sup>219</sup> The unsealed indictment affidavit offered the first opportunity for the American public to learn about the extent of the scope and scale of the Russian influence operation. The unsealed indictment affidavit described in evidence-based detail what the IRA had propagated on social media against the American public. The accompanying arrest warrants showed the U.S. government's intention to bring these Russians to face justice at some point.

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<sup>216</sup> Matthew Weed, *Global Engagement Center: Background and Issues*, CRS Report No. IN10744 (Washington, DC: Congressional Research Service, 2017), 2, <https://fas.org/sgp/crs/row/IN10744.pdf>.

<sup>217</sup> Weed, 2.

<sup>218</sup> Federal Bureau of Investigation, "Protected Voices."

<sup>219</sup> U.S. vs. Internet Research Agency LLC.

On March 28, 2018, the Department of Treasury levied sanctions against 16 Russian nationals for election interference-related activities. These included some of the individuals mentioned above whom the Special Counsel's Office previously indicted. In addition, on June 11, 2018, another eight Russian nationals were sanctioned for associated activities.<sup>220</sup> These were another set of measures likely designed to inflict punishment on the Russian actors and act as a deterrent for future activities targeting U.S. elections.

On April 10–11, 2018, the Senate Commerce Committee and Senate Judiciary Committee held hearings on consecutive days with Mark Zuckerberg to discuss Russia's influence campaigns on Facebook and its countermeasures to combat them.<sup>221</sup> This hearing provided the American public with the opportunity to listen to one of the primary architects of the current social media landscape in the United States. The Senate committees also used this as an opportunity to hold Facebook accountable for its actions and exert pressure for positive change.

On July 17, 2018, the House Judiciary Committee held a hearing with senior executives from Facebook, Google, and Twitter so they could provide updates on their companies' efforts for content filtering to stop foreign influence campaigns on their platforms.<sup>222</sup> On September 5, 2018, the Senate Intelligence Committee held a hearing with senior executives from Facebook and Twitter to discuss their companies' efforts to stop foreign influence campaigns and illegal transactions on their platforms.<sup>223</sup> Both of these hearings were additional occasions for Americans to learn about social media companies' progress in safeguarding the upcoming election.

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<sup>220</sup> Rennack, *U.S. Sanctions on Russia*.

<sup>221</sup> Mike Snider, "What's at Stake for Facebook's Mark Zuckerberg as He Testifies for Day 2," *USA Today*, April 10, 2018, <https://www.usatoday.com/story/tech/news/2018/04/10/whats-stake-facebooks-mark-zuckerberg-he-testifies-before-congress/503017002/>.

<sup>222</sup> *Facebook, Google, and Twitter: Examining the Content Filtering Practices of Social Media Giants*, House of Representatives, House of Representatives, 115th Cong., 1st sess., July 17, 2018, 2, <https://www.hsdl.org/?view&did=821944>.

<sup>223</sup> Steinmetz, "Lawmakers Hint at Regulating Social Media During Hearing with Facebook and Twitter Execs."

On October 19, 2018, the IRA's chief accountant, Elena Alekseevna Khusyaynova, was indicted by the U.S. Attorney's Office for the Eastern District of Virginia because of her role in the conspiracy to interfere with the U.S. political system, to include the 2016 and 2018 U.S. elections.<sup>224</sup> Khusyaynova's unsealed indictment affidavit revealed the extent of the IRA's financial transactions as the group waged its influence campaign against the United States.<sup>225</sup> Moreover, as she is a regular Russian citizen without the privileges typical to Russian oligarchs or diplomats, her indictment may deter other Russians from working for the IRA or similar types of companies.

*The Washington Post* reported that U.S. Cyber Command conducted an offensive cyber operation on November 2, 2018, against the St. Petersburg-based IRA office, a day before the U.S. Midterm Elections.<sup>226</sup> This operation was believed to have knocked out the IRA's computer networks for days. If true, this operation showed that the U.S. government was willing to reveal and deploy its technical capabilities to safeguard the integrity of the electoral process.

On November 16, 2018, Congress enacted the Cybersecurity and Infrastructure Security Agency Act of 2018. This legislation created the Cybersecurity and Infrastructure Security Agency (CISA) under the Department of Homeland Security.<sup>227</sup> In January 2017, DHS designated the election system infrastructure as the 17<sup>th</sup> critical infrastructure sector. CISA is the U.S. government agency charged with helping state and local governments secure America's election systems.<sup>228</sup> Both security-focused actions showed that the U.S.

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<sup>224</sup> Department of Justice, "Russian National Charged with Interfering in U.S. Political System."

<sup>225</sup> Department of Justice.

<sup>226</sup> Ellen Nakashima, "U.S. Cyber Command Operation Disrupted Internet Access of Russian Troll Factory on Day of 2018 Midterms," *Washington Post*, February 27, 2019, [https://www.washingtonpost.com/world/national-security/us-cyber-command-operation-disrupted-internet-access-of-russian-troll-factory-on-day-of-2018-midterms/2019/02/26/1827fc9e-36d6-11e9-af5b-b51b7ff322e9\\_story.html](https://www.washingtonpost.com/world/national-security/us-cyber-command-operation-disrupted-internet-access-of-russian-troll-factory-on-day-of-2018-midterms/2019/02/26/1827fc9e-36d6-11e9-af5b-b51b7ff322e9_story.html).

<sup>227</sup> "Cybersecurity and Infrastructure Security Agency Act of 2018," Pub. L. No. 115-278, Public Law 20 (2018), <https://www.hsdl.org/?view&did=829787>.

<sup>228</sup> Cybersecurity and Infrastructure Security Agency, "Election Infrastructure Security," Cybersecurity and Infrastructure Security Agency, accessed June 3, 2020, <https://www.cisa.gov/election-security>.

government perceives elections are vital to national security and requires consolidating a host of protective cyber functions into one federal agency.

In contrast to the 2016 U.S. elections, the executive and legislative branches of the U.S. government were active ahead of the 2018 elections as it took a series of security measures to shore up vulnerabilities in the different facets of the democratic process, such as providing cybersecurity briefings for political organizations, and enhance transparency about governmental actions to inform the American public, through the many Congressional hearings, law enforcement actions, and economic sanctions.

***d. Using the Kartapolov Framework to Evaluate Russian and American Measures in 2018***

For the 2018 U.S. elections, the Kartapolov Framework was used to evaluate the effectiveness of the Russian actions, primarily through the efforts of the Internet Research Agency. It was also used to determine the efficacy of the American efforts, both private sector and governmental, to counter each element of the framework. As a reminder, the relevant elements of the framework for this evaluation are: (1) spreading discontent in the population; (2) exerting political pressure; and (3) confusing the political leadership.<sup>229</sup>

After the 2016 U.S. elections, multiple researchers determined that the Internet Research Agency continued at the same cadence and volume of activity as before, seemingly undeterred by being outed in the news media and through government communications.<sup>230</sup> The New Knowledge and Oxford University researchers noted that the Internet Research Agency used meticulous precision to identify different demographic groups by race and political affinities to amplify dissension with its online messaging.<sup>231</sup> Another purpose of the IRA's messaging was to promote right-wing voter turnout and

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<sup>229</sup> Kartapolov, "Lessons of Military Conflict, Perspectives on the Development of the Related Forms and Methods," 36.

<sup>230</sup> DiResta et al., *The Tactics & Tropes of the Internet Research Agency*; Freelon and Lokot, "Russian Disinformation Campaigns on Twitter Target Political Communities across the Spectrum. Collaboration between Opposed Political Groups Might Be the Most Effective Way to Counter It."; Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*.

<sup>231</sup> DiResta et al., *The Tactics & Tropes of the Internet Research Agency*, 8–9; Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 18.

suppress left-wing and Black voters.<sup>232</sup> The IRA's actions were trying to fulfill the first element of the Kartapolov Framework by trying to spread discontent in the American population. A review of the U.S. Census Bureau's analysis of the 2018 elections voter turnout revealed a mixed outcome to what the IRA would have desired. The overall voter turnout was the highest in 40 years, with 53.4 percent of eligible voters going to the polls in 2018. This turnout contrasts to the 41.9 percent who came out to the polls in 2014, which was the lowest midterm election turnout in 40 years.<sup>233</sup> Table 4 summarizes the increase in both Black and White voter turnout for the midterm elections. While the IRA promoted right-wing voter turnout, which are typically White voters, its efforts to suppress Black voter turnout failed.

Table 4. Voter Turnout by Demographic in Midterm Elections.<sup>234</sup>

Election Year	Black Voter Turnout	White Voter Turnout
<b>2014</b>	40.6%	45.8%
<b>2018</b>	51.4%	57.5%
<b>Change</b>	<b>+10.8%</b>	<b>+11.7%</b>

The Internet Research Agency's ongoing activities must have exerted some political pressure on the private sector and the U.S. government because of the assortment and frequency of public actions taken by both entities in the run-up 2018 U.S. elections. Thus, the IRA fulfilled the second element of the framework by applying political pressure to the American social media companies and government, but the actions taken by both entities may have blunted the effectiveness of its influence campaigns. However, it does

<sup>232</sup> Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 19.

<sup>233</sup> Jordan Misra, "Voter Turnout Rates among All Voting Age and Major Racial and Ethnic Groups Were Higher Than in 2014," Behind the 2018 U.S. Midterm Election Turnout, April 23, 2019, <https://www.census.gov/library/stories/2019/04/behind-2018-united-states-midterm-election-turnout.html>.

<sup>234</sup> Adapted from Misra.

not appear that the IRA's campaigns confused the political leadership in the United States because the different governmental countermeasures listed in the previous section seemed frequent, deliberate, and proportional.

Application of the Kartapolov Framework appeared to be more favorable to the social media companies' countermeasures during the 2018 election cycle. The framework's first element, spreading discontent in the population, was countered by the social media companies' account takedown operations. As mentioned before, Facebook and Twitter identified and shut down accounts in 2018 at about the same levels as were identified in 2016. The difference from 2016 was that the social media companies were able to disrupt the IRA's activities before the 2018 elections. The framework's second element, exerting political pressure, seemed to make the social media companies act more vigorously in policing their platforms and forthcoming in announcing any actions they took. The third element, confusing the political leadership, will be discussed in the next section when reviewing the efficacy of U.S. government countermeasures. Broadly speaking, the social media companies appeared to be better equipped and decisive in thwarting the IRA's information operations during this election cycle.

Overlaying the Kartapolov Framework's elements on the U.S. government's actions revealed a different outcome than in 2016. For the first element, spreading discontent in the population, the U.S. government showed very public attempts to educate the American public and hold Russian wrongdoing accountable. Through the Justice Department and the Treasury Department, the executive branch made public announcements of indictments and economic sanctions against Russians for their roles in election interference, respectively. In addition, the legislative branch held a series of public hearings to learn about the progress the social media companies were making to counter malign foreign influence and inform the American public.

For the second element, exerting political pressure, the U.S. government was obliged to prevent a repeat of the 2016 interference by Russia. Although difficult to determine whether the U.S. government felt political pressure from the IRA's influence campaign, it displayed a broad spectrum of countermeasures, which were listed in the prior section. Finally, for the third element, confusing the political leadership, both the executive

and legislative branches of the U.S. government appeared to be informed about the threat from Russian influence operations and took appropriate countermeasures to neutralize them.

### C. CONCLUSIONS FROM THE 2016 AND 2018 ELECTIONS

In summary, a review of the recent history of Russia's actions to interfere in the U.S. election and America's actions to counter these actions revealed three conclusions. First, the Internet Research Agency was virtually unfettered in its social media campaign to sow division and confusion in the 2016 U.S. elections. Second, the U.S. government and social media companies' countermeasures against the IRA ahead of the 2018 U.S. midterm elections appeared to be generally effective. Third, the Internet Research Agency appeared to be undeterred by the American efforts and made only slight modifications in its tactics from 2016 to 2018.

Researchers have determined that Russian influence campaigns, especially those conducted ahead of the 2016 U.S. elections, can be effective for eliciting partisan responses.<sup>235</sup> Governmental reports, research papers, and the social media companies themselves have acknowledged that the social media companies were unaware of the Russian disinformation campaigns taking place on their platforms and therefore took no active role in countering them. Congressional report findings criticized the executive branch of the government for a tepid and ineffective response to the Russian interference activities. Analysis of voter turnout revealed a relatively high overall high voter turnout but low Black voter turnout in the 2016 elections. This combination of factors may have led to Vladimir Putin achieving his desired goals of eroding American faith in its democratic process and the election of Donald Trump.<sup>236</sup> Ambassador Michael McFaul noted that even if the impact of the Russian influence campaign was minimal, the margin

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<sup>235</sup> Todd C. Helmus et al., *Russian Propaganda Hits Its Mark: Experimentally Testing the Impact of Russian Propaganda and Counter-Interventions* (Santa Monica, CA: RAND Corporation, 2020), 51, [https://www.rand.org/pubs/research\\_reports/RRA704-3.html](https://www.rand.org/pubs/research_reports/RRA704-3.html).

<sup>236</sup> Office of the Director of National Intelligence, *Assessing Russian Activities and Intentions*, 7.

of victory for Trump was about 78,000 votes across three states that tipped the electoral college.<sup>237</sup>

For the 2018 U.S. midterm elections, the combined countermeasures of the private sector and the U.S. government appeared to mitigate the effectiveness of the IRA's influence operations. On December 18, 2018, Dan Coates, Director of National Intelligence, released a press statement in which he said the "Intelligence Community does not have intelligence reporting that indicates any compromise of our nation's election infrastructure that would have prevented voting, changed vote counts or disrupted the ability to tally votes."<sup>238</sup> The ultimate proof was the record turnout of voters across all demographic groups, including Black voters.<sup>239</sup>

Director Coates stated that Russia continued to conduct influence operations after the 2016 elections ahead of the 2018 elections.<sup>240</sup> During this period, the IRA's only shift in tactics appeared to be jettisoning its use of online political advertisements, which was probably the result of the social media companies changing their advertising policies to make it more difficult for foreign entities to purchase advertisements.<sup>241</sup> However, the regular cadence of account shutdown announcements from the social media companies, reports by research firms, and U.S. government reports and statements indicated the Russians would continue to be active ahead of the 2020 U.S. elections. The uncertainty was whether the social media companies and the U.S. government would be up to the task of countering the Russian information operations.

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<sup>237</sup> McFaul, *Securing American Elections*, 14.

<sup>238</sup> Office of the Director of National Intelligence, "DNI Coats Statement on the IC's Response to EO 13848 on Imposing Certain Sanctions in the Event of Foreign Interference in a U.S. Election," Office of the Director of National Intelligence, December 21, 2018, <https://www.dni.gov/index.php/newsroom/press-releases/press-releases-2018/item/1933-dni-coats-statement-on-the-intelligence-community-s-response-to-executive-order-13848-on-imposing-certain-sanctions-in-the-event-of-foreign-interference-in-a-united-states-election>.

<sup>239</sup> Misra, "Voter Turnout Rates among All Voting Age and Major Racial and Ethnic Groups Were Higher Than in 2014."

<sup>240</sup> Office of the Director of National Intelligence, "DNI Coats Statement on the IC's Response to EO 13848 on Imposing Certain Sanctions in the Event of Foreign Interference in a U.S. Election."

<sup>241</sup> Facebook, "Facebook - Preventing Election Interference"; Google Threat Analysis Group, "Google Safety & Security"; Twitter, "Elections Integrity."

### **III. THE 2020 ELECTIONS – RUSSIAN GAMBIT AND AMERICAN COUNTERPLAY**

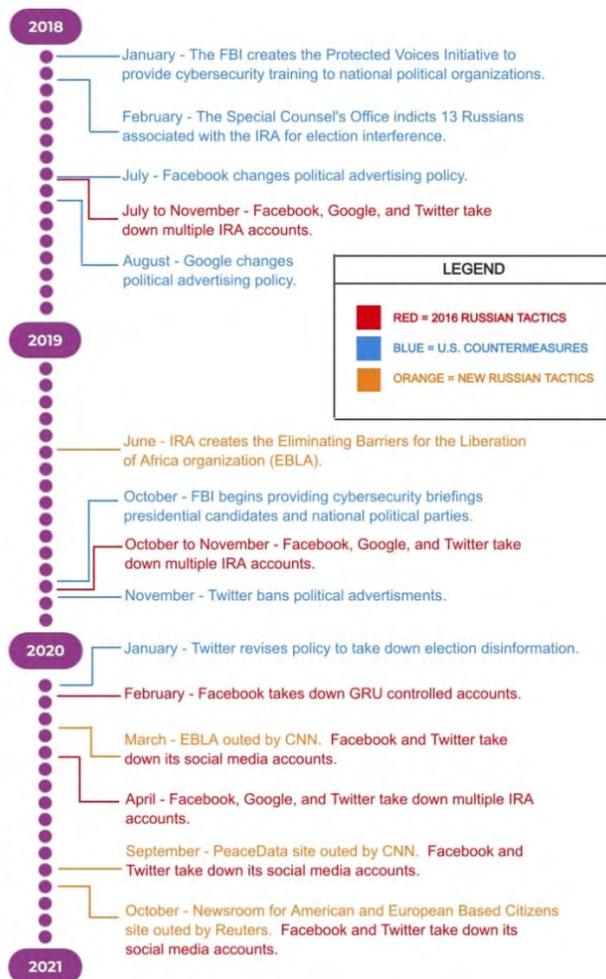
Foreign nations continue to use influence measures in social and traditional media to sway U.S. voters' preferences and perspectives, shift U.S. policies, increase discord, and undermine confidence in our democratic process.

— William Evanina, July 24, 2020

The elections of 2016 and 2018 put the major social media companies and the U.S. government on high alert about Russian interference. As a result, both entities were more aggressive in their efforts to thwart the Russians ahead of the 2020 elections. The social media companies partnered with the news media and research organizations to detect and disrupt these Russian disinformation operations. The U.S. government's endeavors included law enforcement actions, threat briefings, and information sharing to the private sector. The cumulative effect of American countermeasures compelled the Russians to evolve their tactics and methods to evade detection continually. Ultimately, the American actions appeared effective in mitigating the Russian online tactics because voters were undeterred and turned out in record numbers for the election.

This chapter reviews the Russian disinformation campaign targeting the 2020 U.S. elections, the countermeasures taken by the social media companies and the U.S. government. It then uses the Kartapolov Framework to evaluate the efficacy of those countermeasures, informing recommendations for counteracting future Russian disinformation campaigns in the next chapter. Finally, figure 5 provides some key highlights of the Russian and American actions after the 2018 midterms to the 2020 elections.

Figure 5. Highlights of Russian and American Actions from 2018 to 2020.<sup>242</sup>



<sup>242</sup>Adapted from Federal Bureau of Investigation, "Protected Voices"; @TwitterSafety, "October 2020: Disclosing Networks to Our State-Linked Information Operations Archive," *Twitter Information Operations* (blog), October 8, 2020, [https://blog.twitter.com/en\\_us/topics/company/2020/disclosing-removed-networks-to-our-archive-of-state-linked-information.html](https://blog.twitter.com/en_us/topics/company/2020/disclosing-removed-networks-to-our-archive-of-state-linked-information.html); Facebook, "Facebook - Preventing Election Interference"; Facebook, "October 2020 Coordinated Inauthentic Behavior Report," *Facebook News* (blog), October 27, 2020, <https://about.fb.com/news/2020/10/removing-coordinated-inauthentic-behavior-mexico-iran-myanmar/>; Federal Bureau of Investigation, "Combating Foreign Influence," What We Investigate, accessed October 18, 2020, <https://www.fbi.gov/investigate/counterintelligence/foreign-influence>; Lauren Feiner and Megan Graham, "Twitter Unveils Final Details for Political Ad Ban, but It's Still Looking Murky," CNBC, November 15, 2019, <https://www.cnbc.com/2019/11/15/twitter-unveils-new-political-ad-policy.html>; Google Threat Analysis Group, "TAG Bulletin: Q4 2020," Google: Updates from Threat Analysis Group, November 17, 2020, <https://blog.google/threat-analysis-group/tag-bulletin-q4-2020/>; Google Threat Analysis Group, "Google Safety & Security"; @TwitterSafety, "October 2020: Disclosing Networks to Our State-Linked Information Operations Archive."

## A. THE IRA AND OTHER PROXIES' SOCIAL MEDIA ACTIVITIES

From 2019 through 2020, the major social media companies reported most of the IRA's activities with a couple of exceptions. On at least a quarterly basis, Facebook, Google, and Twitter made announcements regarding the detection and takedown of fake Russian accounts on their platforms via blogposts. In addition, many of the IRA-related activities involved account takedowns in various geographical locations, not just Russia-based accounts. The exceptions to the major social media companies reporting Russian account takedowns came when other organizations were able to identify and expose the activities of the Internet Research Agency. In one instance, CNN broke a story about the IRA's activities in March 2020.<sup>243</sup> In a second instance, Graphika, a New York-based social media analysis company, issued reports on IRA activities and identified another cluster of Russia-controlled campaigns it dubbed "Secondary Infektion."<sup>244</sup> These account takedowns appeared to be coordinated across different organizations as Facebook and Twitter made their own announcements after the reporting by CNN and Graphika.

Different Russian proxy organizations focused on specific voting groups to affect their attitudes. For example, the Internet Research Agency established a front organization called Eliminating Barriers for the Liberation of Africa (EBLA) with offices in Western Africa.<sup>245</sup> On March 12, 2020, CNN exposed EBLA when it televised a news story with an associated news article about EBLA being a Russian troll farm.<sup>246</sup> Through its investigation, CNN determined the head of EBLA was a Russian-speaking Ghanaian named Seth Wiredu, who called himself "Mr. Amara" and registered the organization in June 2019.<sup>247</sup> CNN assessed he was being funded through Yevgeniy Prigozhin's Project Lakhta. Wiredu managed offices outside Accra, Ghana, and Lagos, Nigeria, with

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<sup>243</sup> Clarissa Ward et al., "Russian Election Meddling Is Back — Via Ghana and Nigeria — and in Your Feeds," CNN, April 11, 2020, <https://www.cnn.com/2020/03/12/world/russia-ghana-troll-farms-2020-ward/index.html>.

<sup>244</sup> Ben Nimmo et al., *Secondary Infektion* (New York: Graphika, 2020), <https://secondaryinfektion.org/report/secondary-infektion-at-a-glance/>.

<sup>245</sup> Ward et al., "Russian Election Meddling Is Back."

<sup>246</sup> Ward et al.

<sup>247</sup> Ward et al.

employees who portrayed themselves as African Americans and engaged in social media activities.<sup>248</sup> The EBLA employees focused primarily on racial issues such as police brutality, displays of anger towards white people, and black empowerment.<sup>249</sup> Figure 6 provides an example of the types of postings put out by EBLA. In a similar fashion to the IRA's operations in St. Petersburg, the EBLA employees received assignments on different themes, coordinated their postings, and worked on cross-platform campaigns.<sup>250</sup> Before it was outed, the EBLA organization appeared to be laying the groundwork for influencing the behavior of Black voters ahead of the 2020 U.S. elections.

Figure 6. An Image from a Facebook Account Controlled by EBLA.<sup>251</sup>



Although the Russians tried to evolve their tactics to evade detection by the social media companies, the effort failed because the social media companies partnered with other

<sup>248</sup> Ward et al.

<sup>249</sup> Ward et al.

<sup>250</sup> Ward et al.

<sup>251</sup> Source: Ward et al.

organizations to detect and expose the Russians. One example highlighted this collaboration. On September 1, 2020, Facebook and Twitter announced that they had identified and taken down social media accounts associated with an English and Arabic language website called “PeaceData,” which portrayed itself as a progressive-leaning independent news site.<sup>252</sup> Figure 7 shows two postings from the PeaceData site.

In coordination with Facebook, Graphika issued a report on PeaceData, which provided detailed information about the site itself, an analysis of images on the site, and the site’s writers.<sup>253</sup> This development was notable for four reasons. First, the site was an example of the IRA shifting content off the social media platforms to a website which it controlled. Second, Graphika analyzed the profile photos of several PeaceData staff members and determined they were created through generative adversarial networks (GANS), which is a type of artificial intelligence.<sup>254</sup> These photos were the first known instance of the IRA using artificial intelligence to generate phony images of people. Examples of these GANS-generated profile photos appear in Figure 8. Third, Reuters broke a story about the IRA posing as PeaceData staff to hire unwitting freelance journalists, including Americans, to write articles for the site.<sup>255</sup> The Carnegie Endowment for International Peace determined that at least 20 freelance journalists had been duped into writing articles for the PeaceData outlet.<sup>256</sup> This instance is the first identified example of the IRA hiring unwitting individuals to generate content on its behalf. Fourth, Facebook shared information about the PeaceData site and associated social media networks with

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<sup>252</sup> @TwitterSafety, “September 2020: Disclosing Networks to Our State-Linked Information Operations Archive,” Social Media, *Twitter Information Operations* (blog), September 1, 2020, <https://twitter.com/TwitterSafety/status/1300848632120242181>; Facebook, “September 2020 Coordinated Inauthentic Behavior Report,” *Facebook News* (blog), September 2020, <https://about.fb.com/wp-content/uploads/2020/10/September-2020-CIB-Report.pdf>.

<sup>253</sup> Nimmo et al., “IRA Again: Unlucky Thirteen.”

<sup>254</sup> Nimmo et al., 6.

<sup>255</sup> Jack Stubbs, “Duped by Russia, Freelancers Ensnared in Disinformation Campaign by Promise of Easy Money,” Reuters, September 3, 2020, <https://www.reuters.com/article/us-usa-election-facebook-russia-idUSKBN25T35E>.

<sup>256</sup> Alicia Wanless and Laura Walters, “How Journalists Become an Unwitting Cog in the Influence Machine,” Carnegie Endowment for International Peace, October 13, 2020, <https://carnegieendowment.org/2020/10/13/how-journalists-become-unwitting-cog-in-influence-machine-pub-82923>.

Graphika.<sup>257</sup> This collaboration revealed Facebook joining forces with a non-social media company third party to analyze its findings.

Figure 7. Postings from the PeaceData Site.<sup>258</sup>

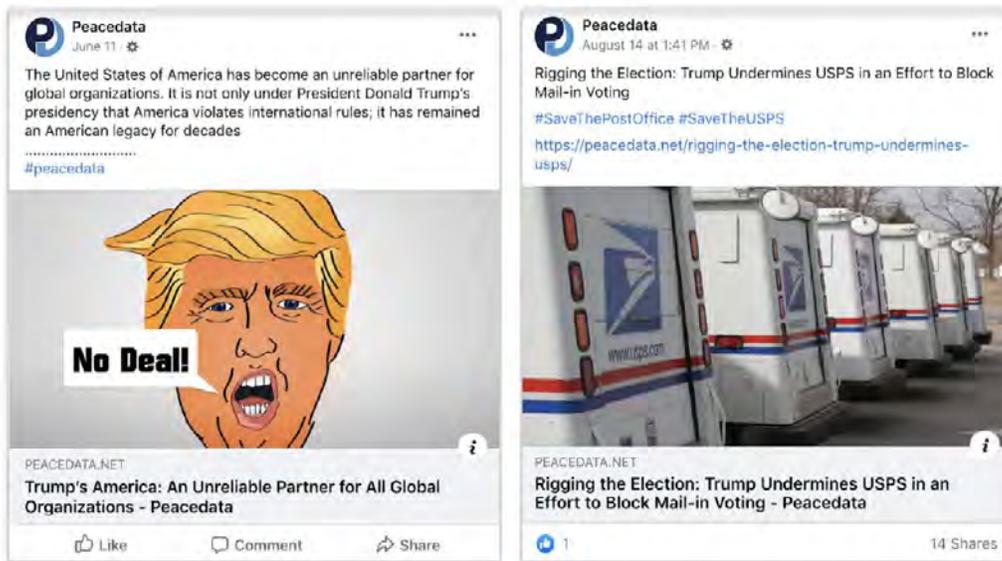
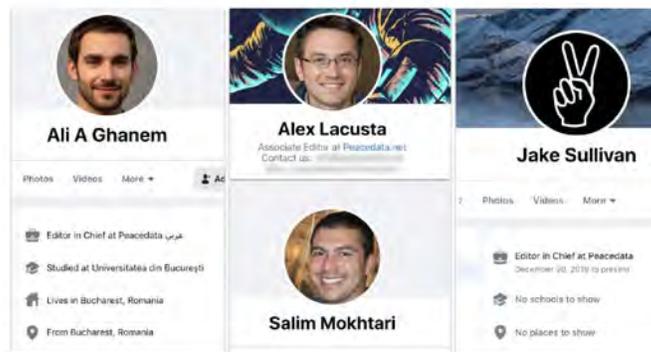


Figure 8. Photos of PeaceData Staff Created by Artificial Intelligence.<sup>259</sup>



<sup>257</sup> Nimmo et al., “IRA Again: Unlucky Thirteen,” 1.

<sup>258</sup> Source: Nimmo et al., 20.

<sup>259</sup> Source: Nimmo et al., 5.

The Russians continued to demonstrate different tactics such as using alternative communication platforms, artificial intelligence to generate false personas, and unwitting co-optees to avoid detection by the social media companies and the U.S. government. Not only did the Russians use the PeaceData site to appeal to progressives, but they also created another site called the Newsroom for American and European Based Citizens (NAEBC) to appeal to conservatives.<sup>260</sup> On October 1, 2020, Reuters published an article that exposed NAEBC as another news outlet run by the IRA, which appeared to be the ideological counterpart of the PeaceData outlet.<sup>261</sup> Figure 9 shows an example of a posting on NAEBC. Figure 10 shows an example of cross-posting of NAEBC content on Gab.

The NAEBC site was noteworthy for three reasons. First, in addition to the mainstream social media platforms of Facebook, Twitter, and LinkedIn, the IRA used two right-wing social media platforms, Gab and Parler, to disseminate content from NAEBC.<sup>262</sup> Second, Figure 11 shows that the IRA continued using GANS-generated staff profile photos on NAEBC to convey a sense of authenticity.<sup>263</sup> Lastly, Graphika determined that the IRA used various social media accounts to engage with real users and convince them to post on the NAEBC site, which met with some success.<sup>264</sup> However, Graphika assessed that both the PeaceData and NAEBC outlets had limited influence because they were created around June 2020 and taken down by September 2020 before either could generate much viewership.<sup>265</sup> Furthermore, Graphika opined that the purpose for both the websites was two-fold. First, the sites wanted to influence voter turnout through the type of content on each site. For example, on the PeaceData site, Graphika believed articles denigrating Joe Biden compared to other Democratic candidates would

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<sup>260</sup> Stubbs, “Exclusive.”

<sup>261</sup> Graphika Team, *Step Into My Parler: Suspected Russian Operation Targeted Far-Right American Users on Platforms Including Gab and Parler, Resembled Recent IRA-Linked Operation That Targeted Progressives* (New York: Graphika, 2020), 1, <https://graphika.com/reports/step-into-my-parler/>.

<sup>262</sup> Graphika Team, 16.

<sup>263</sup> Graphika Team, 20.

<sup>264</sup> Graphika Team, 23–26.

<sup>265</sup> Graphika Team, 26.

suppress Democratic voter turnout.<sup>266</sup> Second, the content on both PeaceData and NAEBC was meant to inflame existing discord within their viewership.<sup>267</sup>

Figure 9. Posting from the NAEBC Site.<sup>268</sup>

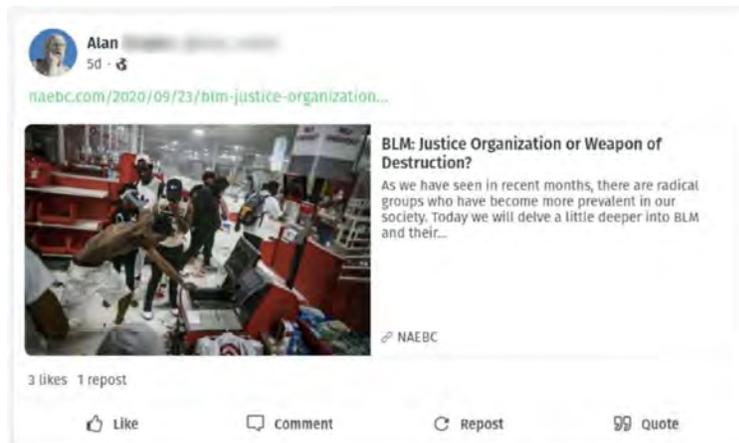
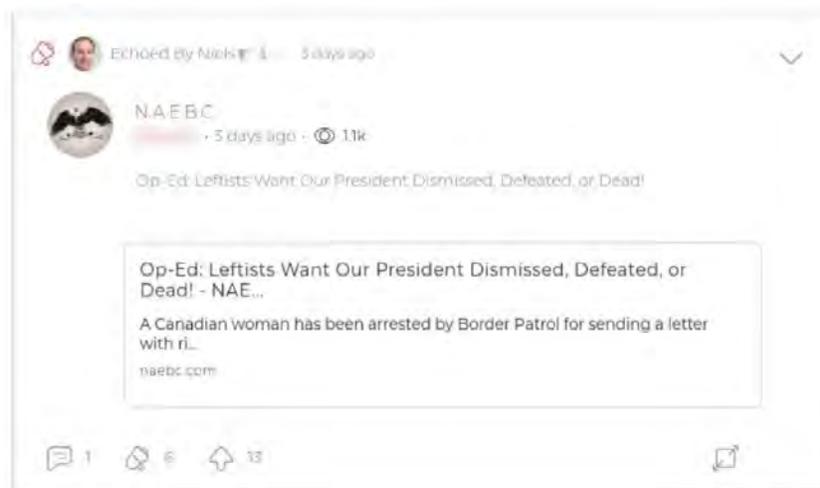


Figure 10. NAEBC Cross-platform Posting on Parler.<sup>269</sup>



<sup>266</sup> Graphika Team, 34.

<sup>267</sup> Graphika Team, 34.

<sup>268</sup> Source: Graphika Team, 8.

<sup>269</sup> Source: Graphika Team, 9.

Figure 11. GANS-generated Profile Photos for NAEBC Staff.<sup>270</sup>

The Russians targeted the far-right channels as well as the mainstream ones to reach different target audiences. In addition to its work analyzing the aforementioned IRA activities, Graphika conducted an independent investigation into another Russian information operation dubbed “Secondary Infektion.”<sup>271</sup> Graphika determined this group has been active from 2014 to at least the beginning of 2020 and characterized the online campaigns as focusing on misinformation about foreign policy and diplomacy-related matters.<sup>272</sup> Although the content appeared in multiple languages, Graphika deduced the campaigns focused on targeting viewers in Europe and North America.<sup>273</sup> Its analysis of the top themes in the content revealed that the articles primarily concentrated on denigrating Ukraine, the United States, NATO, and sowing discord in the rest of Europe.<sup>274</sup> Figure 12 shows the breakdown of articles by quantity and topic. Thus, the Russians had expanded far beyond using the Internet Research Agency as a proxy for its disinformation campaigns.

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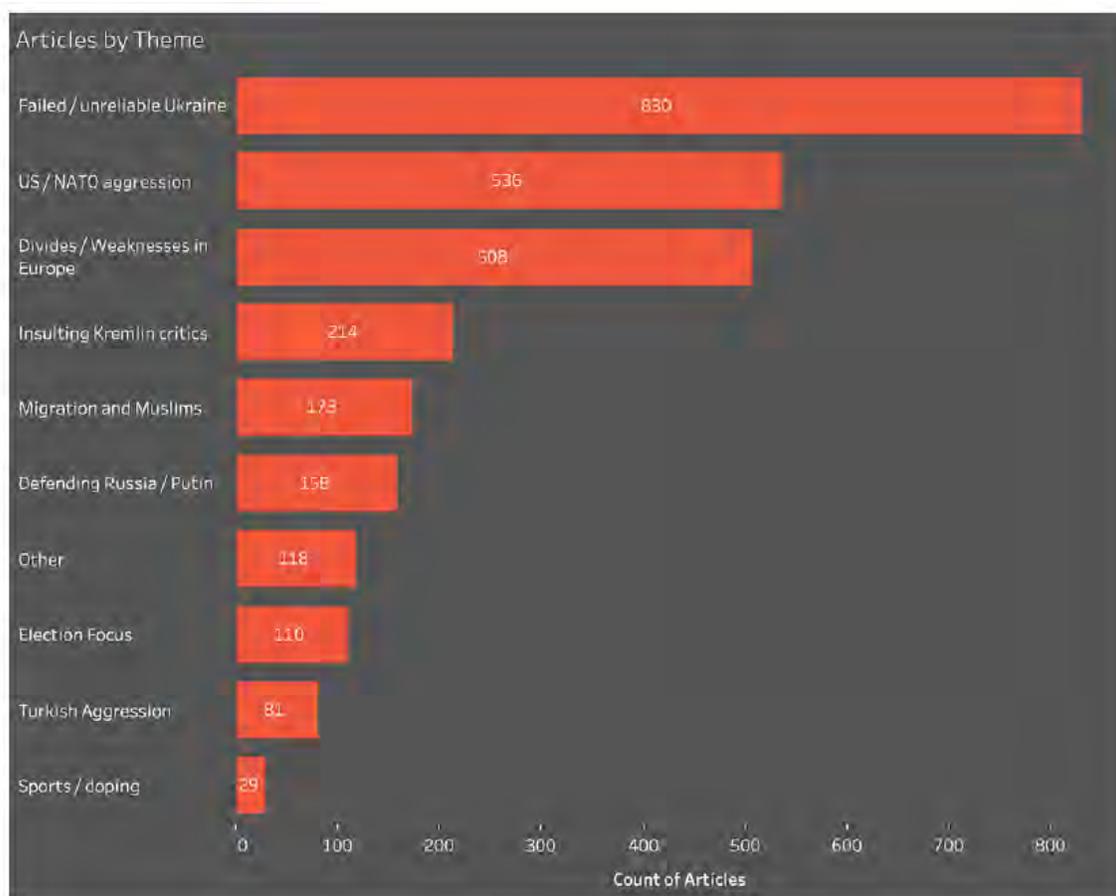
<sup>270</sup> Source: Graphika Team, 20.

<sup>271</sup> Nimmo et al., *Secondary Infektion*.

<sup>272</sup> Nimmo et al., 4.

<sup>273</sup> Nimmo et al., 11.

<sup>274</sup> Nimmo et al., 14.

Figure 12. Breakdown of Secondary Infektion Articles by Topic.<sup>275</sup>

Secondary Infektion had two features that distinguished it from the other IRA-controlled campaigns. First, the actors behind Secondary Infektion made extensive use of forged postings and documents in an attempt to proliferate disinformation and propagate conflict.<sup>276</sup> Second, Graphika observed that Secondary Infektion used a wide-ranging set of online platforms, especially micro-blogging sites, to disseminate content, not only the mainstream social media platforms.<sup>277</sup> Examples of a forged post and forged document

<sup>275</sup> Source: Nimmo et al., 14.

<sup>276</sup> Nimmo et al., 4.

<sup>277</sup> Nimmo et al., 8.

are shown in Figures 13 and 14, respectively. The Russians extended their reach across multiple channels and platforms by agilely adapting their tactics.

Figure 13. Secondary Infektion-made Forged Posting from Marco Rubio.<sup>278</sup>



Figure 14. Secondary Infektion-made Forged Letter to John Kerry.<sup>279</sup>



<sup>278</sup> Source: Nimmo et al., 5.

<sup>279</sup> Source: Nimmo et al., 6.

By being everywhere simultaneously, the Russians effectively reduced the likelihood of being shut down, given the reach of their operations. In discussion with some social media companies, Graphika believed the extensive variety of sites used by Secondary Infektion could be related to operational security.<sup>280</sup> Specifically, this type of behavior would reduce the impact of takedowns by any one company and make coordinated takedowns more difficult across multiple companies.<sup>281</sup> The social media companies told Graphika that the actors behind the Secondary Infektion activities used good security practices because they were consistent and disciplined about using “burner” accounts, which were registered, used to create a series of posts, and then abandoned within the day.<sup>282</sup> Graphika and the social media companies determined that Russian operators conducted Secondary Infektion. Still, they could not determine whether the campaign was associated with the IRA, GRU, or other Russia-based groups.<sup>283</sup> The Secondary Infektion campaigns were another example of the Russians trying to adjust their tactics to avoid detection by the social media companies.

## **B. PRIVATE SECTOR COUNTERMEASURES**

Ahead of the 2020 U.S. elections, the major social media companies, consisting of Facebook, Google, and Twitter, continued their transparency efforts by regularly providing public notifications of foreign influence-related account takedowns. These notifications typically provided summaries of the activities the companies identified, the number of accounts taken down, and how these accounts violated their terms of service. In addition, all three companies published security measures regarding technology improvements and policy changes on their platforms ahead of the elections.<sup>284</sup>

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<sup>280</sup> Nimmo et al., 8.

<sup>281</sup> Nimmo et al., 8.

<sup>282</sup> Nimmo et al., 8.

<sup>283</sup> Nimmo et al., 11.

<sup>284</sup> Facebook, “Facebook - Preventing Election Interference”; Google Threat Analysis Group, “Google Safety & Security”; Twitter, “Elections Integrity.”

In 2019, Facebook announced two sets of takedowns. First, on October 21, 2019, it removed 50 Instagram and one Facebook account, which originated from Russia and focused on American users. Then, on October 30, 2019, Facebook removed five Instagram accounts, 35 Facebook accounts, 53 Pages, and seven Groups, which originated from Russia and focused on users in African countries (Cameroon, Côte d'Ivoire, the Democratic Republic of the Congo, Mozambique, Central African Republic, and Madagascar).<sup>285</sup> These actions showed that the IRA's activities persisted and expanded into targeting different countries and that Facebook was actively monitoring its platform and taking efforts to disrupt the IRA.

Social media companies uncovered even deeper links to Russia. In 2020, Facebook announced six sets of takedowns. All of them are summarized in Table 5. In contrast to 2016, when 470 IRA accounts were identified, Facebook identified and shut down 825 accounts in 2020. In one noteworthy takedown, Facebook discovered Facebook accounts, pages, and groups controlled by the GRU, targeting Ukraine and other Eastern European countries, and announced their removal on February 12, 2020.<sup>286</sup> The use of the GRU for disinformation campaigns appeared to be a new tactic by the Russians. As mentioned before, the GRU was responsible for the hack and dump attack of the Democratic National Committee in 2016 but had not previously engaged in social media influence campaigns. After the Internet Research Agency and Secondary Infektion, the GRU would be the third different Russian-controlled entity discovered to be conducting influence campaigns ahead of the 2020 elections. These takedowns confirmed the ongoing social media-focused portion of the Russian influence strategy.

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<sup>285</sup> Facebook, "Facebook - Preventing Election Interference."

<sup>286</sup> Facebook.

Table 5. Summary of Facebook Takedowns for 2020.<sup>287</sup>

Type	Month					
	February	March	April	August	September	October
Facebook Account	78	49	91	13	229	0
Facebook Page	11	69	46	2	36	2
Facebook Group	29	0	2	0	19	0
Instagram Account	4	85	1	0	37	22
<b>Total</b>	122	203	140	15	321	24
<b>Grand Total</b>	<b>825</b>					

On March 12, 2020, Facebook announced another noteworthy takedown, in which it shut down 85 Instagram accounts, 69 Pages, and 49 Facebook accounts.<sup>288</sup> Its takedown coincided with the CNN story regarding the Eliminating Barriers for the Liberation of Africa organization discussed above. Facebook assessed that individuals from Russia had recruited locals in Ghana and Nigeria to build an online social network and develop an audience; EBLA controlled at least one Instagram account with over 260,000 followers and one Facebook account with over 13,000 followers.<sup>289</sup> The IRA's expansion into West Africa mirrored Yevgeniy Prigozhin's business interests on the continent and suggested the IRA thought its troll-farm model could be successfully exported into other countries.<sup>290</sup> These takedowns demonstrated that Facebook successfully identified Russian disinformation operations despite a shift in their tactics.

<sup>287</sup> Adapted from Facebook, "February 2020 Coordinated Inauthentic Behavior Report," *Facebook News* (blog), March 2020, <https://about.fb.com/wp-content/uploads/2020/03/February-2020-CIB-Report.pdf>; Facebook, "March 2020 Coordinated Inauthentic Behavior Report," *Facebook News* (blog), April 2, 2020, <https://about.fb.com/news/2020/04/march-cib-report/>; Facebook, "April 2020 Coordinated Inauthentic Behavior Report," *Facebook News* (blog), May 5, 2020, <https://about.fb.com/news/2020/05/april-cib-report/>; Facebook, "September 2020 Coordinated Inauthentic Behavior Report"; Facebook, "August 2020 Coordinated Inauthentic Behavior Report," *Facebook News* (blog), September 1, 2020, <https://about.fb.com/wp-content/uploads/2020/09/August-2020-CIB-Report.pdf>; Facebook, "October 2020 Coordinated Inauthentic Behavior Report."

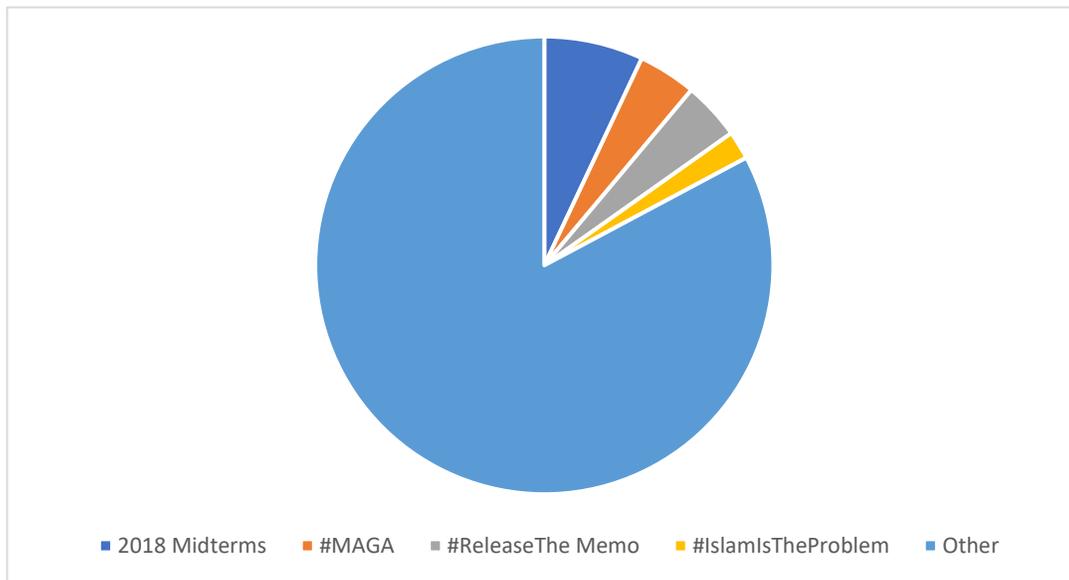
<sup>288</sup> Facebook, "Facebook - Preventing Election Interference."

<sup>289</sup> Facebook.

<sup>290</sup> Grossman, Bush, and DiResta, "Evidence of Russia-Linked Influence Operations in Africa," 2.

In 2019, Twitter announced two takedowns totaling 422 IRA-controlled accounts, which made about 929,000 tweets.<sup>291</sup> Figure 15 demonstrates a categorization of tweets by topic. A review of these tweets revealed a continued focus on the 2018 midterm U.S. elections, with seven percent of all tweets, where Democrats had taken over control of the House of Representatives. The other prominent topics focused on promoting Trump, a right-wing meme that accused the FBI of misusing the Steele dossier to obtain a surveillance order on Trump associate, Carter Page, and Islamophobic rhetoric. The themes promoted by the IRA on Twitter showed its continued acuity in determining the hot-button issues that would agitate right-wing voters.

Figure 15. Breakdown of Twitter Tweets by Topic for 2019.<sup>292</sup>



On November 11, 2019, Twitter announced a ban on virtually all political advertisements.<sup>293</sup> It made a few minor exceptions for issue-based ads and news

<sup>291</sup> Twitter, “Elections Integrity.”

<sup>292</sup> Adapted from Twitter.

<sup>293</sup> Feiner and Graham, “Twitter Unveils Final Details for Political Ad Ban, but It’s Still Looking Murky.”

organizations already exempted from its policy. Twitter “defines political advertising as referencing a candidate, political party, elected or appointed government official, election, referendum, ballot measure, legislation, regulation, directive or judicial outcome.”<sup>294</sup> Although Twitter was the first of the major social media companies to ban political advertisements, critics in news media perceived it as an expedient move meant to earn goodwill with the public while only costing less than one percent of its quarterly revenue.<sup>295</sup>

Expanding beyond earlier takedowns, the major social media companies coordinated their publicity for more significant impact and established more direct links to Russia. In 2020, Twitter announced four sets of takedowns, as summarized in Table 6. For 2020, a total of 1,233 accounts were taken down, versus the 3,814 accounts identified as being controlled by the IRA in 2016. One noteworthy takedown occurred on March 12, 2020, when Twitter announced the shutdown of 71 accounts operated by the Eliminating Barriers for the Liberation of Africa organization in Ghana and Nigeria.<sup>296</sup> Twitter attributed them to Russian-sponsored activities, which CNN characterized as an attempt “to sow discord by engaging in conversations about social issues, like race and civil rights.”<sup>297</sup> The synchronization of announcements by Facebook and Twitter with the CNN breaking story suggests some level of coordination between the three companies.

Another significant Twitter takedown occurred in June 2020, with the shutdown of 1152 accounts, which Twitter and the Stanford Internet Observatory attributed a campaign dubbed the “Current Policy” to the IRA because of the anti-Western and pro-Putin content it disseminated.<sup>298</sup> Stanford’s analysis determined the Current Policy accounts posted more than 3.4 million tweets since 2013, with some focused on portraying actual Russian

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<sup>294</sup> Feiner and Graham.

<sup>295</sup> Michael Nuñez, “The Surprising Truth about Twitter’s Political Ad Ban,” *Forbes*, November 1, 2019, <https://www.forbes.com/sites/mnunez/2019/11/01/the-surprising-truth-about-twitters-political-ad-ban/>.

<sup>296</sup> Ward et al., “Russian Election Meddling Is Back.”

<sup>297</sup> Ward et al.

<sup>298</sup> Stanford Internet Observatory, “Analysis of June 2020 Twitter Takedowns Linked to China, Russia, and Turkey.”

government agencies and others working to boost specific Russian politicians or federal initiatives.<sup>299</sup> These actions revealed coordination among the social media companies, news media, and a research organization to thwart Russian disinformation operations.

Table 6. Summary of Twitter Takedowns for 2020.<sup>300</sup>

Type	Month			
	March	June	September	October
Account	71	1152	5	5
<b>Grand Total</b>	<b>1,233</b>			

At the beginning of 2020, Twitter announced an enhancement of its safety policies, developing better tools for detecting abusive behavior, and aggressively taking actions against violations of the terms of service.<sup>301</sup> Twitter also highlighted its collaboration with political parties, researchers, and election officials. In addition, a Twitter spokesperson stressed the importance of staying in contact with state election officials and law enforcement.<sup>302</sup>

On November 26, 2019, Google announced it had shut down 15 YouTube channels and associated Google accounts. These IRA-controlled accounts used English, French, and Arabic language content to target users in South Africa, Madagascar, Sudan, and the Central African Republic. Google said these accounts were associated with the account

<sup>299</sup> Stanford Internet Observatory.

<sup>300</sup> Adapted from Ward et al., “Russian Election Meddling Is Back”; @TwitterSafety, “June 2020: Disclosing Networks of State-Linked Information Operations We’ve Removed,” *Twitter Information Operations* (blog), June 12, 2020, [https://blog.twitter.com/en\\_us/topics/company/2020/information-operations-june-2020.html](https://blog.twitter.com/en_us/topics/company/2020/information-operations-june-2020.html); @TwitterSafety, “September 2020: Disclosing Networks to Our State-Linked Information Operations Archive”; @TwitterSafety, “October 2020: Disclosing Networks to Our State-Linked Information Operations Archive.”

<sup>301</sup> Twitter, “Elections Integrity.”

<sup>302</sup> Twitter.

takedowns Facebook had announced on October 30, 2019.<sup>303</sup> This statement confirmed joint action facilitated by information sharing between the two companies.

On March 3, 2020, Google announced it had developed policies prohibiting deceptive practices such as voter suppression and misrepresentation in all its products, including Google Ads, YouTube, and the Google Play Store.<sup>304</sup> The company also mentioned working closely with other technology companies and the FBI regarding referrals and leads.<sup>305</sup> This announcement by Google showed an effort to be more transparent, coordinate with other social media companies, and acknowledge some engagement with the FBI.

In April 2020, Google’s Threat Analyst Group began to blog about account takedowns every quarter. Table 7 provides a summary of the number and types of accounts taken down by Google. For 2020, Google took down a total of 129 accounts, which is lower in number than in 2016, when it identified and submitted 228 YouTube videos and 655 AdWord advertisements to the Senate Intelligence Committee for review.<sup>306</sup>

Table 7. Summary of Google Takedowns for 2020.<sup>307</sup>

Type	Month				
	April	May	June	October	November
<b>YouTube Channel</b>	22	47	17	28	10
<b>Blog</b>	3	0	0	1	0
<b>AdSense Account</b>	0	1	0	0	0
<b>Total</b>	25	48	17	29	10
<b>Grand Total</b>	<b>129</b>				

<sup>303</sup> Google Threat Analysis Group, “Google Safety & Security.”

<sup>304</sup> Google Threat Analysis Group.

<sup>305</sup> Google Threat Analysis Group.

<sup>306</sup> Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 7.

<sup>307</sup> Adapted from Google Threat Analysis Group, “TAG Bulletin: Q2 2020,” *Google: Updates from Threat Analysis Group* (blog), August 5, 2020, <https://blog.google/threat-analysis-group/tag-bulletin-q2-2020/>; Google Threat Analysis Group, “TAG Bulletin,” November 17, 2020.

### C. U.S. GOVERNMENT COUNTERMEASURES

Ahead of the 2020 U.S. elections, the U.S. government appeared publicly focused on transparency efforts, such as public statements and a hearing, and modifying the policies regarding interactions with political campaigns. The U.S. government also took security steps, such as information sharing with relevant stakeholders, including social media companies and political campaigns. The major social media companies mentioned working with the U.S. government to some extent. Some news reporting corroborated this engagement between the private sector companies and the U.S. government.

Only one public Congressional hearing took place before the U.S. elections on November 3, 2020. On September 18, 2019, the Senate Commerce Committee held a hearing with senior executives from Facebook, Google, and Twitter to discuss their companies' efforts to remove extremist content and disinformation from their platforms.<sup>308</sup> This hearing was the only opportunity in 2019 for the American public through Congressional testimony and for Congress to publicly hold the companies accountable for the actions they previously pledged to protect the elections.

On May 15, 2020, to address foreign interference threats more directly, William Evanina, Director of the National Counterintelligence and Security Center (NCSC), was tasked with leading all the U.S. government threat intelligence briefings to the relevant national political committees and presidential campaign committees.<sup>309</sup> The ODNI likely changed the briefers from a rotating cadre of analysts from the FBI and DHS to streamline the process for the recipients and let the political campaigns and all Americans know the entire U.S. Intelligence Community backs these threat briefings.<sup>310</sup>

Before the 2020 U.S. elections, the FBI took some public actions related to election security. On October 23, 2019, FBI Director Wray announced an expansion of the

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<sup>308</sup> U.S. Congress. Senate, September 18, 2019.

<sup>309</sup> Office of the Director of National Intelligence, "Director of National Intelligence Announces Changes to Election Security Briefings," Office of the Director of National Intelligence, May 15, 2020, <https://www.dni.gov/index.php/newsroom/press-releases/item/2118-director-of-national-intelligence-announces-changes-to-election-security-briefings>.

<sup>310</sup> Office of the Director of National Intelligence.

Protected Voices Initiative.<sup>311</sup> New cybersecurity training videos and reference materials were added to the website. Furthermore, the FBI indicated it would provide cybersecurity training to all of the presidential campaigns ahead of the primary election season.<sup>312</sup> This training supplemented the FBI's ongoing engagement with the national-level political committees. This security-related action continued the FBI's efforts to help the various political campaigns safeguard their computer networks and electronic devices.

On January 16, 2020, the FBI stated it was modifying its notification policy regarding computer intrusions to election infrastructure. Previously, the FBI would notify local election officials whose organizations typically owned and maintained the election systems and equipment. The local officials would be responsible for informing the state-level officials. With this policy change, the FBI would simultaneously notify the designated chief state-level election official as well as the local officials impacted by a cyber-attack. According to the FBI press release, "this new policy will result in increased collaboration between all levels of government for the integrity and security of U.S. elections."<sup>313</sup> Thus, the FBI appeared to publicly state affirmative actions it was taking to safeguard the elections. Previously, the FBI had been typically reluctant to disclose election-related actions to the public.

Despite not making public announcements about its involvement with the private sector, the U.S. government appeared to be more engaged with social media companies ahead of the 2020 U.S. elections than in 2016. On September 4, 2019, Facebook hosted an election security meeting with the FBI, DHS, and ODNI.<sup>314</sup> The other companies

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<sup>311</sup> "Protecting Every Voice: FBI Expands Suite of Resources on Election Security," *Homeland Security Today* (blog), October 23, 2019, <https://www.hstoday.us/subject-matter-areas/infrastructure-security/protecting-every-voice-fbi-expands-suite-of-resources-on-election-security/>.

<sup>312</sup> "Protecting Every Voice."

<sup>313</sup> Federal Bureau of Investigation, "FBI Announces New Policy for Notifying State and Local Election Officials of Cyber Intrusions Affecting Election Infrastructure," FBI Press Releases, January 16, 2020, <https://www.fbi.gov/news/pressrel/press-releases/fbi-announces-new-policy-for-notifying-state-and-local-election-officials-of-cyber-intrusions-affecting-election-infrastructure>.

<sup>314</sup> Kurt Wagner, "Facebook Meets With FBI to Discuss 2020 Election Security," Bloomberg, September 4, 2019, <https://www.bloomberg.com/news/articles/2019-09-04/facebook-meets-with-fbi-to-discuss-2020-election-security>.

attending the meeting included Google, Microsoft, and Twitter.<sup>315</sup> The group discussed plans for better coordination and information sharing.<sup>316</sup> This meeting was the first indication of private sector companies meeting with the U.S. government to safeguard the 2020 U.S. elections. In August 2020, the *New York Times* broke a story revealing that the private sector companies working with the U.S. government had expanded to include the Wikimedia Foundation, Verizon Media, Reddit, Pinterest, and LinkedIn.<sup>317</sup> A spokesperson for the private sector companies stated that they regularly met with the U.S. government agencies responsible for election security to discuss threat trends and worked closely with each represented company to protect their platforms.<sup>318</sup>

Public statements from some social media companies revealed that the U.S. government, particularly the FBI, had provided them with tipper information to detect Russian influence operations on their platforms. In August 2020, Facebook announced that it had taken down two pages and 13 Facebook accounts, which the IRA was controlling, and mentioned finding the cluster due to off-platform activities identified by the FBI.<sup>319</sup> In September 2020, Facebook and Twitter announced the takedown of PeaceData-associated accounts being controlled by the IRA.<sup>320</sup> Facebook stated that it had been able to identify the accounts based on off-platform information provided by the FBI.<sup>321</sup> Twitter went further in its statement when it expressly thanked the FBI's Foreign Influence Task Force for its "close collaboration and continued support of our work to protect the public conversation at this critical time."<sup>322</sup> In October 2020, Facebook identified and shut down

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<sup>315</sup> Wagner.

<sup>316</sup> Wagner.

<sup>317</sup> Mike Isaac and Kate Conger, "Google, Facebook and Others Broaden Group to Secure U.S. Election," *New York Times*, August 12, 2020, <https://www.nytimes.com/2020/08/12/technology/google-facebook-coalition-us-election.html>.

<sup>318</sup> Isaac and Conger.

<sup>319</sup> Facebook, "August 2020 Coordinated Inauthentic Behavior Report."

<sup>320</sup> @TwitterSafety, "September 2020: Disclosing Networks to Our State-Linked Information Operations Archive"; Facebook, "September 2020 Coordinated Inauthentic Behavior Report."

<sup>321</sup> Facebook, "September 2020 Coordinated Inauthentic Behavior Report."

<sup>322</sup> @TwitterSafety, "September 2020: Disclosing Networks to Our State-Linked Information Operations Archive."

a network of IRA-controlled Facebook and Instagram operated out of Mexico and Venezuela.<sup>323</sup> Once again, Facebook mentioned its ability to identify these accounts based on information provided by the FBI.<sup>324</sup> Also, in October 2020, Google noted it had shut down one blog and 26 YouTube channels being operated by the IRA.<sup>325</sup> In addition, Google's Threat Analysis Group mentioned it had received leads provided by the FBI to support its internal investigation.<sup>326</sup> In total, the FBI appears to have shared information with Facebook, Google, and Twitter on at least four occasions, which led to the detection and takedown of multiple IRA-controlled accounts on their respective platforms. This sharing contrasted with 2016 when it seemed that the U.S. government had not shared any threat information with the social media companies ahead of the 2016 U.S. elections.

Besides the FBI and DHS, other U.S. government agencies were also publicly involved in election security. For example, in August 2020, the NSA, jointly with the FBI, issued a cybersecurity advisory exposing complex malware dubbed "Drovorub," created by Russian Military Intelligence.<sup>327</sup> This advisory was the first of its kind and would allow private and public sector organizations to safeguard themselves ahead of the election. Also, in August 2020, the State Department's Global Engagement Center issued an extensive report revealing the disinformation tactics employed by the Russian government and associated organizations, such as the IRA.<sup>328</sup> The State Department believed this report would help news media, private and public sector organizations, and other governments detect and analyze Russian influence operations to build up a collective resilience.<sup>329</sup>

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<sup>323</sup> Facebook, "October 2020 Coordinated Inauthentic Behavior Report."

<sup>324</sup> Facebook.

<sup>325</sup> Google Threat Analysis Group, "TAG Bulletin," November 17, 2020.

<sup>326</sup> Google Threat Analysis Group.

<sup>327</sup> National Security Agency and Federal Bureau of Investigation, *Russian GRU 85th GTsSS Deploys Previously Undisclosed Drovorub Malware*, Rev 1.0 (Washington, DC: National Security Agency & Federal Bureau of Investigation, 2020), [https://media.defense.gov/2020/Aug/13/2002476465/-1/-1/0/CSA\\_DROVORUB\\_RUSSIAN\\_GRU\\_MALWARE\\_AUG\\_2020.PDF](https://media.defense.gov/2020/Aug/13/2002476465/-1/-1/0/CSA_DROVORUB_RUSSIAN_GRU_MALWARE_AUG_2020.PDF).

<sup>328</sup> Global Engagement Center, *Pillars of Russia's Disinformation and Propaganda Ecosystem*.

<sup>329</sup> Global Engagement Center, 2.

During the elections, the U.S. government had little to do with the actual administration of political campaigns or elections. Instead, the U.S. government was responsible for providing funding to states for equipment upgrades, conducting enforcement actions to ensure fair elections, and keeping the American public apprised of any significant developments.<sup>330</sup> On November 4, 2020, after the election polls had closed across the United States, Christopher Krebs, Director of the Cybersecurity and Infrastructure Security Agency, issued a statement that the U.S. government had seen no evidence of Russian or other foreign adversaries changing ballots or preventing Americans from voting. In December 2020, Krebs reaffirmed his belief about the integrity of the 2020 U.S. Elections during a hearing before the Senate Committee on Homeland Security and Governmental Affairs in December 2020.<sup>331</sup> Senior election executives representing America's election infrastructure sector made a statement that echoed Krebs' claim of a safe and fair election.<sup>332</sup>

In March 2021, the Office of the Director of National Intelligence issued the Intelligence Community's report assessing foreign threats to the 2020 U.S. elections.<sup>333</sup> Similar to what NCSC Director Evanina said in his August 2020 statement, the ODNI assessment emphasized the ongoing and concerted Russian disinformation campaign, which was designed to promote the reelection of President Trump, denigrate Joe Biden and the Democratic Party, erode trust in the election process, and inflame political and social tensions within the United States.<sup>334</sup> The ODNI discussed the efforts of the Internet

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<sup>330</sup> R. Sam Garrett, *Federal Role in U.S. Campaigns and Elections: An Overview*, CRS Report No. R45302 (Washington, DC: Congressional Research Service, 2018), 27, <https://fas.org/sgp/crs/misc/R45302.pdf>.

<sup>331</sup> *Examining Irregularities in the 2020 Election: Hearing before the Committee on Homeland Security and Governmental Affairs*, Senate, 116th Cong., 2nd Session, December 16, 2020, 2, <https://www.hsgac.senate.gov/imo/media/doc/Testimony-Krebs-2020-12-16.pdf>.

<sup>332</sup> Elections Infrastructure Government Coordinating Council and Election Infrastructure Sector Coordinating Executive Committee, "Joint Statement from Elections Infrastructure Government Coordinating Council & the Election Infrastructure Sector Coordinating Executive Committees," November 12, 2020, <https://www.cisa.gov/news/2020/11/12/joint-statement-elections-infrastructure-government-coordinating-council-election>.

<sup>333</sup> Office of the Director of National Intelligence, "Intelligence Community Assessment on Foreign Threats to the 2020 U.S. Federal Elections."

<sup>334</sup> Office of the Director of National Intelligence.

Research Agency and highlighted the “short-lived troll farms” based in Mexico and Western Africa, which were initiated to avoid the ongoing account takedown efforts by the social media companies with help from the U.S. government.<sup>335</sup> The ODNI concluded that greater awareness by the news media and the American public, coupled with the actions taken by the social media companies and the U.S. government, likely countered the Russian efforts to some degree.<sup>336</sup>

#### **D. USING THE KARTAPOLOV FRAMEWORK TO EVALUATE RUSSIAN AND AMERICAN MEASURES IN 2020**

As previously used for appraising IRA information operations during the elections in 2016 and 2018, the relevant components of the Kartapolov Framework were used to evaluate the Russian and American efforts to determine their effectiveness for the 2020 U.S. Elections. To reiterate, these components are: (1) spreading discontent in the population, (2) exerting political pressure, and (3) confusing the political leadership.<sup>337</sup> The impact of the Russian campaigns on American political leadership will be gauged in the section evaluating the countermeasures taken by the U.S. government.

##### **1. The IRA and Other Proxies – Impact and Evolution**

The Internet Research Agency evolved its tactics ahead of the 2020 U.S. elections but was unsuccessful in achieving its ultimate desired outcome of a Trump reelection. The IRA’s tactical developments were two-fold: (1) moving troll farm operations to locations outside of Russia, namely West Africa and Mexico, and (2) moving content from the social media platforms to websites the IRA controlled. For the first component of the Kartapolov Framework, a review of all four of the IRA’s campaigns for 2020 showed they were focused on inflaming dissension in the populace. CNN evaluated the social media content disseminated by Eliminating Barriers for the Liberation of Africa and noted it was primarily focused on racial issues such as Black empowerment and used language meant

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<sup>335</sup> Office of the Director of National Intelligence, 3.

<sup>336</sup> Office of the Director of National Intelligence, 6.

<sup>337</sup> Wilhelm, “A Russian Military Framework,” 35.

to inflame divisions between American racial groups.<sup>338</sup> For the PeaceData outlet, Graphika's analysis determined the actors behind it were targeting progressive groups in the United States, especially those who identified with democratic socialism.<sup>339</sup> The Newsroom for American and European Based Citizens site appeared to be the counterweight to PeaceData. It targeted viewers with a far-right ideology because it covered topics such as racist tropes about black people and criticism of the Black Lives Matter movement.<sup>340</sup> Lastly, the Secondary Infektion campaign's focus on diplomacy and foreign policy appeared to be tailored to denigrate the United States and its European allies while also trying to foment conflict between the allied countries.<sup>341</sup> Although the Russian actions likely inflamed already existing dissension in the United States, it did not appear to deter voter turnout at all. The effectiveness of the Russian messaging was probably blunted by the account takedowns by the major social media companies and being outed by the news media before it could develop traction with the targeted audiences.

For the second component of the Kartapolov Framework, exerting political pressure, the Russian campaigns appeared to have mixed results. On the one hand, from interviews conducted with the social media companies, CNN determined that the IRA-controlled organization, Eliminating Barriers for the Liberation of Africa, had successfully gathered many followers for its social media accounts since its inception in June 2019.<sup>342</sup> Facebook reported to CNN that the EBLA-controlled accounts had about 267,000 users following EBLA-controlled Facebook or Instagram accounts.<sup>343</sup> Twitter reported that EBLA-controlled accounts had about 68,000 followers before being shut down.<sup>344</sup> Although the number of followers does not directly correlate to the amount of political

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<sup>338</sup> Ward et al., "Russian Election Meddling Is Back."

<sup>339</sup> Nimmo et al., "IRA Again: Unlucky Thirteen," 24–25.

<sup>340</sup> Graphika Team, *Step Into My Parler*, 8.

<sup>341</sup> Nimmo et al., *Secondary Infektion*, 13.

<sup>342</sup> Ward et al., "Russian Election Meddling Is Back."

<sup>343</sup> Ward et al.

<sup>344</sup> Ward et al.

pressure, it indicates that EBLA's content resonated enough with social media users to convince them to follow the EBLA-controlled accounts.

On the other hand, the other Russian campaigns appeared to be less effective in creating political pressure. Since its inception in February 2020, the PeaceData site averaged about ten posts per day on the English-language page and 20 posts per day on the Arabic-language page.<sup>345</sup> Twitter noted that the PeaceData-associated Twitter accounts were "low quality and spammy," and assessed they did not garner much attention from other Twitter users.<sup>346</sup> Facebook also took down a few PeaceData-associated Facebook and Instagram accounts but did not characterize how other users engaged with these accounts.<sup>347</sup> The Newsroom for American and European Based Citizens outlet started in June 2020 but did not appear to attract much of a social media following. Graphika discovered that only about 14,000 users on Parler and 3,000 users on Gab followed the NAEBC site.<sup>348</sup> The Secondary Infektion campaign appeared to be prolific during its existence. Still, Graphika noted that the vast majority of the content produced did not garner much, if any, engagement with other users.<sup>349</sup> Graphika opined that the operators behind Secondary Infektion were motivated more by hitting production metrics than content engagement or virality.<sup>350</sup> The ability of the Russian influence campaigns to generate political pressure may have been dampened by the social media company account takedowns and exposure by media outlets and Graphika, which will be discussed in more detail in the next section.

For the third component of the Kartaplov Framework, namely confusing the political leadership, the impact of the Internet Research Agency and other Russian proxies'

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<sup>345</sup> Nimmo et al., "IRA Again: Unlucky Thirteen," 5.

<sup>346</sup> @TwitterSafety, "September 2020: Disclosing Networks to Our State-Linked Information Operations Archive."

<sup>347</sup> Facebook, "September 2020 Coordinated Inauthentic Behavior Report."

<sup>348</sup> Graphika Team, *Step Into My Parler*, 2.

<sup>349</sup> Nimmo et al., *Secondary Infektion*, 8.

<sup>350</sup> Nimmo et al., 8.

actions will be discussed in the section evaluating the impact of the U.S. government’s actions.

## 2. The Private Sector Companies’ Impact and Adaptations

The effectiveness of the private sector countermeasures used against the Russian influence operations targeting the 2020 U.S. election was evaluated using the Kartapolov Framework. To combat the first component, spreading discontent in the American public, the private sector responded to take security-focused actions. Specifically, the companies enhanced their detection systems to identify and disrupt Russian influence activities before gaining much traction with their users. As a result, each of the prominent social media companies had somewhat different results from 2016 to 2020, shown in table 8.

Table 8. Social Media Account Takedowns between 2016 and 2020.<sup>351</sup>

Company	Number of Accounts Taken Down		
	2016	2020	Difference
Facebook	470	825	+355
Google	883	129	-754
Twitter	1,233	3,814	+2,581

While Facebook and Twitter saw an increase in IRA-controlled accounts on their platforms, Google saw a decrease in accounts taken down. A partial explanation for this phenomenon could be that Instagram, a wholly-owned Facebook subsidiary, was the most

<sup>351</sup> Adapted from @TwitterSafety, “June 2020: Disclosing Networks of State-Linked Information Operations We’ve Removed”; @TwitterSafety, “September 2020: Disclosing Networks to Our State-Linked Information Operations Archive”; @TwitterSafety, “October 2020: Disclosing Networks to Our State-Linked Information Operations Archive”; Facebook, “February 2020 Coordinated Inauthentic Behavior Report”; Facebook, “March 2020 Coordinated Inauthentic Behavior Report”; Facebook, “April 2020 Coordinated Inauthentic Behavior Report”; Facebook, “September 2020 Coordinated Inauthentic Behavior Report”; Facebook, “August 2020 Coordinated Inauthentic Behavior Report”; Facebook, “October 2020 Coordinated Inauthentic Behavior Report”; Google Threat Analysis Group, “TAG Bulletin,” August 5, 2020; Google Threat Analysis Group, “TAG Bulletin,” November 17, 2020; Ward et al., “Russian Election Meddling Is Back.”

conducive social media platform for propagating memes, which has become prevalent in popular culture and was also favored by the IRA.<sup>352</sup> Another explanation was that the IRA might have needed to shift resources away from YouTube activities to develop the PeaceData and Newsroom for American and European Based Citizens outlets.

Another method for stopping the spread of discontent in the population was for the private sector companies to share data from foreign influence-related account takedowns with third-party organizations, such as researchers and research institutions. After the 2016 U.S. Elections, each of the companies shared data with the Senate Committee on Intelligence, who in turn shared it with researchers to analyze it.<sup>353</sup> Since that time, each company has shared data to varying degrees with researchers and other organizations. For example, in June 2020, Twitter shared information with Stanford University regarding the detection and takedown of Chinese, Russian, and Turkish influence campaigns on their platform.<sup>354</sup> Twitter shared the data with Stanford as an objective third party to analyze and publish the results in service of increased transparency.<sup>355</sup> In September 2020, Graphika revealed Facebook had given it data regarding the PeaceData outlet.<sup>356</sup> In October 2020, Graphika received information from Facebook and Twitter regarding the Newsroom for American and European Based Citizens outlet.<sup>357</sup> These examples illustrated the social media sharing information with third parties to presumably publicize objective analysis regarding IRA disinformation and tactics to the public.

All of the major social media companies took visible measures to counter political pressure, the second component of the Kartapolov Framework, which the IRA exerted through its online influence activities on the different social media platforms. These transparency-focused actions included the increased cadence of each company's public

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<sup>352</sup> Leighton, "For Instagram's 10th Birthday, Experts Predict The Future Of Meme Culture"; Alina Polyakova, "The Kremlin's Plot against Democracy," *Foreign Affairs*, October 2020.

<sup>353</sup> *Russian Active Measures Campaigns: Volume 1*.

<sup>354</sup> Stanford Internet Observatory, "Analysis of June 2020 Twitter Takedowns Linked to China, Russia, and Turkey."

<sup>355</sup> Stanford Internet Observatory.

<sup>356</sup> Nimmo et al., "IRA Again: Unlucky Thirteen."

<sup>357</sup> Graphika Team, *Step Into My Parler*.

notifications to the general public regarding account takedowns. A secondary transparency-focused action was each company's effort to enact and improve its advertising purchasing policies. For Facebook and Google, these improvements appeared to make it more difficult for foreign actors to purchase political advertisements.<sup>358</sup> Twitter went the furthest of the three social media companies by banning political ads entirely in its November 2019 announcement.<sup>359</sup> The third type of transparency-focused action was the attempt by companies to improve the labeling of content. Again, Twitter appeared to be the most aggressive of the three social media companies. In May 2020, Twitter announced that labeling would be applied to all content disputed, misleading, or synthetically generated.<sup>360</sup> In June 2020, Facebook made a similar announcement and modified its policies to improve transparency for political content and advertisements.<sup>361</sup> Thus, the private sector companies' collective security and transparency-related actions seemed to diminish the impact of the Russian influence operations by preventing them from gaining much traction on the social media platforms.

### **3. The U.S. Government's Impact – Transparency and Private Sector Partnerships**

Examining the U.S. government's actions to protect the 2020 U.S. Elections through the Kartapolov Framework revealed a more robust response than in 2016. For the first element of the framework, spreading discontent across the populace, the U.S. government took a range of security and transparency-related actions to impede Russian influence operations. Likely the most significant action was the FBI's reported information sharing with the social media companies on at least four occasions, which led to the

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<sup>358</sup> Facebook, "Facebook - Preventing Election Interference"; Google Threat Analysis Group, "Google Safety & Security."

<sup>359</sup> Twitter, "Elections Integrity."

<sup>360</sup> Yoel Roth and Nick Pickles, "Updating Our Approach to Misleading Information," *Only on Twitter* (blog), May 11, 2020, [https://blog.twitter.com/en\\_us/topics/product/2020/updated-our-approach-to-misleading-information.html](https://blog.twitter.com/en_us/topics/product/2020/updated-our-approach-to-misleading-information.html).

<sup>361</sup> Facebook, "Facebook - Preventing Election Interference."

companies identifying and taking down multiple clusters of IRA-controlled accounts.<sup>362</sup> In addition, the U.S. government meeting with the private sector companies on at least two separate occasions to share information on threat trends may have added context and atmosphericity to enhance the companies' detection methods.<sup>363</sup> Finally, the report issued by the State Department's Global Engagement Center in August 2020 may be regarded as a U.S. government transparency effort to expose Russian disinformation tactics to the American public and blunt the impact of these tactics.<sup>364</sup> In general, the U.S. government appeared more actively engaged with the social media companies ahead of the 2020 elections.

For the second element of the Kartapolov Framework, exerting political pressure, the U.S. government took a series of measures, which may have diffused the pressure that Russia was trying to apply through its information operations. The FBI's Protected Voice Initiative, which provided cybersecurity training to the national level political parties and presidential campaigns, was coupled with the classified threat briefings to the same organizations provided by National Counterintelligence and Security Center's Director William Evanina.<sup>365</sup> Furthermore, the FBI modified its victim notification process by including designated state-level election officials when notifying local or county-level election officials of cybersecurity issues.<sup>366</sup> Finally, the highly detailed joint NSA/FBI cybersecurity advisory regarding the Drovorub malware exposed one of the Russian

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<sup>362</sup> @TwitterSafety, "September 2020: Disclosing Networks to Our State-Linked Information Operations Archive"; @TwitterSafety, "October 2020: Disclosing Networks to Our State-Linked Information Operations Archive"; Facebook, "September 2020 Coordinated Inauthentic Behavior Report"; Facebook, "October 2020 Coordinated Inauthentic Behavior Report"; Google Threat Analysis Group, "TAG Bulletin," November 17, 2020; Graphika Team, *Step Into My Parler*.

<sup>363</sup> Isaac and Conger, "Google, Facebook and Others Broaden Group to Secure U.S. Election"; Wagner, "Facebook Meets With FBI to Discuss 2020 Election Security."

<sup>364</sup> Global Engagement Center, *Pillars of Russia's Disinformation and Propaganda Ecosystem*, 3.

<sup>365</sup> Federal Bureau of Investigation, "Combating Foreign Influence"; Office of the Director of National Intelligence, "Director of National Intelligence Announces Changes to Election Security Briefings."

<sup>366</sup> Federal Bureau of Investigation, "FBI Announces New Policy for Notifying State and Local Election Officials of Cyber Intrusions Affecting Election Infrastructure — FBI," FBI Press Releases, January 16, 2020, <https://www.fbi.gov/news/pressrel/press-releases/fbi-announces-new-policy-for-notifying-state-and-local-election-officials-of-cyber-intrusions-affecting-election-infrastructure>.

military's most potent cyber weapons, providing organizations with time to protect themselves ahead of the elections.<sup>367</sup> This combination of actions by the U.S. government probably ensured no significant data breaches at any national-level political parties or campaigns during the 2020 U.S Elections.

For the third element of the Kartapolov Framework, confusing the political leadership, the U.S. government, both the executive and legislative branches, appeared to be focused and decisive in its endeavors to safeguard the 2020 U.S. Elections. In September 2019, the Republican-chaired Senate Commerce Committee called a hearing with senior executives from Facebook, Google, and Twitter to learn about their progress in removing disinformation and violent content from their platforms.<sup>368</sup> The following year, public statements made by NCSC Director William Evanina in July 2020 and August 2020 gave a clear indication that the U.S. Intelligence Community was aware of Russian activities targeting the elections and decided to inform the American public.<sup>369</sup> In a similar vein, on the day after the elections closed, Christopher Krebs, Director of the Cybersecurity and Infrastructure Security Agency, stated that the U.S. government had “no evidence any foreign adversary was capable of preventing Americans from voting or changing vote tallies.”<sup>370</sup> In October 2020, the Department of Justice indicted six officers in the Russian Military Intelligence Unit 74455, responsible for hacking attacks in Georgia and Ukraine,

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<sup>367</sup> Dan Goodin, “NSA and FBI Warn That New Linux Malware Threatens National Security,” *Ars Technica*, August 13, 2020, <https://arstechnica.com/information-technology/2020/08/nsa-and-fbi-warn-that-new-linux-malware-threatens-national-security/>.

<sup>368</sup> September 18, 2019.

<sup>369</sup> William Evanina, “Statement by NCSC Director William Evanina: 100 Days Until Election 2020,” Office of the Director of National Intelligence, July 24, 2020, <https://www.dni.gov/index.php/newsroom/press-releases/item/2135-statement-by-ncsc-director-william-evanina-100-days-until-election-2020>; William Evanina, “Statement by NCSC Director William Evanina: Election Threat Update for the American Public,” Office of the Director of National Intelligence, August 7, 2020, <https://www.dni.gov/index.php/newsroom/press-releases/item/2139-statement-by-ncsc-director-william-evanina-election-threat-update-for-the-american-public>.

<sup>370</sup> Christopher Krebs, “Statement from CISA Director Krebs Following Final Day of Voting,” Cybersecurity and Infrastructure Security Agency, November 4, 2020, <https://www.cisa.gov/news/2020/11/04/statement-cisa-director-krebs-following-final-day-voting>.

and the Winter Olympics in South Korea.<sup>371</sup> Some of these GRU officers had been previously indicted for hacking the Democratic National Committee in 2016.<sup>372</sup> Interestingly, the Department of Justice highlighted the assistance of the threat intelligence teams from Google and Cisco for this indictment.<sup>373</sup> Additionally, the report on Russian disinformation tactics issued by the State Department and the joint cybersecurity advisory issued by the NSA and FBI rounded out the U.S. government's multi-agency approach to exposing malign Russian activities through different avenues.

#### **E. VOTER TURNOUT IN THE 2020 ELECTIONS**

The two most important indicators of a secure and successful election were high voter turnout and no evidence of systemic voter fraud. The Pew Research Center determined that 2020 had the highest voter turnout since 1960, with approximately 158 million Americans casting ballots.<sup>374</sup> Table 9 shows a comparison in voter turnout between 2016 and 2020, both of which were presidential election years. In addition, multiple news organizations and think tanks on both sides of the aisle reported that the 2020 U.S. elections were free of any systemic voter fraud, impacting the results.<sup>375</sup>

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<sup>371</sup> Department of Justice, "Six Russian GRU Officers Charged in Connection with Worldwide Deployment of Destructive Malware and Other Disruptive Actions in Cyberspace," Department of Justice, October 19, 2020, <https://www.justice.gov/opa/pr/six-russian-gru-officers-charged-connection-worldwide-deployment-destructive-malware-and>.

<sup>372</sup> Department of Justice.

<sup>373</sup> Department of Justice.

<sup>374</sup> Drew DeSilver, "Turnout Soared in 2020 as Nearly Two-Thirds of Eligible U.S. Voters Cast Ballots for President," *Pew Research Center Fact Tank* (blog), January 28, 2021, <https://www.pewresearch.org/fact-tank/2021/01/28/turnout-soared-in-2020-as-nearly-two-thirds-of-eligible-u-s-voters-cast-ballots-for-president/>.

<sup>375</sup> Brennan Center for Justice, "It's Official: The Election Was Secure | Brennan Center for Justice," *Brennan Center for Justice* (blog), December 11, 2020, <https://www.brennancenter.org/our-work/research-reports/its-official-election-was-secure>; Nick Corasaniti, Reid J. Epstein, and Jim Rutenberg, "The Times Called Officials in Every State: No Evidence of Voter Fraud," *New York Times*, November 11, 2020, <https://www.nytimes.com/2020/11/10/us/politics/voting-fraud.html>; Justin Grimmer, Haritz Garro, and Andrew Eggers, "No Evidence For Voter Fraud: A Guide To Statistical Claims About The 2020 Election," Text (Palo Alto, CA: Hoover Institution, February 3, 2021), <https://www.hoover.org/research/no-evidence-voter-fraud-guide-statistical-claims-about-2020-election>; Reality Check Team, "US Election 2020: Fact-Checking Trump Team's Main Fraud Claims," BBC News, November 23, 2020, <https://www.bbc.com/news/election-us-2020-55016029>.

Table 9. Comparison of Overall Voter Turnout for Presidential Elections.<sup>376</sup>

Election Year	Number of Voters Turning Out	Percentage of Voter Turnout
2016	137,500,000	61.4%
2020	158,000,000	66.2%
Change	+20,500,000	+4.8%

It is still unclear whether the IRA's operations contributed to the record number of Americans to vote or suppress turnout among Black voters in 2016. The U.S. Census Bureau will not have an analysis of voter demographics for the 2020 elections until late in 2021. Despite the lack of demographic data for 2020, the Russian attempts to depress voter turnout were unsuccessful as Americans turned out in record numbers.

#### F. CONCLUSIONS FROM THE 2020 U.S. ELECTIONS

Reflecting on the 2020 elections, three main themes emerged. First, the Russians continued their efforts to target the U.S. elections while shifting tactics to avoid detection. Second, the social media companies, along with news media and research organizations, were able to identify and disrupt the evolving Russian disinformation campaigns. Third, the U.S. government was a more active player in securing the elections, primarily through its information sharing with the social media companies, political organizations, and the American public.

Despite the best efforts of the Russians, social media companies, news media, and research organizations were able to detect, expose, and disrupt the activities of the Internet Research Agency and their other online groups, namely Secondary Infektion and the GRU. Although America's private sector may have been caught unaware during the 2016 elections, it was on heightened alert ahead of 2020, with the noteworthy efforts of CNN,

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<sup>376</sup> Adapted from DeSilver, "Turnout Soared in 2020 as Nearly Two-Thirds of Eligible U.S. Voters Cast Ballots for President"; Krogstad and Lopez, "Black Voter Turnout Fell in 2016."

Reuters, and Graphika exposing Russian disinformation activities and paving the way for the social media companies to shut down their social media accounts.

The U.S. government's response to the Russian influence campaign appeared more robust before the 2020 elections than in the 2016 or 2018 elections. These efforts comprised a series of transparency and security-related measures. The most important actions taken by the U.S. government may have been the information sharing with the social media companies to expose Russia's different operations and shut down its accounts. In addition, the U.S. government's information-sharing may have helped the social media companies secure their platforms by identifying malign Russian influence activities. At first glance, the U.S. government's other responses, such as economic sanctions and indictments, may not seem impactful because the United States does not have an extradition treaty with Russia. As a result, the sanctioned or indicted individuals may never be brought to justice in the U.S. court system. However, a critical role of sanctions and indictments is to provide transparency, i.e., factual narratives of the crimes perpetrated by Russia that informs the American public.

It took the collaborative efforts of the private sector, in the form of social media companies, researcher organizations, and news media, and the public sector, in the form of the executive and legislative branches of the U.S. government, to turn back the Putin-sanctioned disinformation operations which were targeting the 2020 U.S. elections. These collective actions were viewed through the lens of the Kartapolov Framework to determine their effectiveness in countering Russian influence operations. The next chapter will identify and examine the most effective countermeasures and provide recommendations for safeguarding future elections.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS TO COUNTER RUSSIA IN THE FUTURE**

The problem of foreign actors trying to influence the American electorate is not going away and, given the current partisan divides in this country, may find fertile ground in which to grow in the future.

— Mark Warner, March 16, 2021

Senator Warner, Chair of the Senate Intelligence Committee, made the above statement after the Office of the Director of National Intelligence released its report appraising foreign threats to the 2020 U.S. elections. This report, backed by the entire U.S. Intelligence Community, assessed that Russia was actively trying to influence the elections through information operations.<sup>377</sup> Furthermore, the report forecasts Russia will continue to interfere in future U.S. elections to degrade the United States' global credibility and weaken its influence overseas.<sup>378</sup> In anticipation of the continued Russian influence threat, this chapter provides a final summation of the American efforts to protect the 2020 elections and concludes which efforts were the most effective. Based on these conclusions, recommendations have been proposed to protect future U.S. elections. These recommendations are derived, in part, from proposals by subject matter experts in a variety of fields.

##### **A. CONCLUSIONS – THERE IS NO END GAME**

The major social media companies and the U.S. government's efforts to protect the 2020 U.S. elections against Russian malign influence campaigns appeared to be generally successful. Using the Kartapolov Framework in this thesis provided a systematic method to analyze the effectiveness of the American countermeasures qualitatively. As a reminder, the framework is a mental model devised by Thomas Wilhelm, a U.S. Army researcher, to understand better the Russian military's perspective in conducting information operations

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<sup>377</sup> Office of the Director of National Intelligence, "Intelligence Community Assessment on Foreign Threats to the 2020 U.S. Federal Elections," 2.

<sup>378</sup> Office of the Director of National Intelligence, 5.

to further its objectives.<sup>379</sup> The most effective measure taken by the major social media companies was the rapid detection and takedown of fake accounts and content generated by the Internet Research Agency and other Russian proxies. The social media companies' other efficacious efforts included publicizing these account takedowns, which promoted transparency to the American public, and partnering with other organizations, such as news media and researchers, to expose Russian influence activities which were not on the social media platforms. The most effective measure taken by the U.S. government was likely its information-sharing efforts with the social media companies to help them identify previously unknown Russian influence activities on their platforms. The U.S. government's other effective efforts included its initiative to inculcate good cybersecurity practices among the national-level political parties and campaigns and regular public messaging about malign influence activities to the American populace.

The Internet Research Agency resembled a professional marketing firm that employed both technology and psychology to maximum effect.<sup>380</sup> It took advantage of easy-to-use social media platforms to reach millions of U.S. citizens.<sup>381</sup> The IRA recognized the existing dissension among different sectors of the American population and exploited it to drive people further into tribalism.<sup>382</sup> Over the past several years, the IRA honed its skills and precisely identified specific in-groups it wanted to influence. On the right side of the political spectrum, the IRA focused on issues such as illegal immigration, gun rights, religious freedom, anti-abortion, and the general fear of change.<sup>383</sup> Although challenging, if not impossible to quantify, the IRA's influence activities may have reinforced these people's in-group beliefs, which could have potentially activated them to vote for Trump. On the left side of the political spectrum, the IRA appeared to play on the fears and frustrations of the more racially and ideologically diverse group to suppress voter

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<sup>379</sup> Wilhelm, "A Russian Military Framework," 33.

<sup>380</sup> DiResta et al., *The Tactics & Tropes of the Internet Research Agency*, 6.

<sup>381</sup> Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 39.

<sup>382</sup> *Report on Russian Active Measures*, 4.

<sup>383</sup> DiResta et al., *The Tactics & Tropes of the Internet Research Agency*, 99.

turnout.<sup>384</sup> The IRA's main shift in tactics from 2016 to 2020 was its creation of fake news outlets appealing to far-right conservatives, in the form of the Newsroom for American and European Based Citizens, and ultraliberals, in the form of the PeaceData site.<sup>385</sup> Ostensibly, the IRA's rationale for this shift was to control its own content and avoid the aggressive disruption tactics of the major social media companies. The IRA's other significant shift was to use indigenous workers in other countries to mask its true identity, explicitly creating the front organization known as Eliminating Barriers for the Liberation of Africa.<sup>386</sup>

The Internet Research Agency's role in influencing the 2016 and 2020 U.S. Presidential Elections may have been marginal but still impactful. That being said, the IRA's influence in 2020 was significantly diminished compared to its efforts in 2016. The primary reason was that the IRA's activities were unnoticed and unconstrained in 2016 but were quickly detected and disrupted in 2020 by the major social media companies and the U.S. government. One of the IRA's primary goals was to suppress Black voter turnout.<sup>387</sup> An illustrative statistic was the decline of Black voter turnout in 2016 by seven percent compared to the 2012 elections.<sup>388</sup> In 2020, Black voter turnout rebounded by four percent over the 2016 levels.<sup>389</sup> In addition, other minority groups had significant increases in voter turnout for 2020. Hispanic voter turnout increased by six percent, and Asian voter turnout increased by ten percent.<sup>390</sup> These 2020 turnout results showed the ineffectiveness of the IRA's efforts.

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<sup>384</sup> Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 3.

<sup>385</sup> Graphika Team, *Step Into My Parler*, 2; Nimmo et al., "IRA Again: Unlucky Thirteen," 1.

<sup>386</sup> Ward et al., "Russian Election Meddling Is Back."

<sup>387</sup> Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 18.

<sup>388</sup> Krogstad and Lopez, "Black Voter Turnout Fell in 2016."

<sup>389</sup> William H. Frey, *Turnout in 2020 Election Spiked among Both Democratic and Republican Voting Groups, New Census Data Shows* (Washington, DC: Brookings, 2021), <https://www.brookings.edu/research/turnout-in-2020-spiked-among-both-democratic-and-republican-voting-groups-new-census-data-shows/>.

<sup>390</sup> Frey.

Many factors are at play when trying to measure the effects of Russia's influence operations. First-order effects include real users interacting with inauthentic content, Russian-bot amplification of divisive organic content, and IRA-controlled accounts communicating directly with real users. Second-order effects include changes to the social network itself by the actions mentioned above and contemporaneous sociopolitical events influencing discussions. Due to how the U.S. Electoral College process awards presidential electoral votes, the U.S. Presidency was decided by about 78,000 votes combined across Michigan, Pennsylvania, and Wisconsin for 2016.<sup>391</sup> In 2020, Biden won the presidency by about 45,000 votes combined across Arizona, Georgia, and Wisconsin.<sup>392</sup> In both presidential elections, voter turnout was near historical highs.<sup>393</sup> In order to protect future elections in the United States, a whole-of-society approach will be needed to counter malign influence from Russia and other adversarial nation-states.

## **B. RECOMMENDATIONS FOR PROTECTING FUTURE ELECTIONS FROM RUSSIAN INTERFERENCE**

Like the Cold War's nuclear arms race, the United States may be in a new information operations race with Russia. Based on the evaluation of the Russian actions and the effectiveness of the American responses, this section makes recommendations for protecting future elections that have been drawn from experts in the U.S. government, non-governmental organizations, and academic institutions. The three types of possible actions are broadly categorized as security, transparency, and resiliency measures.<sup>394</sup> Social media companies and the U.S. government have mainly focused on the first two types of measures: security and transparency. Although these measures proved to be successful for the 2020 elections and are essential to safeguarding our democracy and the public

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<sup>391</sup> Dante Chinni, "Did Biden Win by a Little or a Lot? The Answer Is ... Yes.," NBC News, December 20, 2020, <https://www.nbcnews.com/politics/meet-the-press/did-biden-win-little-or-lot-answer-yes-n1251845>.

<sup>392</sup> Chinni.

<sup>393</sup> Frey, *Turnout in 2020 Election Spiked*; Krogstad and Lopez, "Black Voter Turnout Fell in 2016."

<sup>394</sup> Cederberg et al., *National Counter-Information Operations Strategy*; DiResta and Grossman, *Potemkin Pages & Personas: Assessing GRU Online Operations, 2014–2019*; King and Gallagher, *Cybersecurity Lessons from the Pandemic; Report on Russian Active Measures; Russian Active Measures Campaigns: Volume 1*.

perception of fair elections, they may not be sufficient for future elections because of the current political rancor in the United States. To that end, resiliency measures will be the third critical component to promote a flourishing American democracy.

### **1. Security Measures**

Security measures serve three purposes: (1) prevention of disinformation or data breaches, (2) deterrence of damaging actions or operations, and (3) punishment of criminal or other harmful actions.<sup>395</sup> These recommendations came from an evaluation of U.S. government and private sector actions taken to counter the efforts of the Internet Research Agency and other Russian actors. The most impactful measures against the evolving threat from Russian information operations were distilled from various U.S. government, non-governmental organizations, and academic literature. The proposed security measures, summarized in Table 10, include enhanced cybersecurity, enhanced disinformation detection, economic sanctions, information sharing, and the establishment of a fusion center. Items highlighted in yellow are existing measures. Items highlighted in green are new proposed measures.

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<sup>395</sup> Bodine-Baron et al., *Countering Russian Social Media Influence*, 12; U.S. Congress. Senate Select Committee on Intelligence, *Russian Active Measures Campaigns: Volume 1*, 54.

Table 10. Security Measures for Countering Russian Information Operations.

Measure	Description	Responsibility
<b>Enhanced Cybersecurity</b>	Build up cyber expertise and defenses to prevent breaches of election infrastructure and other government infrastructure. <sup>396</sup>	<ul style="list-style-type: none"> <li>• Government</li> <li>• Private Sector</li> </ul>
<b>Enhanced Detection</b>	Use advanced technologies, such as artificial intelligence, to quickly detect and take down disinformation. These technologies can augment other types of content moderation. <sup>397</sup>	<ul style="list-style-type: none"> <li>• Private Sector</li> </ul>
<b>Economic Sanctions</b>	Deter malicious activities and impose costs for actors who seek to interfere in U.S. elections and the democratic process. <sup>398</sup>	<ul style="list-style-type: none"> <li>• Government</li> </ul>
<b>Information Sharing among Government, Social Media Companies, and External Researchers</b>	Share threat intelligence among key stakeholders to detect, identify, and disrupt disinformation campaigns. <sup>399</sup>	<ul style="list-style-type: none"> <li>• Government</li> <li>• Private Sector</li> <li>• Researchers</li> </ul>
<b>National Counter Information Operations Center</b>	Create an interagency fusion center under the Office of the Director of National Intelligence to coordinate strategy, intelligence, and operations regarding disinformation campaigns. <sup>400</sup>	<ul style="list-style-type: none"> <li>• Government</li> </ul>

The first recommendation is for the U.S. government to continue providing cybersecurity training and briefings to relevant stakeholders. The Russians did not cause any significant data breaches of any national-level political organizations or campaigns for

<sup>396</sup> Adapted from O'Connor et al., *Cyber-Enabled Foreign Interference*, 6; *Russian Active Measures Campaigns: Volume 1*, 55; *Report on Russian Active Measures*, 121–22.

<sup>397</sup> Adapted from Bodine-Baron et al., *Countering Russian Social Media Influence*, 12; Cartwright, Weir, and Frank, “Fighting Disinformation Warfare with Artificial Intelligence,” 73.

<sup>398</sup> Adapted from Cederberg et al., *National Counter-Information Operations Strategy*, 11; Polyakova, “The Kremlin’s Plot against Democracy.”

<sup>399</sup> Adapted from Cederberg et al., *National Counter-Information Operations Strategy*, 12; Hanlon, *A Long Way to Go*, 10; O'Connor et al., *Cyber-Enabled Foreign Interference*, 6.

<sup>400</sup> Adapted from Cederberg et al., *National Counter-Information Operations Strategy*, 12; Terry L. Thompson, “No Silver Bullet: Fighting Russian Disinformation Requires Multiple Actions,” *Georgetown Journal of International Affairs* 21 (2020): 182–94, <https://doi.org/10.1353/gia.2020.0033>.

the 2020 U.S. Elections. Some of this success can be attributed to the cybersecurity training and briefings provided to the political organizations and campaigns by the FBI and DHS.<sup>401</sup> The prevention of data breaches in the future will mean less fodder for the Russians or other adversarial governments to incorporate into disinformation campaigns. These cybersecurity enhancement actions should continue to be used moving forward as technological changes happen rapidly.<sup>402</sup>

The second recommendation calls for advanced technologies, including artificial intelligence, to be developed and deployed on social media and news platforms to enhance the detection, monitoring, and neutralization of covert malign foreign influence activities.<sup>403</sup> These malign activities may take the form of disinformation content, botnet amplifications, or incitement of divisive issues. The neutralization can take the form of traditional account takedowns or marking the accounts and content with labels identifying their origins and providing access to sources of factual information. Advanced technology tools should be developed so platform companies or users may detect disinformation or influence activities and crowdsource the appropriate neutralization methods.<sup>404</sup> The removal of foreign disinformation content can help promote the integrity of American free speech and halt the erosion of trust in the electoral process.<sup>405</sup> Due to the First Amendment (free speech) and Fourth Amendment (privacy) constraints on the U.S. government, advanced detection and removal technologies are best employed by private sector companies.<sup>406</sup>

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<sup>401</sup> Federal Bureau of Investigation, “Combating Foreign Influence”; Federal Bureau of Investigation, “Protected Voices”; Office of the Director of National Intelligence, “Director of National Intelligence Announces Changes to Election Security Briefings.”

<sup>402</sup> U.S. Congress. Senate Select Committee on Intelligence, *Russian Active Measures Campaigns: Volume 1*, 55–56.

<sup>403</sup> Bodine-Baron et al., *Countering Russian Social Media Influence*, 12; Hanlon, *A Long Way to Go*, 2; Marcellino et al., *Foreign Interference in the 2020 Election*.

<sup>404</sup> Cartwright, Weir, and Frank, “Fighting Disinformation Warfare with Artificial Intelligence,” 73.

<sup>405</sup> Suzanne E. Spaulding and Eric Goldstein, *Countering Adversary Threats to Democratic Institutions: An Expert Report* (Washington, DC: Center for Strategic and International Studies, 2018), 4, <https://www.csis.org/analysis/countering-adversary-threats-democratic-institutions>.

<sup>406</sup> Facebook, “The State of Influence Operations 2017–2020,” *About Facebook* (blog), May 26, 2021, 5, <https://about.fb.com/news/2021/05/influence-operations-threat-report/>.

The third recommendation is the continued use of economic sanctions by the U.S. government. Continued sanctions by the Department of Treasury against Russian individuals and entities appeared to have had a significant impact on Russia as a security measure. As anecdotal evidence, one of the primary discussion topics at the infamous Trump Tower meeting was supposed to be the previously mentioned Magnitsky Act.<sup>407</sup> This act imposed severe financial sanctions on the close allies of Putin and continues to be a thorn in his side.<sup>408</sup> The sanctions imposed in 2018 may have an add-on effect to the Magnitsky Act.<sup>409</sup> Economic sanctions should continue to be part of a broad range of tools utilized concurrently by the U.S. government for deterrent and punitive effects.<sup>410</sup>

The fourth recommendation is the establishment of formal information-sharing mechanisms. Information sharing among different organizations is occurring, but on an ad hoc basis, as was seen ahead of the 2020 elections when the FBI shared information with the social media companies to help them detect the disinformation campaigns on their platforms.<sup>411</sup> Information sharing among relevant stakeholders in the malign foreign influence space should be formalized and standardized. Appropriate sharing should occur between social media companies, those companies and the U.S. government, and researchers with the U.S. government and social media companies. The Information Sharing and Analysis Center (ISAC) model has proven successful in different sectors for information sharing. One example of this is the Financial Sector ISAC (FS-ISAC).<sup>412</sup> Currently, no Social Media Sector ISAC exists. This gap is likely because of the competitive nature of social media companies. Still, the FS-ISAC has shown that financial

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<sup>407</sup> Mueller, *Report on the Investigation into Russian Interference in the 2016 Presidential Election*, 2019, 185.

<sup>408</sup> Ioffe, “Why Does the Kremlin Care So Much about the Magnitsky Act?”

<sup>409</sup> Rennack, *U.S. Sanctions on Russia*.

<sup>410</sup> Bodine-Baron et al., *Countering Russian Social Media Influence*, 12; Cederberg et al., *National Counter-Information Operations Strategy*, 12.

<sup>411</sup> Facebook, “September 2020 Coordinated Inauthentic Behavior Report”; Facebook, “October 2020 Coordinated Inauthentic Behavior Report”; Google Threat Analysis Group, “TAG Bulletin,” November 17, 2020; @TwitterSafety, “September 2020: Disclosing Networks to Our State-Linked Information Operations Archive.”

<sup>412</sup> ISAO Standards Organization, “Financial Services ISAC,” ISAO Standards Organization, accessed April 21, 2021, <https://www.isao.org/information-sharing-group/sector/financial-services-isac/>.

institutions can set aside rivalries for the common good. The benefit of having an information-sharing organization would be to establish norms and best practices for the private sector, in addition to sharing threat indicators for mutual benefit.

The last recommendation is for the U.S. government to establish a National Counter Information Operations Center as an interagency fusion center and focal point for countering disinformation campaigns.<sup>413</sup> The bipartisan U.S. Cyberspace Solarium Commission pointed out that the 2020 National Defense Authorization Act (NDAA) provided a provision wherein the Office of the Director of National Intelligence could form a “Social Media Data and Threat Analysis Center.”<sup>414</sup> This center could be modeled after the National Counterterrorism Center, which also operates under the Office of the Director of National Intelligence. The commission envisioned a center that would allow the relevant U.S. government elements to work alongside social media companies to combat disinformation.<sup>415</sup> In April 2021, the Office of the Director of National Intelligence responded to the new legislation by announcing it was establishing “the Foreign Malign Influence Center “in light of evolving threats and in support of growing policy and congressional requirements.”<sup>416</sup> As of the writing of this thesis, no further details have been provided by ODNI, but the announcement appears to be in line with the functionality of the center proposed in the 2020 NDAA.

## 2. Transparency Measures

Transparency measures are designed to build trust and confidence in organizations by sharing relevant information with the general public.<sup>417</sup> The transparency measures proposed include a public communications strategy, content labeling standards, updated

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<sup>413</sup> Cederberg et al., *National Counter-Information Operations Strategy*, 12; Thompson, “No Silver Bullet.”

<sup>414</sup> King and Gallagher, *Cybersecurity Lessons from the Pandemic*, 12.

<sup>415</sup> King and Gallagher, 12.

<sup>416</sup> Martin Matishak, “Intelligence Community Creating Hub to Gird against Foreign Influence,” *Politico*, April 26, 2021, <https://www.politico.com/news/2021/04/26/intelligence-community-hub-foreign-influence-484604>.

<sup>417</sup> Cederberg et al., *National Counter-Information Operations Strategy*, 12.

political advertising and campaign finance laws, and transparency reporting. Table 11 summarizes the proposed transparency measures to combat Russian disinformation campaigns. As with the last table, yellow highlighted items are existing measures, and green highlighted items are new proposed measures.

Table 11. Transparency Measures for Countering Malign Russian Influence.

Measure	Description	Responsibility
<b>Public Communication Strategy</b>	Devise and execute a strategy to counter disinformation in the public sphere, both domestically and overseas, through multiple avenues. <sup>418</sup>	<ul style="list-style-type: none"> <li>Government</li> <li>Private Sector</li> </ul>
<b>Content Labeling</b>	Establish and use a standardized method for labeling disinformation and misinformation on websites and social media platforms. <sup>419</sup>	<ul style="list-style-type: none"> <li>Private Sector</li> </ul>
<b>Transparency Reporting</b>	Provide the public with reports that summarize the quantity and type of disinformation on a company's platform. These reports should include raw data for third parties, such as researchers, to conduct detailed analyses. <sup>420</sup>	<ul style="list-style-type: none"> <li>Private Sector</li> <li>Researchers</li> </ul>
<b>Update Political Advertising and Campaign Finance Laws</b>	Strengthen current statutes to improve transparency and prevent foreign entities from purchasing advertisements or donating to political campaigns. <sup>421</sup>	<ul style="list-style-type: none"> <li>Government</li> </ul>

<sup>418</sup> Adapted from Cederberg et al., 11–12; Marcellino et al., *Foreign Interference in the 2020 Election*; Polyakova, “The Kremlin’s Plot against Democracy.”

<sup>419</sup> Adapted from Bodine-Baron et al., *Countering Russian Social Media Influence*, 12; DiResta and Grossman, *Potemkin Pages & Personas: Assessing GRU Online Operations, 2014–2019*, 2; Hanlon, *A Long Way to Go*, 6; Thompson, “No Silver Bullet.”

<sup>420</sup> Adapted from DiResta and Grossman, *Potemkin Pages & Personas: Assessing GRU Online Operations, 2014–2019*, 1; Hanlon, *A Long Way to Go*, 1; Thompson, “No Silver Bullet.”

<sup>421</sup> Adapted from Cederberg et al., *National Counter-Information Operations Strategy*, 12; *Report on Russian Active Measures*, 127.

First, a public communications strategy would be a whole-of-government plan to effectively counter disinformation and propaganda campaigns being waged against the American populace.<sup>422</sup> An effective strategy would involve providing counter-narratives using factual information across various mediums to ensure the public received it, such as through news media and social media outlets.<sup>423</sup> It would also involve exposing false or misleading content and the origins of this information so Americans could understand how they were being targeted.<sup>424</sup>

Second, the private sector companies should also standardize and expand their use of labeling for disinformation, misleading content, and the origins of content.<sup>425</sup> This change would allow users to decide for themselves how to think about and handle the content. As an example, Twitter and Facebook have started labeling misleading tweets and posts by government officials.<sup>426</sup> The Foreign Agent Registration Act (FARA) is the U.S. government's version of what Twitter is doing regarding labeling.<sup>427</sup> FARA mandates that all agents of foreign governments register with the Department of Justice and ensure all of their content in advertising or other messaging is prominently labeled.<sup>428</sup> However, this statute was enacted in 1938 and could use an update to consider current malign influence efforts by Russia and other countries.<sup>429</sup> Congress should provide legislative fixes to enhance the transparency of foreign involvement with U.S. officials or political

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<sup>422</sup> Cederberg et al., *National Counter-Information Operations Strategy*, 11.

<sup>423</sup> Cederberg et al., 11.

<sup>424</sup> Marcellino et al., *Foreign Interference in the 2020 Election*; Polyakova, "The Kremlin's Plot against Democracy."

<sup>425</sup> Hanlon, *A Long Way to Go*, 6.

<sup>426</sup> Facebook, "Facebook - Preventing Election Interference"; Twitter, "Elections Integrity."

<sup>427</sup> Jessica Brandt and Josh Rudolph, *Spies and Money: Legal Defenses Against Foreign Interference in Political Campaigns* (Washington, DC: Alliance for Security Democracy, German Marshall Fund, 2021), <https://securingdemocracy.gmfus.org/spies-and-money-legal-defenses-against-foreign-interference-in-political-campaigns/>.

<sup>428</sup> Brandt and Rudolph.

<sup>429</sup> Carolyn Kenney, Max Bergmann, and James Lamond, *Understanding and Combating Russian and Chinese Influence Operations* (Washington, DC: Center for American Progress, 2019), 8, <https://www.hsdl.org/?view&did=822729>.

candidates.<sup>430</sup> This addendum includes foreign businesses and consultants who support political campaigns, as well as the disclosure of any financial interests a political candidate may have overseas.

Third, transparency reports are the key mechanism for private sector organizations to share information with the American public.<sup>431</sup> These reports should be expanded to include more nuanced details about foreign influence activities detected and thwarted on social media platforms. All social media companies should also make public their entire archives of malign covert influence content that was taken down.<sup>432</sup> These archives will enable general users, as well as researchers and non-governmental organizations, to analyze the data and provide reports to the American populace. The relationship between the companies and the researchers can help the companies build capacity to analyze malign foreign influence efforts and earn public trust from engaging with independent researchers.

Last, both political advertising and campaign finance laws should be strengthened by closing loopholes to identify the buyers and donors more quickly while also considering the exponential growth of online platforms for advertising and fundraising.<sup>433</sup> Current technology advancements have allowed foreign entities to anonymize or obscure their identities and origins. The House Intelligence Committee noted loopholes in current campaign finance laws that allow foreign entities to provide services to political campaigns.<sup>434</sup> Improved political advertising and campaign finance laws will allow the American public to make informed decisions during the elections.

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<sup>430</sup> McFaul, *Securing American Elections*, 55.

<sup>431</sup> DiResta and Grossman, *Potemkin Pages & Personas: Assessing GRU Online Operations, 2014–2019*, 1; Facebook, “Threat Report,” 5; Hanlon, *A Long Way to Go*, 1.

<sup>432</sup> DiResta and Grossman, *Potemkin Pages & Personas: Assessing GRU Online Operations, 2014–2019*, 1; Hanlon, *A Long Way to Go*, 10; Howard et al., *The IRA, Social Media, and Political Polarization in the United States, 2012–2018*, 40.

<sup>433</sup> Cederberg et al., *National Counter-Information Operations Strategy*, 12; “Page 1 - Introduction,” n.d., 127.

<sup>434</sup> U.S. Congress. House Permanent Select Committee on Intelligence, *Report on Russian Active Measures*, 127.

### 3. Resiliency Measures

The last but perhaps most crucial measure for consideration is resiliency. The 2021 Intelligence Community's annual threat assessment named Russia as one of "the most serious intelligence threats to the United States" and warned that the Russian government would continue its efforts to propagate dissension in the American populace.<sup>435</sup> In combating future Russian influence campaigns, the two relevant facets of resiliency are improved media literacy and critical thinking for the American public.<sup>436</sup>

Improved media literacy requires both educational and technological components. One study showed that media literacy education for adolescents had "more to do with promoting an understanding of media content and production, rather than simply forming habits of consumption."<sup>437</sup> The government, news media, and social media companies all need to play a role in helping both children and adults understand media content origination and generation.<sup>438</sup> The solutions include public service announcements that are informed by media literacy experts, education programs for school-aged children, and career development or continuing education programs for adults.<sup>439</sup>

Technological enhancements are also needed to improve media literacy. In our current digital age, Americans are awash with overwhelming amounts of information, much of which is false or misleading. A recent study showed that exposure to inaccurate or misleading information on Facebook might slow down or stop users' knowledge

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<sup>435</sup> Office of the Director of National Intelligence, *2021 Annual Threat Assessment of the U.S. Intelligence Community*, 11.

<sup>436</sup> McFaul, *Securing American Elections*, 8.

<sup>437</sup> Sebastián Valenzuela, Ingrid Bachmann, and Marcela Aguilar, "Socialized for News Media Use: How Family Communication, Information-Processing Needs, and Gratifications Determine Adolescents' Exposure to News," *Communication Research* 46, no. 8 (2016): 1111, <https://doi.org/10.1177/0093650215623833>.

<sup>438</sup> Spaulding and Goldstein, *Countering Adversary Threats to Democratic Institutions*, 11.

<sup>439</sup> Cederberg et al., *National Counter-Information Operations Strategy*, 11; Jon Roozenbeek and Sander van der Linden, "Breaking Harmony Square: A Game That 'Inoculates' against Political Misinformation," *Harvard Kennedy School Misinformation Review* 1, no. 8 (2020): 1–26, <https://doi.org/10.37016/mr-2020-47>; Spaulding and Goldstein, *Countering Adversary Threats to Democratic Institutions*, 4.

acquisition.<sup>440</sup> All of this content, if made by Americans, is considered free speech. A thornier issue is the artificial amplification of American free speech by Russia or other foreign actors through social media botnets.<sup>441</sup> Artificial intelligence and other advanced technologies will be needed to detect and take down the Russian-controlled bots generating or amplifying malicious content while distinguishing it from First Amendment protected American speech.<sup>442</sup>

One of the essential skills needed for each American is critical thinking, i.e., the ability to discern fact from fiction to make informed conclusions and decisions.<sup>443</sup> Although the focus of this thesis was Russian disinformation campaigns, domestic disinformation operations also featured prominently ahead of the 2020 elections.<sup>444</sup> Critical thinking is an important measure that can be used to examine information despite its origin and is already being taught to some degree as a part of different school subjects such as language arts, mathematics, and social studies. A vital part of a good school curriculum should teach students how to be critical and discerning in their digital media consumption as references and sources for their other coursework.<sup>445</sup>

Furthermore, Americans can learn from other democracies targeted by Russian propaganda. Even with the unrelenting assault of Russian information operations, the democracies in former Soviet Bloc countries appear to have relatively informed and resilient electorates because media literacy and critical thinking are indoctrinated into their

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<sup>440</sup> Sangwon Lee and Michael Xenos, “Social Distraction? Social Media Use and Political Knowledge in Two U.S. Presidential Elections,” *Computers in Human Behavior* 90 (January 2019): 22, <https://doi.org/10.1016/j.chb.2018.08.006>.

<sup>441</sup> Linvill and Warren, “Engaging with Others,” 3.

<sup>442</sup> Bodine-Baron et al., *Countering Russian Social Media Influence*, 12; Cartwright, Weir, and Frank, “Fighting Disinformation Warfare with Artificial Intelligence,” 1.

<sup>443</sup> Spaulding and Goldstein, *Countering Adversary Threats to Democratic Institutions*, 11.

<sup>444</sup> Scott Jasper, “Why Foreign Election Interference Fizzled in 2020,” *Atlantic Council* (blog), November 23, 2020, <https://www.atlanticcouncil.org/blogs/new-atlanticist/why-foreign-election-interference-fizzled-in-2020/>.

<sup>445</sup> Belinha S. de Abreu, *Teaching Media Literacy*, 2nd ed. (Chicago: American Library Association, 2019), 10.

entire education and news media ecosystem.<sup>446</sup> European media platforms do not feature standardized labeling of disinformation or state-sponsored content. Though these Eastern European countries do not have the economic or technological advantages of the United States, they seem to be inoculated from the effects of Russian disinformation operations.<sup>447</sup> Improved media literacy and critical thinking will help Americans discern what they are reading to make better-informed decisions regarding elections and other vital issues.<sup>448</sup>

During his farewell speech after serving a second term in office, George Washington stated, “Against the insidious wiles of foreign influence...the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republic government.”<sup>449</sup> Those words seem prescient today, well over two hundred years later. Except for an interlude from the end of the Cold War in 1991 to 2014, Russia has waged a campaign of information warfare to tear the fabric of Western democracy through wide-ranging operations on social media platforms targeting Americans.<sup>450</sup> Both the U.S. government and major social media companies were caught flatfooted in 2016 but took a series of security and transparency actions since then to counter the ongoing Russian efforts targeting U.S. elections specifically and American democracy more broadly. Hopefully, incorporating the existing and proposed measures will help repair and strengthen the framework of American democracy for the 21<sup>st</sup> century.

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<sup>446</sup> John R. Raines, *Countering Russian Disinformation: Europe Dusts Off the Mighty Wurlitzer*, E-Notes (Philadelphia, PA: Foreign Policy Research Institute, 2015), 6, [http://www.fpri.org/docs/haines\\_-\\_wurlitzer.pdf](http://www.fpri.org/docs/haines_-_wurlitzer.pdf).

<sup>447</sup> Raines, 6.

<sup>448</sup> Spaulding and Goldstein, *Countering Adversary Threats to Democratic Institutions*, 12.

<sup>449</sup> George Washington, “Washington’s Farewell Address,” Digital History, 1796, [http://www.digitalhistory.uh.edu/disp\\_textbook.cfm?smtID=3&psid=160](http://www.digitalhistory.uh.edu/disp_textbook.cfm?smtID=3&psid=160).

<sup>450</sup> Mueller, *Report on the Investigation into Russian Interference in the 2016 Presidential Election*, 2019, 4; National Museum of American History, “The End of the Cold War,” Cold War Timeline, 2000, <https://americanhistory.si.edu/subs/history/timeline/end/>.

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4           STATE OF MISSOURI ex  
5           rel. ERIC S. SCHMITT,  
6           Attorney General,  
7           et al.,

No. 3:22-cv-01213-TAD-KDM

8                   Plaintiffs,

9                   vs.

10           JOSEPH R. BIDEN, JR.,  
11           in his official capacity  
12           as President of the United  
13           States, et al.,  
14           Defendants.

15                   THE VIDEOTAPED DEPOSITION OF CAROL CRAWFORD  
16                   November 15, 2022  
17                   9:24 a.m. to 5:33 p.m.

18                   Office of General Counsel  
19                   Centers for Disease Control and Prevention  
20                   1600 Clifton Road NE  
21                   Atlanta, Georgia

22           Reporter:  
23                   Maureen S. Kreimer, CCR-B-1379, CRR  
24  
25

CAROL CRAWFORD 11/15/2022

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22		through 24 and 26 through 44 have been attached to	
23		the original deposition transcript.)	
24			
25			

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26 (Continued next page)

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13

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15

16

- - -

17

18

19 (Pursuant to Article 10(B) of the Rules and  
20 Regulations of the Georgia Board of Court Reporting,  
21 disclosure was presented to all counsel present at  
22 the proceeding and a written copy is attached  
23 hereto.)

24

25

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1 THE VIDEOGRAPHER: We are on the record.  
2 Today's date is November 15, 2022. The time is  
3 9:24. This is the video-recorded deposition of  
4 Carol Crawford in the matter of the State of  
5 Missouri versus Joseph R. Biden in the U.S. District  
6 Court for the Western District of Louisiana.

7 This deposition is being held at the CDC.  
8 The reporter's name is Maureen Kreimer. My name is  
9 Jason Silling. I am the legal videographer. We are  
10 with Lexitas Legal. Would the attorneys present  
11 please introduce themselves and the parties they  
12 represent.

13 MR. VECCHIONE: I am John Vecchione. I  
14 represent the individual plaintiffs Jay  
15 Bhattacharya, Aaron Kheriaty, and Jill Hines and  
16 Martin Kulldorff.

17 MS. SNOW: My name is Kyla Snow. I'm with  
18 the Department of Justice representing the  
19 defendants in this case. And defendants reserve  
20 their right to review, read, review and sign the  
21 transcript.

22 MR. GILLIGAN: James Gilligan, also with  
23 the Department of Justice representing the  
24 defendants.

25 MR. KUMAR: Anant Kumar with the Office of

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1 General Counsel in HHS, and I also represent the  
2 defendant. I represent the HHS defendants.

3 THE VIDEOGRAPHER: Would the court  
4 reporter please swear in the witness.

5 CAROL CRAWFORD,  
6 having been first duly sworn, was examined and  
7 testified as follows:

8 REPORTER: You can begin, Counsel.

9 THE VIDEOGRAPHER: You may proceed.

10 EXAMINATION

11 BY MR. VECCHIONE:

12 Q. Good morning, Ms. Crawford. Have you ever  
13 been deposed before?

14 A. No, I have not.

15 Q. All right. So I'm going to lay out some  
16 ground rules. We have to -- the court reporter and  
17 everything else can only pick up verbal cues. In  
18 normal conversation, we nod our heads like you're  
19 doing now and all that, but for the record we have  
20 to say things out loud. And that also, to keep a  
21 clear record, we have to try not to talk over each  
22 other. And that's really something the lawyers, we  
23 say to the lawyers, because they're the ones who  
24 interrupt, not the witness. But keep that in mind.

25 If you don't -- I will be asking

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1 questions. If you don't understand the question,  
2 you can ask me to rephrase, or say you don't  
3 understand. Don't answer a question that you think  
4 you don't understand. If during the course of this,  
5 your counsel -- which of you is defending this one?  
6 You're going to defend it?

7 MS. SNOW: Yes.

8 BY MR. VECCHIOINE:

9 Q. So your counsel will make objections.  
10 Wait for the objections to fade, and then answer the  
11 question unless I rephrase or something like that,  
12 unless she instructs you not to answer.

13 Let's see. So do you agree with all that?  
14 Do you understand the process?

15 A. I understand. Could you speak up a  
16 little, though? It's hard for me to hear you.

17 Q. I can. You know what, I didn't turn on  
18 this. I was dealing with the other mic that I have  
19 on my tie.

20 A. Thank you.

21 Q. But in any event, so.

22 All right. Are you taking any  
23 medications, or do you have any condition that would  
24 impact your ability to testify truthfully today?

25 A. No.

1           **Q. All right. For the record please state**  
2 **your name.**

3           A. Carol Young Crawford.

4           **Q. And what's your current employment?**

5           A. I work for the CDC.

6           **Q. What's your title?**

7           A. I am the division director for the  
8 division of Digital Media within the CDC Office of  
9 the Associate Director for Communication, which we  
10 call OADC.

11          **Q. Give me the term again. Office of?**

12          A. The Associate Director for Communication.

13          **Q. And what are your duties in that role?**

14          A. Our division provides leadership for CDC's  
15 web presence. We provide leadership for CDC's  
16 social media presence. We have -- we lead the  
17 development operations of CDC's 800-number, which is  
18 our Contact Center. We also provide graphics and  
19 visual design services for the Agency.

20          **Q. And what do you do?**

21          A. I'm the director of that work. I  
22 determine strategy, objectives, oversee work.

23          **Q. Do you have any -- well, why don't we**  
24 **start. Go back a little bit.**

25                   **Could you briefly outline your education**

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1 and employment history up until now?

2 A. Yes. I started work at CDC when I was 18.  
3 So I have been here 34 years. I went to school -- I  
4 have a bachelor's in business and a master's in  
5 public administration, and I have been working at  
6 CDC within digital communications, web, social  
7 media, for really as long as those things existed at  
8 CDC.

9 Q. And where are your degrees from?

10 A. University of -- the University of Georgia  
11 for the master's, Georgia State for the bachelor.

12 Q. Okay. So have you always been at CDC here  
13 in Atlanta?

14 A. Yes.

15 Q. Did you have any back- -- do you have any  
16 background in medicine, sciences, or epidemiology?

17 A. No.

18 Q. And is there anything else about the role  
19 of the division of Public Affairs' place within CDC  
20 that you haven't told me? Is there anything --

21 A. Can you repeat?

22 Q. Yeah. You have told me a little bit about  
23 what the division of Public Affairs does, I believe,  
24 or was that only what OADC does?

25 A. I was referring to the division of Digital

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1 Media.

2 Q. Okay.

3 A. Which was created in April of 2022. Or  
4 maybe March 2022. Sorry.

5 Q. On or about, as we say.

6 A. Yes.

7 Q. Now -- well, let's go back to that, the  
8 division. The division of Public Affairs, you're  
9 within that at the CDC?

10 A. There is no division of Public Affairs in  
11 OADC any longer.

12 Q. What happened there?

13 A. The reorganization of OADC occurred in  
14 March or April of 2022, and there's -- that division  
15 does not exist anymore.

16 Q. Prior to this changeover what did that  
17 division do?

18 A. The division had three branches. The  
19 division -- I mean, the branch of Digital Media,  
20 where I was, the branch for News Media, and a branch  
21 for Employee Communications.

22 Q. And then what did the reorganization do  
23 with each of those three? Where did they go?

24 A. The -- well, Digital Media became the  
25 division of Digital Media, and parts from other

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1 divisions came to join the work that we were already  
2 doing such as the Contact Center, and the Graphics,  
3 and that was new to my organization. The News Media  
4 group is now a branch in the division of News Media,  
5 I believe. I'm sorry.

6 **Q. That's your understanding?**

7 A. Yes. And then they have a Broadcast group  
8 with them. And the Employee Communication group is  
9 now an office in the OD of the OADC. That was the  
10 other component of the Public Affairs group that you  
11 asked about.

12 **Q. Okay. So the Digital Media branch now --**  
13 **so I understand. I'm not sure I got all that. Who**  
14 **did that before? Was that only in the Digital Media**  
15 **section of the three you've told me, or was there**  
16 **overlap?**

17 A. Well, there is no Digital Media branch  
18 now.

19 **Q. Okay.**

20 A. There is now a division of Digital Media.

21 **Q. Okay.**

22 A. You may have to reask the second part of  
23 your question.

24 **Q. Okay. Now it's the division of Digital**  
25 **Media. Who had that -- what was the name of the**

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1 organization that had that role before April of  
2 March of 2022?

3 A. I was the branch chief of the Digital  
4 Media Branch within the Division of Public Affairs,  
5 and most of the roles that our division currently  
6 performs, web and social media, were in that branch.

7 Q. Thank you. Did anyone else have overlap  
8 before?

9 A. No.

10 Q. All right. So what is the current duty of  
11 the Division of Digital Media?

12 A. The current?

13 Q. Duties?

14 A. Of the division of Digital Media? We  
15 provide leadership for CDC's website. We provide  
16 leadership for CDC's social media efforts. We  
17 provide graphic support for the entire agency, and  
18 we manage the 800-number, the Contact Center.

19 Q. Okay. And what's -- what is leadership;  
20 when you use that word, what do you mean?

21 A. We, for web, for example, we convene a web  
22 council with people across CDC to manage the  
23 governance of the website. We manage the web  
24 content management system. We draft policies and  
25 guidelines around it.

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1 Q. In your current role since April or March  
2 of 2022 --

3 A. Mm-hmm (affirmative).

4 Q. -- have you had any contact with major  
5 technology companies such as Twitter, Facebook,  
6 LinkedIn, Microsoft or Google?

7 A. Yes.

8 Q. In your previous role before the  
9 reorganization, did you have such contacts?

10 A. Yes.

11 Q. Generally what type of contacts are those  
12 when you started them?

13 A. We started regular contact with the groups  
14 at the beginning of the COVID outbreak to exchange  
15 information about COVID, and most of the contact  
16 since then has been around COVID or other  
17 high-priority things, but mostly COVID.

18 Q. Okay. Let's get some timeline down. Is  
19 the beginning of COVID, would you think, February or  
20 March of 2019?

21 A. 2020.

22 Q. 2020. Excuse me.

23 A. Yes.

24 Q. Okay. For our purposes. All right.

25 A. Mm-hmm (affirmative).

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1 Q. So before that, social media had been  
2 around for a while, I mean, but did -- you didn't  
3 have contact with them before COVID?

4 A. I had periodic occasional contact with the  
5 platforms, depending on maybe they would reach out  
6 to CDC for something, or we would be trying to reach  
7 out to them for assistance with something. I didn't  
8 have regular meetings. They were -- they were very  
9 occasional.

10 Q. All right. COVID hits, let's say, early  
11 spring of 2020.

12 A. Mm-hmm (affirmative).

13 Q. How did you instigate contact with these  
14 systems? Generally, I'm speaking. I know there may  
15 be some differences, but generally how did you  
16 initially instigate contacts with them?

17 A. I don't recall who initiated contact.

18 Q. Does that mean you don't know who within  
19 CDC, or does that mean you don't know if they called  
20 you?

21 A. I don't recall if they called us first, or  
22 we called them first. It could have differed also  
23 depending on the platform.

24 Q. From media company to media company?

25 A. There was a lot going on at that time, so.

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1           **Q. Do you have a present recollection of when**  
2 **you first spoke to any media platform about COVID,**  
3 **or email, when I say -- had communications with?**

4           A. I believe, my recollection is, is that we  
5 started talking to some of them in February and  
6 March of 2020.

7           **Q. And what was the nature of the**  
8 **discussions?**

9           A. My memory of our first interactions were  
10 around getting out CDC-credible information. For  
11 instance, I know Facebook was looking at making it  
12 easier to find COVID information from the CDC and  
13 WHO on a platform, and they wanted to use our public  
14 domain content and they were similar in  
15 conversations with platforms.

16           **Q. Got it. And did you take the initiative**  
17 **in these meetings, or did someone direct you to go**  
18 **do these meetings, or contacts?**

19           A. I would say I took initiative on the  
20 meetings. But there were a lot of people asking  
21 staff, or other staff, are we -- were we in contact  
22 with the groups, and do we have any arrangements.

23           **Q. In your current role who do you report to?**

24           A. In my current role I report to the  
25 director of OADC, which is Kevin Griffis.

1 Q. And who did you report to prior to the  
2 reorganization? That a good word.

3 A. Yes.

4 Q. Can I call it a "reorg"?

5 A. Yes, you can.

6 Q. Prior to the reorg, who did you report  
7 to?

8 A. I reported to the division director for  
9 the division of Public Affairs, who was Michelle  
10 Bonds.

11 Q. All right. So during the beginning of the  
12 pandemic your direct report would be Michelle Barnes  
13 [sic]?

14 A. I was her direct report.

15 Q. Yes, that's what I meant.

16 A. Yes.

17 Q. You would directly report to her?

18 A. Mm-hmm (affirmative).

19 Q. All right. So do you recall her talking  
20 to you about what to do with the social media  
21 companies early on?

22 A. I don't believe we discussed it.

23 Q. And why don't you believe that?

24 A. It was an extremely busy time, and it was  
25 within the scope of work I would normally handle.

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1 Q. All right. Let's look at the early spring  
2 of 2020. What were the types of contacts you had  
3 with the social media companies? And I'm going to  
4 go through some, and you tell me if you had them.

5 Electronic email, or other communications  
6 that are electronic?

7 A. Yes.

8 Q. Telephonic?

9 A. Yes.

10 Q. And in person?

11 A. No.

12 Q. Okay. Who did -- if they're telephonic,  
13 who were you speaking to? I have a hard time  
14 getting any of these people on the phone. How did  
15 you get -- who did you telephonically speak to at  
16 any of these social media companies?

17 A. I had points of contact at several of  
18 them, and we would have meetings when we needed to  
19 talk. So we arranged calls.

20 Q. Do you recall any particular points of  
21 contact?

22 A. Yes.

23 Q. Who are they?

24 A. At Facebook my primary point of contact  
25 was Payton Iheme. I-H-E-M-E. At Google my two

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1 points of contact were Jan Antonaros, and -- forgive  
2 me. I'm blanking on this.

3 Q. We'll be looking at emails. If you see  
4 the name, will you --

5 A. Yes, mm-hmm.

6 Q. Who else?

7 A. A contact we had at Twitter was Todd  
8 O'Brien [sic], though I spoke to him very rarely.  
9 We had other contacts at Twitter, but I don't know  
10 their names too. I don't recall the names of other  
11 platforms. I didn't talk to them as regularly.

12 (Plaintiffs' Exhibit 1 marked.)

13 BY MR. VECCHIONE:

14 Q. Okay. Can you take a look at Exhibit 1.  
15 If counsel would hand it to her, please.

16 And have you seen this document before?

17 A. Yes, I think I did.

18 Q. So this is the Notice of Video Deposition  
19 to be here today; right?

20 A. Yes.

21 Q. You're here pursuant to this notice?

22 A. Yes.

23 Q. All right. And I'll just make one  
24 correction. We're not at Building 21. We're in  
25 Building 19?

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1 A. That's correct.

2 Q. All right. Thank you. You can put that  
3 aside.

4 MR. VECCHIONE: I'm going to hand to  
5 counsel a packet of Exhibit 2, if I might. And if  
6 you could give -- and if you could give the witness  
7 an original, and there are two for your purposes.

8 (Plaintiffs' Exhibit 2 marked.)

9 BY MR. VECCHIONE:

10 Q. I'll give you a moment to read through it.  
11 Do you recognize this?

12 A. Yes.

13 Q. All right. What is it?

14 A. An email chain with Facebook around COVID.

15 Q. Yeah. Early February 2020?

16 A. Yes.

17 Q. Let's get -- just so we can get onto the  
18 same page, the way this email chain works is the  
19 oldest part is in the back; right? And then it  
20 reads up.

21 A. Yes.

22 Q. And let's go to the back. In the first  
23 part of the chain, as far as I can see, it says from  
24 Carol Y. Crawford?

25 A. Yes.

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1 Q. All right. And there is a -- there is an  
2 email there. Well, could you read that for me, your  
3 email?

4 A. "Payton, just looping you in on  
5 something."

6 Q. Oh. No, no, no. I mean, I want to get  
7 the email down. I think it's C -- because of  
8 your -- I think it's █████@CDC.gov?

9 A. Mm-hmm (affirmative).

10 Q. Am I correct about that?

11 A. That's mine, yes.

12 Q. Okay. And is that the only email,  
13 government email, you used over this whole period,  
14 or is there a different one?

15 A. There is a -- it's the same email box, but  
16 there is also █████@CDC.gov. It's like an alias  
17 for █████@CDC.gov. It's the same box.

18 Q. They all go to the same place?

19 A. Yes.

20 Q. It's just how the computer reads it, or?

21 A. It's just an easier email address for  
22 someone to give people --

23 Q. Quicker to write?

24 A. -- than █████.

25 Q. Do you have any other government --

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1 A. No.

2 Q. And how about have you contacted any of  
3 the social media companies with a personal email?

4 A. Never.

5 Q. Okay. So and then this is -- I believe  
6 this is a fellow we identified earlier; right?  
7 Who's Payton Itheme?

8 A. Yes.

9 Q. And if I see [REDACTED]@fb.com, that's your  
10 understanding that's Payton Itheme --

11 A. Yes.

12 Q. -- that's his email? And then it says cc  
13 [REDACTED], and then there is an [REDACTED] Facebook [sic]  
14 [REDACTED]@CDC.gov". Who is that?

15 A. Jay Dempsey worked -- works now and within  
16 my branch as the social media lead, and he reported  
17 to me.

18 Q. Okay. And his [REDACTED] has nothing to do with  
19 Facebook as in Payton's email; right --

20 A. No.

21 Q. -- it's just a coincidence?

22 A. It's his user ID, yes.

23 Q. All right. Thank you. And what was his  
24 role?

25 A. He was the social media lead within my

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1 branch.

2 Q. Okay. And what do you state here in this  
3 email to Payton?

4 A. (As read) Just looping you in on something  
5 Jay and I had awareness of. Are you in the loop  
6 with this.

7 Q. All right. And what is this? What have  
8 you attached here?

9 A. I don't remember this part of the chain at  
10 all, but it appears to be a note from Facebook to  
11 someone at the State Department outlining some  
12 Facebook work on COVID.

13 Q. And let's get some terms down here. The  
14 reason you believe that, is that just from your  
15 memory, or is that because it's Shelley Thakral --  
16 it's from them to a person in the State Department?

17 A. I don't know any of the names on the  
18 email.

19 Q. Okay.

20 A. I read this. This is the first thing I  
21 read when you handed --

22 Q. Yeah.

23 A. -- me the document.

24 Q. Got it.

25 A. I started at the back.

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1 Q. So I'm just trying to be clear. You don't  
2 have a present recollection of what this is --

3 A. No.

4 Q. -- what you just told me you got because  
5 that's what it says; right?

6 A. No. I don't remember that part of the  
7 chain, no. No.

8 Q. And were you asking Mr. Iheme whether he  
9 knew about this, or was he responsible for it?  
10 Which what does it mean "in the loop about it"?

11 A. As a note, Payton is female.

12 Q. Okay.

13 A. I mean, I'm reading what I wrote: Just  
14 looping you on something Jay and I had awareness on.  
15 Are you in the loop with this?

16 That's all I know. It's what I typed.

17 Q. You don't have any other understanding  
18 than that?

19 A. No.

20 Q. All right. Let's move to the next part of  
21 the chain.

22 (REPORTER'S NOTE: Mr. Sauer enters  
23 deposition.)

24 BY MR. VECCHIONE:

25 Q. I see it's from Payton, from Ms. Iheme, to

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1 you and cc'ing Dempsey; right?

2 A. Yes.

3 Q. And he's responding to your request about  
4 the loop. What does he say there?

5 A. At 3:35 for Payton is what you're asking  
6 me?

7 Q. Yes, I am. Thank you.

8 A. Okay. (As read) Let me know if you're --  
9 you would like to speak to our teams working on  
10 these items.

11 Do you want me to read the whole email?

12 Q. Yes, please.

13 A. Okay. (As read) Our teams at Facebook  
14 have been working to identify how we can support  
15 efforts to provide users with accurate and timely  
16 information about coronavirus. We would like to get  
17 CDC's feedback on a few key initiatives that we are  
18 considering launching in the coming days, weeks. I  
19 have outlined the specifics below, and would greatly  
20 appreciate your thoughts on the tactics and proposed  
21 design/content. We would be happy to jump on a  
22 quick call today or tomorrow if that would be easier  
23 as well."

24 Q. All right. That's great. That's -- okay.  
25 And then he has a bunch of proposals, like three

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1 proposals; correct?

2 A. Yes.

3 Q. All right. And you respond to him the  
4 next day?

5 A. Yes.

6 Q. All right. And you say "sorry for the  
7 delay."

8 Were you in the habit of responding to him  
9 faster than less than 24 hours on these matters at  
10 that point in time?

11 A. Payton is female.

12 Q. Yeah, I heard. Thank you.

13 A. It's okay.

14 Q. You know what Payton I'm thinking of?

15 A. No.

16 Q. The football player.

17 A. Oh, sorry.

18 I don't know. At this time I believe we  
19 were working a lot of hours, and a few hours seemed  
20 like a long time. I don't think I -- I don't think  
21 Payton and I had known each other via email very  
22 long at this point, so I can't speculate on how  
23 quick I normally email her.

24 Q. Okay. And you say in here in item one:  
25 As well, if can rotate messages, there might be

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1 times we might want to address widespread myths like  
2 mask use or new issues.

3 At this time what was the myth of mask  
4 use?

5 A. My general memory of mask use was that  
6 there was confusion about whether people should wear  
7 masks or not.

8 Q. And what was CDC's view at that time?

9 A. I really can't speak to our  
10 recommendations. I probably don't have the specific  
11 recall of the timelines.

12 Q. Okay. And then your next sentence: "This  
13 could and should replace flu shot messaging."

14 And was that messaging that the platforms  
15 were already doing about flu prior to COVID?

16 A. This was one of the occasional  
17 interactions that I recall having with Facebook.  
18 They had -- I believe -- I believe they approached  
19 CDC about flu messaging that prior flu season, and  
20 we had had a few phone calls with them and our flu  
21 division. And my recollection is that we provided  
22 them with some public domain content for them to  
23 highlight.

24 Q. Okay. And then the next one is you're  
25 still trying to get this phone call together. And

1 eventually you get a phone call together; right?

2 A. It looks like it from this chain, yes.

3 Q. Okay. Can you tell us who was on that  
4 call besides Payton and you?

5 A. I don't recall the specific calls from  
6 that time period.

7 Q. Okay. And do you know what was said on  
8 the call at all, what you discussed?

9 A. On that specific call, I do not.

10 Q. Do you have any notes, calendars, or other  
11 records what was said on the call?

12 A. I don't believe -- I mean, the calendar  
13 appointment's probably in my Outlook. I don't  
14 recall us taking notes, much notes, from any of the  
15 meetings. Occasional followup items. But I don't  
16 know if we took any for this. If we did, it would  
17 have been in my email, or my record, the electronic  
18 records.

19 MR. VECCHIONE: All right. Mr. Sauer has  
20 joined us. Can we take a five-minute break while I  
21 put things in order? And I will give you the next  
22 exhibit.

23 MS. SNOW: Okay.

24 THE VIDEOGRAPHER: We are off record at  
25 9:57.

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1 (Recess 9:57 a.m. - 10:09 a.m.)

2 THE VIDEOGRAPHER: We are back on the  
3 record at 10:09.

4 MS. SNOW: If I could just --

5 MR. VECCHIONE: Go ahead.

6 MS. SNOW: Defendants just wanted to note  
7 that at the request of plaintiffs' counsel we've  
8 forwarded a Zoom link with a call-in number for  
9 counsel, for plaintiffs' counsel, who could not be  
10 here at the deposition to listen in. And with the  
11 agreement of the parties, the Zoom link will not be  
12 shared with others beyond the three plaintiffs'  
13 counsel who are listening in and the Zoom, the  
14 deposition will not be recorded using the phone, the  
15 call-in number.

16 MR. VECCHIONE: Remotely by them. Just by  
17 him. (Indicating videographer.)

18 MS. SNOW: Yes, yes. Exactly, yes. Thank  
19 you. And then we also just wanted to -- the witness  
20 wanted to clarify a point during the last round of  
21 questioning.

22 BY MR. VECCHIONE:

23 **Q. Go right ahead.**

24 A. In reviewing this email, it refreshed my  
25 memory about roles.

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1 Q. Are you looking at Exhibit 3 or 2, for my  
2 purposes?

3 A. 2.

4 Q. Thank you.

5 A. I recalled that during the time of these  
6 emails, I was actually serving as the acting  
7 director for the division of Public Affairs. I  
8 served in that role for, I think, five or six  
9 months.

10 Q. Was that an add-on to your other duties,  
11 or instead of, or like was it -- how did that come  
12 about?

13 A. Michelle Bonds had gone on a detail  
14 somewhere else. I don't recall where. Sorry. But  
15 I was still really -- especially when COVID hit, I  
16 really started also focusing on digital in-depth.  
17 So that's why I was still involved. I mean, digital  
18 was still part of the division of Public Affairs, so  
19 it was still part of my portfolio, but I had the  
20 expertise on it, so.

21 Q. All right. Thank you for that. And  
22 during the day if there is any -- you have further  
23 recollection as further documents get put in front  
24 of you, feel free to interrupt me and tell me that.

25 A. Okay.

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1 MR. VECCHIONE: Does the witness have  
2 Exhibit 3 in front of her?

3 MS. SNOW: There you go.

4 (Plaintiffs' Exhibit 3 marked.)

5 MR. VECCHIONE: This is a short one. Take  
6 a second to take a look at it.

7 BY MR. VECCHIONE:

8 Q. Do you recognize this document?

9 A. No.

10 Q. Can you tell me what the subject line is  
11 of the first email on the chain?

12 A. Facebook COVID-19 Response Efforts.

13 Q. All right. And it's from Ms. Itheme that  
14 we've spoken about before to you; correct?

15 A. Yes.

16 Q. And it says: "Apologies for the late  
17 note," she says to you. I want to ensure you -- "I  
18 want to ensure you are aware that Mark just shared  
19 our ongoing work to support government."

20 Who's Mark?

21 A. I don't know for sure, but I'm assuming  
22 this was Mark Zuckerberg.

23 Q. And she says to you: "Our goal is to help  
24 organizations to get their safety message out to the  
25 public, remove misinformation, and support overall

1 community efforts in areas where we can be of help;"  
2 right?

3 A. Yes.

4 Q. Now, the next thing I see is above that it  
5 says on "March 5, 2020, at 8:55 a.m. Crawford, Carol  
6 Y...wrote," is that an email, is that a reply email  
7 from you to her?

8 A. Yes.

9 Q. You say there: "We want to do a very  
10 controlled Q&A and would like to know our best  
11 options."

12 What are you referring to there, what's  
13 going on?

14 A. I believe this is in reference to a  
15 Facebook Live event that we were trying to plan, and  
16 it was going to be -- we expected it to be pretty  
17 big, and we were asking for help in setting it up in  
18 the best practices.

19 Q. Was that from a technological standpoint,  
20 like, how it was going to work, or did you need  
21 their input on information?

22 A. My memory is that it was mostly about how  
23 it would work. We had not done many big Facebook  
24 Lives before then, and we were worried about having,  
25 like, thousands of Q&A that we couldn't possibly

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1 answer.

2 Q. All right. And the next thing you say  
3 there is: "Our lead POC" -- is that point of  
4 contact, when I see POC?

5 A. Yes.

6 Q. Is Kat Turner at [REDACTED] -- I'll say [REDACTED]?

7 A. [REDACTED].

8 Q. [REDACTED]@CDC.gov. So who is that?

9 A. Kat was a social media coordinator in one  
10 of our centers that was willing to help manage this  
11 effort.

12 Q. In the original email from Payton Theme  
13 what was your understanding of why she was sending  
14 you this information?

15 A. I don't recall the specific email, or --  
16 there looks like there is a link -- or what it said,  
17 or what it was about. But they would often forward  
18 posts from their corporations for awareness for us.  
19 So I assume that was probably what this was about.

20 Q. Okay. And then your final email on the  
21 chain you send your -- that's your phone number at  
22 work, I take it?

23 A. It's actually my personal cell that I use  
24 as a what CDC calls "bring your own device."

25 Q. Got it.

1 A. Yes, but it was the cell phone.

2 Q. It's your cell number you use?

3 A. Yes.

4 Q. Did you message through that cell to any  
5 of the social media companies?

6 A. The only time I recall using my cell phone  
7 to message anyone was like we're late for the  
8 meeting, or the contact number didn't work or  
9 something like that. We didn't have any kind of  
10 conversations on texting.

11 Q. Do you recall whether you spoke to Payton  
12 Theme at this time?

13 A. No.

14 Q. Now, this is -- from my understanding is  
15 this call that you're referring at the top, your  
16 last part, is that to arrange the Facebook meeting,  
17 or is that the Facebook meeting, the Q&A?

18 MS. SNOW: Objection. Vague.

19 BY MR. VECCHIONE:

20 Q. Okay. So let me tell you -- the reason  
21 it's vague is because I don't understand something.

22 Here's what I'm trying to understand from  
23 information. Originally Ms. Theme writes to you  
24 about this information. And then you say you want a  
25 controlled Q&A; right? On Facebook. And then

1     somehow you're going to -- you're going to arrange  
2     that with them and Kat Turner.

3             And then you say I'll -- here's my number,  
4     and Kat knows it, I have an appointment.

5             Did you have a conversation is what I'm  
6     getting about besides the Facebook Q&A?

7             A. I don't know. But we talked pretty  
8     regularly around this time, so I imagine we probably  
9     did talk. But I don't know that for sure.

10            Q. All right. What was your understanding of  
11     Ms. Theme's statement that the -- Facebook was going  
12     to help organizations remove misinformation?

13            A. I don't recall a recollection of  
14     discussing misinformation with Payton around this  
15     time, so I can't speculate.

16            Q. You don't have a present recollection of  
17     what that meant?

18            A. No.

19            Q. All right. And once again for this call  
20     that you had, and maybe Kat Turner was on it, maybe  
21     she wasn't, do you have any record of that call, or  
22     what might have been said?

23            A. It doesn't look like this had an  
24     appointment associated with it, so I don't think  
25     there's an appointment, and I don't know -- I don't

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1 remember the call, so I don't recall if there were  
2 notes. But I know in general very little notes were  
3 kept.

4 **Q. Now, you said you don't recall many**  
5 **conversations about removing misinformation at that**  
6 **time. When do you recall such conversations?**

7 A. I remember it becoming occasionally  
8 discussed in the fall of 2020 perhaps.

9 **Q. Okay. And what do you recall being**  
10 **discussed at that time?**

11 A. I can recall us generally saying things to  
12 the effect of -- I don't remember any specifics, but  
13 misinformation is really growing, or, you know, what  
14 do you think we could be doing to address it? That  
15 kind of conversation.

16 **Q. All right.**

17 A. Very general.

18 (Plaintiffs' Exhibit 4 marked.)

19 BY MR. VECCHIONE:

20 **Q. Fair enough. Let's move on to Exhibit 4.**

21 A. Okay.

22 **Q. All right. And I'll give you a moment to**  
23 **take a look at that.**

24 **All right. Have you had a chance to**  
25 **review?**

1 A. Yes.

2 Q. Do you recall this email?

3 A. No.

4 Q. All right. Well, let's talk about it and  
5 who these people are because I think we have some  
6 new folks.

7 So what's the subject line of the first,  
8 the email there at the top?

9 A. CDC brief on ways to reach high-risk and  
10 frequent travelers.

11 Q. All right. And what is the CDC brief?  
12 What does that refer to?

13 A. I don't -- I don't recall what the brief  
14 was.

15 Q. Okay. But as -- my question is a little  
16 broader than that. We're lawyers.

17 A. Mm-hmm (affirmative).

18 Q. We write briefs all the time; right? They  
19 are actually physical pieces of a paper that we put  
20 forth our arguments for. Sometimes people use that  
21 term as bullet points, or sometimes their positions,  
22 even just orally stated.

23 What I'm trying to get at is what does  
24 "brief" mean in this context?

25 A. To me, a brief probably was a one- or

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1 two-page summary of something that we, or they, were  
2 trying to do.

3 Q. Now, this email exchange I think occurred  
4 sometime at the end of March 31st; is that correct?

5 A. Yes.

6 Q. All right. And it was between you and  
7 Kevin Hatcher, and his email is [REDACTED]@fb.com?

8 A. That's what the email says.

9 Q. All right. Who is Kevin Hatcher?

10 A. Oh. That says -- I don't have a clear  
11 recollection. There was a lot going on during this  
12 time beyond any of this work. But I think that  
13 Kevin Hatcher might have been some type of  
14 instructional designer with Facebook that I --  
15 looking at the units and the Unit 1 and Unit 2,  
16 there was an effort to put together like learning  
17 modules that communities could use. I think that  
18 that might have been what this was about, and that  
19 that was Kevin's role.

20 Q. All right.

21 A. I cannot be sure, though.

22 Q. All right. But from your understanding of  
23 what this says --

24 A. Mm-hmm (affirmative).

25 Q. -- and how it worked, that is your best

1 understanding right now; whether it's right or wrong  
2 that's what you understand?

3 A. Yes, I remember that activity, and this  
4 seems to match that activity.

5 Q. All right. Then at the top you say:  
6 "Kevin, I realized others made comments on the pdfs  
7 after I sent you the previous one. So, this  
8 answered your Q."

9 Is that question?

10 A. Yes.

11 Q. -- "on breathing. I hate to ask but can  
12 your team check the other comments here? I  
13 apologize."

14 What are the other comments?

15 A. I don't know what the other comments were.  
16 But it appears to me that we sent to a group of  
17 people the drafts, and CDC folks commented and I  
18 forwarded it back.

19 Q. All right.

20 A. But I don't remember the comments.

21 Q. All right. Can you go to the end page of  
22 this document?

23 A. Mm-hmm (affirmative).

24 Q. It says: "Recommend breaking this  
25 sentence up as it's linking stress to severe illness

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1 in a way I we don't. If ARTF doesn't suggest an  
2 edit, we can."

3 Do you know who ARTF is?

4 A. I don't. But I believe it's probably a  
5 CDC task force. TF would be task force. I don't  
6 know what AR is.

7 Q. Got it. Do you know what Mr. Hatcher was  
8 referring to where it says: "Emergency warning  
9 signs include difficulty breathing"? Do you know  
10 what that was referring to?

11 A. I only know what I'm reading here.

12 Q. Right.

13 A. The unit that he was developing must have  
14 had this wording, and he was asking for  
15 clarification on what the wording should be.

16 Q. All right. And do you have an  
17 understanding, or do you know, why Mr. Hatcher was  
18 asking whether Facebook should add extreme before  
19 emergency warning signs?

20 A. I have no recollection of it.

21 Q. Okay. Do you know why Mr. Hatcher asked  
22 whether he should replace: Older people are at high  
23 risk from severe illness from COVID to people over  
24 65? Do you know if there was any messaging from CDC  
25 at that time?

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1 A. I do not know.

2 Q. All right. Do you know now sitting here  
3 whether there is any preference by digital media at  
4 CDC's digital output right now, for either of those  
5 terms?

6 A. I do not know because our office does not  
7 write the content.

8 Q. Okay. You can put that aside.

9 A. Okay.

10 (Plaintiffs' Exhibit 5 marked.)

11 BY MR. VECCHIONE:

12 Q. Take a minute, take a look at that.

13 A. Okay.

14 Q. You've got it?

15 A. Mm-hmm (affirmative).

16 Q. So I think we don't have any new players;  
17 right? These are all the same people we talked  
18 about before, you and Ms. Theme and Mr. Hatcher.

19 Can you tell me what the subject of this  
20 email string was?

21 A. CDC brief on ways to reach high-risk and  
22 frequent travelers.

23 Q. Okay. And I think this is March 30th?

24 A. 2020, yes.

25 Q. And so I guess it's before the one I

1 showed you that was March 31st, Exhibit 4?

2 A. I don't have that exhibit, but I assume  
3 that's correct.

4 Q. Okay. We can compare it.

5 Can you go to the very beginning of the  
6 string on this?

7 A. Mm-hmm (affirmative).

8 Q. There is a blacked out "from," and then it  
9 says: "When: 3:30-4:30, Subject: CDC brief on  
10 ways to reach high-risk and frequent travelers."

11 Do you see that?

12 A. Yes.

13 Q. What is that?

14 A. It looks like an appointment for a phone  
15 call.

16 Q. Okay.

17 A. But I'm not -- it's not fully there.

18 Q. Yeah. Would Facebook be sending that to  
19 you, or is that just at the bottom of his email? Do  
20 you have any understanding of how it works?

21 A. They have a different email system than we  
22 have, but it looks similar to someone forwarding on  
23 an appointment and using the chain as an email,  
24 though I don't know that for sure.

25 Q. Got it. And this starts at a March 27th

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1 email from him to him -- or from her to herself and  
2 you; correct?

3 A. Yes.

4 Q. And then there is a Margaret E. Silver.  
5 Who is that?

6 A. She was with our Travelers Health group.  
7 I believe that's where she was.

8 Q. And what was the Travelers Health group?

9 A. We have a unit at CDC that focuses on  
10 traveler's health. There is a website on traveler's  
11 health.

12 Q. And who's Caroline Seman?

13 A. I believe she was also with Travelers  
14 Health.

15 Q. All right. And then I see Dempsey. Is  
16 that the same Dempsey we saw before?

17 A. Yes, yes.

18 Q. Does that -- and then [REDACTED]?

19 A. That's still Jay Dempsey.

20 Q. Still Dempsey, it's just split; right?

21 A. Mm-hmm (affirmative).

22 Q. So Ms. Theme says to you: "Hi, Carol and  
23 team. As relayed on the call, we're happy to target  
24 additional populations such as youth as the content  
25 becomes available. Just let us know. For the first

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1 wave, we'd like to move forward with launching this  
2 next week," I think it's "ideally April 3rd to the  
3 groups for which you already produced content (older  
4 adults, HIV plus, asthma and pregnant women)."

5 Do you know whether that's for travelers,  
6 or just general populations?

7 A. That was for general populations.

8 Q. All right. And how do you know that?

9 A. I have some recollection of this project.

10 Q. Okay.

11 A. It was like units of information on COVID  
12 that Facebook communities could attach to their  
13 groups. And I'm not 100 percent sure about this,  
14 but I think we asked about travel, and then they  
15 mentioned the idea of this project and said if you  
16 have content for -- that would help other groups, we  
17 could do similar things.

18 Q. Okay. And then he then asks how you want  
19 this to read on the Facebook's sites, whether  
20 sourced from CDC, or authored by CDC?

21 A. Yes, I see that.

22 Q. Do you know what the answer was to that?

23 A. I don't recall which one we picked, but  
24 I'm pretty sure it was one of the sources.

25 Q. Okay. Let's go up to the next, the March

1 27th, 3:01 p.m.

2 A. Okay.

3 Q. There is some more people here, I just  
4 want to -- I don't know that we've seen. Well, we  
5 have seen her. Okay. Never mind. You described  
6 it.

7 And then at the very top, March 30, he  
8 says they are going to have their content  
9 strategists make the changes you'd agreed to that  
10 day.

11 A. That's what I'm reading as well.

12 Q. Okay. Now, why was the CDC editing this  
13 content?

14 MS. SNOW: Objection. Mischaracterizes  
15 testimony and the document.

16 BY MR. VECCHIONE:

17 Q. Okay. You can answer.

18 A. I don't have the attachments or the  
19 documents, so I don't know what we were editing or  
20 not editing. But we had content on the website, but  
21 the format of the units was slightly different. So  
22 we had to take the content from our website and have  
23 it fit in the units.

24 Q. Okay.

25 A. And they requested CDC's review of that.

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1 Q. All right. Do you know why in the part  
2 where he says: "If we don't launch next week we'll  
3 be pulled onto other COVID-19 projects, hence the  
4 urgency," do you know why he's asking you about when  
5 they should launch?

6 A. I don't think he was asking me about when  
7 we should launch. I think he's letting us know if  
8 we don't launch they may not get to it.

9 Q. All right. And do you know if those, if  
10 he's referring to other COVID projects he has with  
11 CDC, or just generally?

12 A. I don't know for sure.

13 Q. You can put that aside.

14 A. Okay.

15 Q. Just one more question about that. Is he  
16 creating a Facebook page for CDC, or just for  
17 Facebook, do you know?

18 A. My recollection of what this project was,  
19 it was like units that would exist in Facebook that  
20 like if you're in a group on travel that the group  
21 administrator could provide a link to these units if  
22 people wanted additional COVID information. They  
23 are not up any longer and my memory is vague on  
24 them.

25 MR. VECCHIONE: Got it. Thank you.

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1 (Plaintiffs' Exhibit 6 marked.)

2 BY MR. VECCHIONE:

3 Q. Take a moment to look at this. This is  
4 Exhibit 6. The mark may look like a 4, but I assure  
5 you it's Exhibit 6.

6 All right. Do you recognize this  
7 document?

8 A. No.

9 Q. But do you know what it is?

10 A. Yes.

11 Q. What is it?

12 A. It's a discussion about access to or for  
13 Facebook giving us CrowdTangle COVID reports.

14 Q. All right. And let's talk about this a  
15 little bit. We're more forward in time; right?  
16 This is sometime in January 2021?

17 A. Correct.

18 Q. And I think both dates say January 26,  
19 2021. Would you agree with me there?

20 A. Yes. Well no, the first one is  
21 January 25th.

22 Q. All right. See, that's why we have  
23 witnesses.

24 All right. The first thing is what's  
25 CrowdTangle?

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1           A. I have not used CrowdTangle personally,  
2 but I've seen it demonstrated. But it is to my --  
3 my description of it is it's a social media  
4 listening tool for Meta properties.

5           **Q. What are Meta properties?**

6           A. Like Instagram and Facebook.

7           **Q. Okay. So by Meta properties you mean**  
8 **properties of the company Meta, not on some other**  
9 **level of?**

10          A. No.

11          **Q. Okay.**

12          A. Their platforms.

13          **Q. Got it. Thank you.**

14                 **Let's look at that January 25th email,**  
15 **because I think we have some new people here.**

16                 **There is Payton Itheme, and you. It's from**  
17 **her to you. And you cc Lauren Balog Wright at**  
18 **Facebook. Do you know who that is?**

19           A. I think that Lauren, just from reading  
20 this, she was the person that was the CrowdTangle  
21 expert and was going to provide the reports.

22           **Q. Okay. And Priya Gangolly?**

23           A. Priya Gangolly I interpreted to be like an  
24 assistant to Payton.

25           **Q. And Kelly Perron?**

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1           A. And from this email I believe Kelly was  
2 also going to provide the CrowdTangle reports.

3           **Q. And it says: Subject CrowdTangle COVID-19**  
4 **reports for WHO.**

5                   **Not to channel Abbott and Costello, but**  
6 **who is that?**

7           A. World Health Organization.

8           **Q. And why were they asking you about**  
9 **information to WHO?**

10           A. Well, I do have -- after reading this I do  
11 recall the conversation a bit. But what they are  
12 saying in this email is we provide this report to  
13 WHO, and we can provide it to you as well.

14           **Q. Okay. What do you remember of the**  
15 **conversation?**

16           A. Just that they -- I believe they mentioned  
17 on a call that they could possibly do this, and this  
18 is a followup email. And they shared the reports  
19 and occasionally they would ask me on the call if  
20 these reports were helpful.

21           **Q. And let's see what he says here, what she**  
22 **says here. "Hi, Carol, I am following up on our**  
23 **conversation several weeks ago about providing more**  
24 **detailed reporting from our CrowdTangle team. I**  
25 **wanted to share our first CrowdTangle COVID content**

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1 report with you courtesy of Lauren and Kelly on this  
2 cc. They are providing these to WHO, thought it  
3 helpful for CDC's teams as well." And then she says  
4 what the time period of it is, and that these are  
5 going to be biweekly.

6 What kind of information was in the  
7 CrowdTangle? What did it provide you?

8 A. Well, I don't have a clear recollection of  
9 the reports because I sent the reports to other  
10 teams. But typically social media listening reports  
11 show themes and -- of discussion on social media  
12 channels.

13 Q. Okay. And so if you look down further  
14 I'll just ask you again some words that I think I  
15 know what they mean, but we might as well put on the  
16 record.

17 (As read) Lauren, can you -- can do that  
18 "distro."

19 That's distribution?

20 A. Yes.

21 Q. And "the full report is attached but some  
22 highlights the CrowdTangle team would like to call  
23 to your attention are: Top engaged COVID and  
24 vaccine-related content overall across Pages and  
25 Groups." And it says "largely a mix of educational

1 posts, reports of successful vaccinations," and it  
2 goes on. And then "news/commentary on COVID and  
3 vaccination rollout."

4 So does this -- is this like an algorithm  
5 that shows you where -- what people are talking  
6 about?

7 A. I wouldn't characterize it as an  
8 algorithm. But it's a search of content on social  
9 media, and a summary of the higher volume  
10 conversations. It's helpful for communicators to  
11 know what is being discussed because it helps  
12 improve our communication materials.

13 Q. All right. And then he says: "However,  
14 posts falling into the following themes, all of  
15 which have potential risks, also garnered high  
16 engagement." And then he has reports of healthcare  
17 workers refusing the vaccine; right?

18 A. Yes.

19 Q. And he says there was an article in Forbes  
20 about it?

21 A. Yes.

22 Q. Posts about alleged vaccine-related  
23 deaths?

24 A. Yes, I see that, too.

25 Q. And: "News and reports of severe vaccine

1 side effects included both first- and secondhand  
2 reports in Groups, with users sharing photos and  
3 video."

4 Do you see that?

5 A. Yes.

6 Q. Why are these of concern to the CDC, if at  
7 all?

8 MS. SNOW: Objection. Mischaracterizes  
9 testimony, and the document.

10 BY MR. VECCHIONE:

11 Q. You can answer.

12 A. Well, this doesn't say that they were a  
13 concern to CDC. They are providing a report of the  
14 most talked about topics on social media during this  
15 time period. But in general, as I mentioned before,  
16 it does help for people to -- for communicators to  
17 know what conversations occurs on social media  
18 because it helps us identify gaps in knowledge, or  
19 confusion, or things that we're not communicating  
20 effectively that we need to adjust.

21 Q. All right. Again, pardon me -- but  
22 secondhand reports and groups, groups are like the  
23 travelers information groups; if I'm on Facebook I  
24 can belong to various groups, and I get information  
25 on that feed?

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1           A. Can you clarify what you're referring to  
2 with groups?

3           Q. He says number 3 -- number -- well, in 1,  
4 2 and 3 he uses the words "groups." In 1 he says:  
5 Worker-centric groups, groups especially  
6 anti-vaccination groups. And then in 3 he has  
7 secondhand reports in groups. So I'm just asking  
8 for the record --

9           A. Yeah.

10          Q. -- that if I am on Facebook I can belong  
11 to various groups and get information that that  
12 group gets?

13          A. I cannot -- I can't say for sure that this  
14 report was about the Facebook groups, but it seems  
15 likely that that's what that is reference to and you  
16 are describing them correctly.

17          Q. Thank you. And then he tells -- you tell  
18 in the next -- in January 26th you write to  
19 Ms. Itheme and you say -- you say: "It looks  
20 wonderful and much appreciated," and then send, send  
21 them to you. It says: "One group we'll be adding  
22 is the Census group who hopefully will soon start  
23 their project."

24                 "Also, the wide group of those looking at  
25 misinfo will want this."

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1           **First, what's the Census group within CDC?**  
2 **Or is that not within CDC? What is that, Census**  
3 **group?**

4           A. This is the Census Bureau.

5           **Q. Okay. And they would be on this CDC list?**

6           A. It appears I was suggesting that, yes.

7           **Q. Okay. And then who's the wide group of**  
8 **those looking at -- well, first let's go back.**

9 **Misinfo is misinformation?**

10          A. Yes.

11          **Q. Who's the wide group of those looking at**  
12 **misinformation?**

13          A. I don't know specifically what I was  
14 referring to there.

15          **Q. Do you know generally?**

16          A. I suspect that it was probably people  
17 working on communication materials or developing  
18 reports about gaps and areas of confusion.

19          **Q. Okay. Do you have notes or other records**  
20 **of the phone call he refers -- she refers to: "I'm**  
21 **following up on our conversation several weeks ago"?**

22          A. I doubt I have notes.

23          **Q. Okay.**

24          A. If I did, they would have been electronic.

25          **Q. Do you know who took part in the**

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1 conversation?

2 A. I don't know. But typically I was on the  
3 call, sometimes Jay was as well, Jay Dempsey. But I  
4 don't recall the specific meeting.

5 Q. Did you instruct Ms. Iheme or anyone else  
6 at Facebook to do anything with the biweekly reports  
7 other than send them to you?

8 MS. SNOW: Objection. Mischaracterizes  
9 testimony.

10 BY MR. VECCHIONE:

11 Q. You did ask Ms. Iheme to send you the  
12 biweekly reports, didn't you?

13 A. She offered to send me the biweekly  
14 reports, and I agreed that would be good.

15 Q. Did you instruct her to do anything else  
16 regarding the biweekly reports?

17 A. Not that I recall.

18 Q. Do you know who decided the reports would  
19 be developed biweekly?

20 A. I don't recall. But this email seems to  
21 suggest that they were already doing biweekly ones.

22 Q. For the -- for your purposes, what was the  
23 purpose of the reports, receiving them?

24 A. They would help us understand what was  
25 being discussed on social media about COVID, which

1 helps us look for gaps in information, confusion  
2 about facts, things that we might need to adjust our  
3 communication materials for.

4 Q. Had you prior to this email discussed with  
5 Ms. Theme such items as reports of healthcare  
6 workers refusing the vaccine, posts about alleged  
7 vaccine-related deaths, and news and reports of  
8 severe vaccine side effects? Did you ever report to  
9 her that those would be of interest to the CDC?

10 A. I don't recall reporting or discussing  
11 these with them specifically. I do recall generally  
12 discussing misinformation with Facebook around this  
13 time and --

14 Q. And those could have been included within  
15 that discussion?

16 A. Possibly.

17 Q. Why did you add Census to the distribution  
18 of this?

19 A. They were going to start working with the  
20 CDC regarding misinformation.

21 Q. So what did -- what did the wide group of  
22 those looking at misinformation do with the reports?

23 A. I don't know what they did with the  
24 reports. However, I do know two things that were  
25 likely done with the reports. We had -- we have

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1 part of our Joint Information Center in the  
2 Emergency Response a research team that compiles all  
3 the themes of discussion on news and social media.  
4 And I know that they received these reports, and  
5 they use a lot of sources to develop a summary for  
6 the response for all the reasons I just described  
7 about why this is helpful.

8 I believe at this time it was also part of  
9 a publicly-available vaccine confidence report that  
10 also looked across themes, what was being discussed,  
11 and where areas of confusion were so that they could  
12 update vaccine communication and other issues.  
13 Those are posted on CDC's website.

14 **Q. Did you do anything with the reports**  
15 **besides forward them on to Census and to this wide**  
16 **group?**

17 A. Anything with the CrowdTangle reports, I  
18 didn't personally do anything else with the  
19 CrowdTangle reports.

20 **Q. Do you know if anyone else did anything**  
21 **besides what you've described with the CrowdTangle**  
22 **reports?**

23 A. I would assume that it was used by people  
24 to look in background of conversations similar to  
25 what I have described.

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1 MR. VECCHIONE: All right. You can put  
2 that aside.

3 (Plaintiffs' Exhibit 7 marked.)

4 BY MR. VECCHIONE:

5 Q. All right. So what is the subject line of  
6 this email chain?

7 A. "Crowd Tangle COVID-19 Reports."

8 Q. All right. Let's take a look at the  
9 February 21, 2021, 8:39. Who is this from and who's  
10 the recipient?

11 A. Kelly Perron at Facebook, and I'm the  
12 recipient.

13 Q. All right. And we've discussed her  
14 before. She was going to be one of the contacts  
15 with CrowdTangle; right?

16 A. Yes.

17 Q. And what is the summary that Perron  
18 reports?

19 A. She attached the report, which is not  
20 here, but and then summarized the high points.

21 Q. Okay. And why is she reporting this to  
22 you? Is this part of the biweekly report that you  
23 agreed to earlier?

24 A. Yes.

25 Q. And this would be a summary of a report

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1 that's probably attached, but it's not here?

2 A. Correct.

3 Q. All right. And what did you do with this  
4 information?

5 A. We created a mail group, and this was  
6 forwarded on by -- I either forwarded it, or over  
7 time I had an assistant that started forwarding  
8 them.

9 Q. All right. So the same groups within the  
10 CDC and the Census we talked about before?

11 A. At some point I recall adding Census to  
12 the distro. I am sure by May or March there were  
13 several time periods they were probably included.  
14 The distribution list likely changed a bit because  
15 people deployed into the response and out of the  
16 response, but, yes.

17 Q. Okay. Can you take a look at the emails  
18 dated Tuesday, February 16 and 17th, 2021 at  
19 9:00 p.m.?

20 A. Yes.

21 Q. So who is that from, and who is that to?

22 A. That's Kelly Perron at Facebook to me.

23 Q. And what is she summarizing here? What is  
24 the summary that she reports?

25 A. It's the -- it looks like the next

1 biweekly report. And it looks attached, but it's  
2 not in the exhibit. And she summarized it in the  
3 body of the email.

4 **Q. All right. And she's highlighted, some**  
5 **things are highlighted, right, in dark black?**

6 A. Some things are bolded.

7 **Q. Bolded. That's right. Reports of deaths**  
8 **post-vaccination?**

9 A. Yes, that's in bold.

10 **Q. Double masking?**

11 A. Yes, that's bold.

12 **Q. And personal reports of vaccination?**

13 A. Yes, that's bold.

14 **Q. Why did she report this to you, those**  
15 **highlights?**

16 A. There again, they are using CrowdTangle to  
17 do a summary of the themes that are being discussed  
18 on Facebook and Instagram channels, and this is a  
19 summary of that.

20 **Q. Okay. And what did you do with this**  
21 **information?**

22 A. As mentioned, we had a distribution list  
23 that this was forwarded to.

24 **Q. You just sent it on?**

25 A. Mm-hmm (affirmative).

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1 Q. Can you look at the email dated Monday  
2 March 1st? And who is this to?

3 A. Kelly at Facebook to me.

4 Q. All right. And she added someone. She  
5 says she added Chelsey Lepage at Facebook. Who is  
6 that?

7 A. I think that she may have been --

8 Q. I'm cheating a little. I went above what  
9 I told you to look at.

10 A. Yes. I'm sorry. I see that now. But I  
11 believe Chelsey was another assistant to Payton, I  
12 think.

13 Q. Okay. And then on the one I did direct  
14 your attention to, March 1st at 5:47, again she says  
15 Hi -- Kelly Perron says: Hi, Carol. And she  
16 attached the latest CrowdTangle insights report for  
17 February 10th to 24, and she says it's attached.

18 A. Mm-hmm.

19 Q. And then she does a summary. And there  
20 again there are certain points she's bolded:  
21 COVID-19 and mental health, vaccine refusal, testing  
22 positive post-vaccination.

23 Do you know whether those were bolded  
24 because those were of particular concern to the CDC?

25 A. No. That's the format of all the reports.

1 Q. Okay. So bolding them was -- your  
2 testimony is bolding them is not because they were  
3 of particular interest to the CDC, that's just how  
4 she did it?

5 A. I really couldn't say what her thinking  
6 was when she bolded them.

7 Q. Okay. When you received it did you have  
8 any understanding about the bolded portions?

9 A. No.

10 Q. Were the bolded portions things that you  
11 had particularly spoken with Facebook before in your  
12 telephone conversations?

13 A. I don't believe so.

14 Q. All right.

15 A. Well, can I clarify that a little bit?

16 Q. Yes, please.

17 A. I'm sure -- I don't remember discussing  
18 these in terms of the CrowdTangle report or the  
19 things in bold. I am sure that general discussions  
20 that there was a lot of information on vaccines,  
21 which is one of the bolded words, for example. I am  
22 sure that did occur.

23 Q. Thank you. On March 15 Kelly sends you at  
24 6:19 p.m.

25 A. Yes.

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1 Q. Sort of goes over, she keeps Chelsey  
2 Lepage in there, and then she -- this time she  
3 summarizes slightly different items:  
4 Post-vaccination guidelines and protocols, vaccine  
5 ingredients and vaccine side effects.

6 A. I see that.

7 Q. And your testimony is the same as to why  
8 they are bolded as before, as far as you know?

9 A. Correct.

10 Q. And you did the same thing with them as  
11 you did before that you've testified?

12 A. I believe so, yes.

13 Q. Let's see. And then at the bottom of that  
14 March 15, she says: This week we also are including  
15 a one off content insights report we did looking at  
16 Spanish language content relative to the U.S. we  
17 thought might be interesting for you.

18 She asks you not to share it externally.

19 Do you recall any other times you got  
20 Spanish language-specific material?

21 A. No. But I didn't recall this time either  
22 until I read it.

23 Q. Okay. And then I'll just -- to finish up,  
24 March -- May 25th. Now, there doesn't seem to be  
25 something for April. Do you know why there would be

1 a break in the two-week reporting?

2 A. No. I don't recall unless she just sent  
3 it separate from the chain.

4 Q. And then here she's bolded vaccination in  
5 children, healthcare workers and masks and  
6 vaccination; right?

7 A. I see that, too.

8 Q. And do you recall whether you spoke to her  
9 about those things, or that was just her choice to  
10 highlight those?

11 A. We did not discuss with them the issues we  
12 wanted in the CrowdTangle report.

13 Q. All right. And then you say "thanks" in  
14 response to this on 5:26. But we've got a new  
15 person here. Tyler Woods. Who is that?

16 A. I think, but I'm not positive, that he  
17 took over the reports later, so perhaps he was  
18 starting to come in on their team.

19 Q. Okay. We've been going about an hour. I  
20 always give the witness a chance to break if she  
21 wants.

22 A. I'm okay.

23 Q. Okay.

24 A. Thank you for checking.

25 MR. GILLIGAN: Can I ask one question,

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1 John?

2 MR. VECCHIONE: Yeah.

3 MR. GILLIGAN: What is the number of your  
4 last exhibit?

5 MR. VECCHIONE: 42.

6 MR. GILLIGAN: Thank you.

7 And I actually -- that was -- I do have  
8 one that's unmarked that I may use.

9 MR. GILLIGAN: Okay. Just to add a little  
10 suspense. Thank you.

11 MR. VECCHIONE: Mm-hmm (affirmative).

12 (Plaintiffs' Exhibit 8 marked.)

13 BY MR. VECCHIONE:

14 **Q. All right. Do you recognize Exhibit 8?**

15 A. I haven't finished reading it.

16 **Q. Okay. Go ahead.**

17 A. Sorry. Okay. Sorry.

18 **Q. It's all right.**

19 A. Can you repeat the question?

20 **Q. Can you identify this document?**

21 A. I recognize the first page chain of  
22 emails, but not the previous chain.

23 **Q. So you don't -- tell me where -- the first  
24 page at the back?**

25 A. Oh, I'm sorry. No, the first page of the

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1 packet.

2 Q. Got it.

3 A. I remembered this email more -- I don't  
4 have a recollection of this previous back and forth.

5 Q. Got it. Well, what's the subject line?

6 A. "This week's meeting."

7 Q. Okay. And by this time were you meeting  
8 with them every week?

9 A. We were -- we were meeting weekly during  
10 parts, so I imagine we were.

11 Q. All right. And can you read the email  
12 from Ms. Itheme to you about the meeting on  
13 March 30th, 2021, 2:42 p.m.?

14 A. Yes. "Hi, Carol, hope all is well as it  
15 can be. At least spring is making an appearance. I  
16 wanted to surface any misinfo questions your team  
17 may have for the team that I had briefing last time.  
18 They are available to attend again, but also want to  
19 make sure that we are answering any of your team's  
20 questions."

21 Q. All right. What's the briefing she refers  
22 to?

23 A. I don't recall the briefing specifically,  
24 but I do recall her bringing in people from their  
25 Trust and Safety or Misinformation teams -- I'm not

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1 sure what they called the team -- to talk to us  
2 about misinformation at some weekly meetings. I  
3 think that's probably what this is in reference to.

4 **Q. Why is she offering to surface misinfo**  
5 **questions and to answer your team's questions?**

6 A. Because I think -- I can't say for sure  
7 what she was thinking.

8 **Q. What's your understanding?**

9 A. But I think it was because we -- we had  
10 asked questions about what they were seeing in terms  
11 of misinformation and inquired about any activities  
12 they were undertaking. And I believe this was an  
13 offer to sort of get back to us on any of those  
14 questions.

15 **Q. All right. That you had?**

16 A. Yes.

17 **Q. Given her. Thank you.**

18 A. Yes.

19 **Q. Let's clean up the record a little. That**  
20 **you had -- the questions that you had proposed to**  
21 **her?**

22 A. I think it was questions asked within the  
23 meeting, but.

24 **Q. Got it.**

25 A. I'm not 100 percent sure because I don't

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1 know the timing of that meeting, but I believe  
2 that's what this is in reference to.

3 **Q. And can you read your response at**  
4 **3:08 p.m.?**

5 A. "Hope all is well, too. I plan to join  
6 and listen to the 3:30 meeting, FYI. I added this  
7 part in yellow to our chain on turn.io so you  
8 probably missed it. Did you have thoughts on how we  
9 can regularly meet with Census? I will also check  
10 back with others to see if they have other Qs that  
11 went unanswered and get back to you."

12 Do you want me to keep reading?

13 **Q. No, you can stop.**

14 A. Okay.

15 **Q. But what is "turn.io"?**

16 A. This was another project that we were  
17 working on with WhatsApp.

18 **Q. And what was that project?**

19 A. I believe this was using WhatsApp to -- so  
20 people could use it, they could look up ZIP codes to  
21 find vaccines.

22 **Q. Okay.**

23 A. And maybe, I'm speculating, there was also  
24 a Spanish offering for vaccine information on  
25 WhatsApp. It was one of those.

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1 Q. Got it. Why is Census involved in your  
2 coordination with Facebook at this time?

3 A. We had entered an IAA with Census to help  
4 advise on misinformation.

5 Q. And an IAA is?

6 A. Interagency agreement.

7 Q. All right. Did the CDC ever use any  
8 software programs developed by Census that enabled  
9 the CDC to track the viewpoints of U.S. citizens?

10 A. No.

11 Q. Did the CDC ever gain access to or in any  
12 way receive information about the viewpoint of U.S.  
13 citizens on COVID masking or vaccination from  
14 Census?

15 A. We likely did because they provided  
16 reports on misinformation that they were seeing to  
17 us.

18 Q. Did the CDC ever share data on the  
19 viewpoints of U.S. citizens with the Census?

20 A. I don't recall if we did.

21 Q. You did share the CrowdTangle with them?

22 A. Yes. Can you reask the question?

23 Q. I will. Did the CDC ever share the data  
24 on the viewpoint of -- the viewpoints of U.S.  
25 citizens that CDC was seeing with the Census?

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1           A. You refer to it as data. I don't recall  
2 sharing data. I do recall sharing social media  
3 listening reports such as this, or the publicly  
4 available vaccine confidence reports that talk about  
5 what people are talking about, and probably the  
6 JIC's research, you know. They had a standing  
7 summary of what was being discussed. I suspect I  
8 shared that, too, with Census.

9           **Q. The JIC? What kind of research, the?**

10          A. I mentioned the JIC research team that  
11 looked at what the conversations were on news,  
12 social media and did summaries of that for everyone  
13 in the response.

14          **Q. All right. And did information come back  
15 from the Census to CDC about what they were finding?**

16          A. My recollection is that the Census did  
17 provide us with the key themes they were seeing  
18 around misinformation during the times that they  
19 were looking at it.

20          **Q. Who was at the meeting that Ms. Theme  
21 references and that you refer to in the next email?**

22          A. The next email, which email?

23          **Q. So above it. It says -- oh, hang on.  
24 I'll tell you in a second.**

25          **"Yes, I did see and will know in a few**

1 hours."

2 Hang on for a second.

3 So I took it to mean that this March 30th,  
4 3:16 email that she says: "Hi, Carol, Yes, I did  
5 see and will know in a few hours, I'm told if we  
6 plan to present for Census Thursday or if it needs  
7 more work."

8 And then you say that "I didn't ask Census  
9 if they had questions."

10 Do you know if there was a meeting with  
11 Census on or about that time?

12 A. I don't --

13 Q. Okay.

14 A. -- remember enough detail to answer the  
15 question. Sorry.

16 Q. So in this March 30th, 2021 at 7:38.

17 A. Yes.

18 Q. There you say: "I didn't ask Census if  
19 they had questions, but I know they were hoping to  
20 go over the deck they had."

21 And is that the one you sent them or  
22 Facebook sent them, or did they create that  
23 themselves?

24 A. I don't know for sure. I'm interpreting  
25 from this email that the Census created it, but I do

1 not know.

2 Q. All right. "And discuss how to engage on  
3 a more regular basis."

4 Do you know if they ever decided to engage  
5 on a more regular basis?

6 A. With -- about their activity, or about  
7 CDC?

8 Q. Yeah, with Facebook.

9 A. I don't know what Census did directly with  
10 Facebook.

11 Q. And then I'll ask you to take a look at  
12 the 3:16 again. She says: It would be great to  
13 have questions that may not have been answered from  
14 your team on misinformation. She says "misinfo",  
15 but I'm using the full word.

16 And is she looking -- is it your  
17 understanding she's looking for those answers from  
18 Census that you didn't have, CDC?

19 A. Let me reread this chain.

20 Q. Go ahead.

21 A. Sorry. Can you repeat the question?

22 Q. I will withdraw the question for a moment.

23 A. Okay.

24 Q. Just take a look at March 30th, 7:46 as  
25 well. She writes to you, Carol: "Hi, Carol. Yes,

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1 I think it's good to have questions from Census to  
2 make sure we have the right person. I can ask Liz  
3 to join again so she can be asked questions/provide  
4 more information about influencers and I have noted  
5 your question about removals and will tee that up as  
6 well."

7 What was your question about removals?

8 A. I -- reading in this email?

9 Q. Yeah.

10 A. I'm saying -- the email before this I'm  
11 saying the team is still interested in more info  
12 about how you analyze the data on removals. And my  
13 general recollection where this question came from  
14 was that we -- the -- that I think there was  
15 wondering if they delete the info will we know those  
16 myths or information so we could update  
17 communication activity. So if they were deleting  
18 content would we know what the themes were.

19 Q. And did you ask them to remove any  
20 content?

21 A. No. This was -- this was when -- this was  
22 a meeting where we were just asking what -- how that  
23 worked and would there be data, would we be able to  
24 see in CrowdTangle or other reports like what kind  
25 of themes were removed so we would still have the

1 full picture of areas of confusion.

2 Q. All right. And if you look at your March  
3 31st, 2:07 p.m., and you say what "Census mentioned  
4 they'd like to discuss." "It looks like the post  
5 from last week's deck about infertility and side  
6 effects have all been removed. Were those  
7 re-evaluated by the moderation team or taken down  
8 for another reason?"

9 What are you saying there?

10 A. It looks to me like I cut and pasted this  
11 from something that Census had said, and I don't  
12 have good recollection of what this was on  
13 March 31st.

14 Q. Then you've also cut and pasted: "One of  
15 the main themes we're seeing and from the  
16 CrowdTangle report is local news coverage of deaths  
17 after receiving the vaccine. What's the approach  
18 for adding labels to those stories?"

19 Why would you or Census want them to add  
20 labels to those stories?

21 MS. SNOW: Objection. Calls for  
22 speculation and mischaracterizes the testimony -- or  
23 the document.

24 BY MR. VECCHIONE:

25 Q. You can answer.

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1           A. I don't think we were asking them to add  
2 labels, from what I'm reading here. We were asking  
3 them what their approach for labels were.

4           **Q. Then they have asked: "Can we add the  
5 Census team to CrowdTangle?"**

6                   **Hadn't it already been added to  
7 CrowdTangle by this time? Haven't we established  
8 that?**

9           A. There were two different offerings for  
10 CrowdTangle. They had allowed us to directly log  
11 into CrowdTangle and run our own reports or  
12 searches. I believe that started back in, you know,  
13 March or April 2020. Then they sent the reports.  
14 So this appears to be to log in to CrowdTangle.

15           **Q. Then what did you mean by your team is  
16 going to consider how you might want to engage with  
17 CDC Census team routinely and get back to us?**

18           A. I don't know specifically this day this  
19 email what I meant. But I do know that we generally  
20 discussed, you know, how we should talk about  
21 misinformation because they had already been working  
22 with Census, on their own Census misinformation, and  
23 I wanted to know what was best for them for engaging  
24 on any topics that we might want to discuss.

25           **Q. All right. Do you know what Facebook was**

1 told previously about engaging with CDC and Census  
2 on this?

3 MS. SNOW: Objection. Vague, calls for  
4 speculation.

5 BY MR. VECCHIONE:

6 Q. You can answer.

7 A. Can you rephrase the question?

8 Q. Yeah. They were already engaging, it  
9 seems to me, with CDC and Census at this time. Do  
10 you know if there was anything additional from what  
11 we've discussed about such engagement that's causing  
12 them to ask this question?

13 A. Causing them to ask what question?

14 Q. About closer engagement with the Census,  
15 and you asking to have -- "can we add the Census  
16 team to CrowdTangle?" Do you know what --

17 MS. SNOW: Objection. Mischaracterizes  
18 the document.

19 BY MR. VECCHIONE:

20 Q. It's okay. You can answer if you  
21 understand. I'm trying to understand. It seems  
22 that Facebook has been talking to CDC and Census  
23 throughout for a while now. And yet here is a  
24 request that they want a different CrowdTangle, as  
25 you've explained.

1 MS. SNOW: Objection. It assumes facts  
2 not in evidence.

3 BY MR. VECCHIONE:

4 Q. You can still answer. I'm trying to  
5 understand what is happening in this series of  
6 emails, since they have already been sending you the  
7 CrowdTangle information. You've explained that  
8 there was a different CrowdTangle information that  
9 Census might want; right? That is --

10 A. I think it was the log-in to the  
11 CrowdTangle.

12 Q. Okay. Well, I'll give you an example. So  
13 Ms. Theme asks: Yes, I think it's good -- this is  
14 at 7:46 on March 30th, said: "I think good to have  
15 question from Census so we make sure we have the  
16 right person."

17 So my question is, is that the right  
18 person to answer those questions to the Census from  
19 Facebook? What's your understanding?

20 A. I don't know this chain of emails  
21 specifically, but I believe it was likely in  
22 reference to just me mentioning to Payton that we  
23 were partnering with the Census to learn more. We  
24 had been discussing things, and we were going to  
25 have some collective questions that we would like to

1 discuss at a future meeting.

2 Q. Okay. What's the amplification side at  
3 March 30th at 7:38? You are going to ask Liz about  
4 what is being done on the amplification side. What  
5 does that mean?

6 A. I don't know why I was asking that.

7 Q. And why did you want to get a better  
8 understanding of how Facebook was working with  
9 influencers?

10 A. I don't remember the meeting before that,  
11 so I'm not sure what that is in reference to.

12 Q. And it says the team's interested in more  
13 info on how you analyze the data on removals.

14 Why are you asking about how Facebook  
15 operates on removals?

16 MS. SNOW: Objection. Asked and answered.

17 A. I did answer it previously.

18 BY MR. VECCHIONE:

19 Q. I don't believe I have directed you to  
20 that exact portion of this, and I would ask the  
21 witness to answer unless she's being instructed not  
22 to.

23 MS. SNOW: No, you may answer.

24 A. Okay. What I think this was about was I  
25 believe the teams that were looking at, like, our

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1 research reports, or our vaccine confidence report  
2 were wondering if the data was removed if it would  
3 show up in the report, so would they be missing gaps  
4 or information because the posts were removed.  
5 That's what I believe that this question is about.

6 BY MR. VECCHIONE:

7 **Q. All right. CDC wasn't concerned that they**  
8 **weren't removing materials fast enough?**

9 A. That's not what I believe was being  
10 discussed here. This was about the data that we  
11 could get so we had a full picture on confusion so  
12 that we could adjust communication materials, or  
13 ways that we were communicating. That's what I  
14 believe that that's in reference to.

15 And you know what, I have a clarification.

16 **Q. Go right ahead.**

17 A. You asked me what the amplification  
18 side --

19 **Q. Yes.**

20 A. -- and the influencers. Now that I'm  
21 remembering this, I think that it it was likely  
22 about how to promote how to get a vaccine, or where  
23 to get a vaccine and I think that was all part of  
24 that conversation.

25 **Q. All right. Let's go to the March 31st,**

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1 2021 at 2:07, the one you've told me you've cut and  
2 pasted from Census, at least those bullet points.

3 A. You mean March 31st?

4 Q. March 31st at 2:07.

5 A. Yes.

6 Q. It says: "Were those reevaluated by the  
7 moderation team or taken down for another reason?"

8 Do you know if that refers to a moderation  
9 team at CDC or Facebook?

10 A. It must have been Facebook because we  
11 don't have a moderation team at CDC.

12 I'd also like to clarify that I think I  
13 probably cut and pasted it. I don't know for sure  
14 that I did.

15 Q. That's fine. Got it. I follow you.

16 Why do you -- do you know why you wanted  
17 to know what the approach for adding labels to the  
18 stories about deaths after receiving the vaccine  
19 was?

20 MS. SNOW: Objection. Asked and answered.

21 A. I don't remember this specific set of  
22 conversation, or why we were asking about that any  
23 longer.

24 BY MR. VECCHIONE:

25 Q. Okay. Do you know -- so you're discussing

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1 talking to Census at some point. Do you know  
2 whether that conversation ever happened, a  
3 conversation with -- regarding this string of emails  
4 with Census, CDC and at Facebook?

5 A. I don't know that we were discussing the  
6 string of emails, but there were meetings where  
7 Census, myself and Facebook were on calls.

8 Q. Okay. And do you recall what you  
9 discussed?

10 A. My memory is we had general conversations  
11 about what were opportunities to address  
12 misinformation. And things like in this chain I  
13 believe were probably discussed, but I don't have  
14 specific memory of it.

15 Q. Do you know who your contact was at  
16 Census, like who was the main person at Census on  
17 this aspect of the CrowdTangle and dealing with  
18 Facebook?

19 A. There were a couple of people from Census  
20 that we were talking with. I only remember two of  
21 the names. One was Christopher Lewitzke, who I  
22 believe was a contractor for them. And then Jen  
23 Shopkorn, I think I'm saying it correctly. I  
24 believe she was their director for digital.

25 Q. Thank you.

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1           A. But there were a couple of others that  
2 typically participated.

3           Q. And then March 31st at 2:18 Ms. Theme  
4 writes you: "Hi, Carol we are working on a proposal  
5 how set up sharing partnership on the misinformation  
6 items, what would it look like, so we can discuss  
7 Thursday. Lots of team members out the last two  
8 weeks due to all the holidays, but that is the plan  
9 so we can discuss on the Thursday call."

10           Do you know whether that meeting, the  
11 Thursday meeting, to set up sharing partnerships on  
12 misinformation occurred?

13           A. I don't remember if this specific meeting  
14 occurred.

15           Q. Would you have a calendar that would tell  
16 you?

17           A. Yes.

18           MR. VECCHIONE: I would ask counsel to  
19 produce that calendar of the date of that meeting.

20           MR. GILLIGAN: We'll take your request  
21 under advisement.

22           MR. VECCHIONE: Thank you.

23 BY MR. VECCHIONE:

24           Q. And once again would you have notes or  
25 recordings of that conversation?

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1           A. We never recorded the calls. If I had --  
2 I didn't take many notes, but if there was anything  
3 it would be in Word or email.

4           MR. VECCHIONE: You can put 8 aside,  
5 Exhibit 8 aside.

6           (Plaintiffs' Exhibit 9 marked.)

7 BY MR. VECCHIONE:

8           **Q. In this, if you'll just an initial look at**  
9 **it you can tell me. I just ask you to -- I'd like**  
10 **you to identify it and tell me the date of the**  
11 **email.**

12          A. The subject is Misinfo on two issues. And  
13 the date of the email is May 6, 2021.

14          **Q. All right. You can continue to read it.**

15          A. Read the email?

16          **Q. Yeah.**

17          A. "Payton, Genelle" --

18          **Q. No, no. I mean, to yourself.**

19          A. Oh.

20          **Q. Just scan through it.**

21          A. Sorry. Thank you.

22          **Q. I want you to be a little familiar with**  
23 **it.**

24          MR. GILLIGAN: Good clarification.

25          A. Okay.

1 BY MR. VECCHIONE:

2 Q. All right. So can you tell us why you  
3 were flagging misinformation about the vaccines for  
4 Facebook?

5 MS. SNOW: Objection. Mischaracterizes  
6 the document.

7 BY MR. VECCHIONE:

8 Q. Well, let's take a look at it for a  
9 moment. It's from you; right?

10 A. Yes.

11 Q. And then it's to Ms. Itheme under a new  
12 name Gennelle Adrien. Do you know her and what her  
13 role was?

14 A. I think she was one of Payton's  
15 assistants.

16 Q. All right. And then you're cc'ing Sam  
17 Huxley at [REDACTED]@Reingold.com. Do you know who that  
18 is?

19 A. Yeah, now that I see the name. Sam was a  
20 contractor for Census that was often on our phone  
21 calls with Christopher and Jen.

22 Q. And that's Christopher Lewitzke; right?

23 A. Yes.

24 Q. And then Jennifer Shopkorn, I apologize if  
25 you told me who that was, but who was that?

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1           A. She's with Census, and I believe she's the  
2 director for their digital team.

3           **Q. And Lynn Sokler?**

4           A. Lynn Sokler is a counterpart of mine in  
5 OADC who was working on this partnership with Census  
6 along with myself.

7           **Q. All right. And then it says:**

8           **"Payton/Genelle. As mentioned, here are two issues**  
9 **we are seeing a great deal of misinfo on that we**  
10 **wanted to flag for you all -- vaccine shedding and**  
11 **microchips"; right? You wrote that?**

12          A. Yes.

13          **Q. Can you tell us why you were flagging**  
14 **misinformation about the vaccines for Facebook?**

15          A. Because we had had conversations with  
16 Facebook about ways that we could address  
17 misinformation, and my recollection is that one  
18 suggestion that was -- that came up in that  
19 conversation was to let them know if we were seeing  
20 major themes that CDC had scientific information on,  
21 or had web content that would address.

22                 I believe that is why I was sending these,  
23 because these were two large areas of  
24 misinformation.

25          **Q. What did you mean by the term "flag" or**

1 **flagging?**

2 A. Pointing out.

3 **Q. What was the expectation of what Facebook**  
4 **would do when something was flagged?**

5 A. I don't recall having a specific  
6 recollection of what I thought that they would do.

7 I do know that the platforms have a  
8 variety of ways to address misinformation. They  
9 might tag it as something that people should look  
10 more into. I think that they have the -- I think,  
11 but I do not know, that they have the ability to  
12 control how often some of these things show up in  
13 peoples' feeds. And I do know that removing them is  
14 an option that they could consider.

15 So I didn't know exactly what they might  
16 do with it, but I felt like it was worth pointing  
17 out what we knew, that we had seen these myths and  
18 that we were going to have information up soon.

19 **Q. All right. And what was the consequence**  
20 **to Facebook if they didn't do anything with your**  
21 **flagging of these items?**

22 A. Nothing.

23 **Q. All right. What were you hoping to**  
24 **accomplish by flagging these items for Facebook?**

25 A. I mean, our goal always is to be sure that

1 people have credible health information so that they  
2 can make the correct health decisions for  
3 themselves. There were a lot of things circulating  
4 that were not accurate information about COVID. And  
5 so we were trying to point out and make the credible  
6 information more available to users.

7 **Q. How did you decide on these particular**  
8 **posts?**

9 A. I don't remember specifically this  
10 conversation, or what made us decide. But I do know  
11 generally that these were two very high-volume  
12 misconceptions online at the time about vaccines.

13 **Q. All right. Do you recall whether you had**  
14 **any criteria in determining which posts to flag?**

15 A. I don't recall that we had any criteria on  
16 what we pointed out to Facebook other than it had to  
17 be something that was in CDC's lane that we had  
18 information for, you know, to offer about it, and  
19 something that had been -- you know, was high  
20 volume, that was worth pointing out to this entity.

21 **Q. Did you or anyone at CDC have concerns**  
22 **about the government working with Facebook and**  
23 **telling them what should be flagged or not?**

24 MS. SNOW: Objection. Mischaracterizes  
25 testimony, calls for speculation.

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1 BY MR. VECCHIONE:

2 Q. You can answer.

3 A. Can you rephrase the question again, or  
4 say it again?

5 Q. Yeah. Did you or anyone at CDC have any  
6 concerns about CDC or the government flagging  
7 materials for Facebook when you knew they took some  
8 things down?

9 A. I can't speculate what others at CDC might  
10 have thought about it. Personally, because I didn't  
11 believe we were asking them to remove content  
12 specifically, I did think getting credible  
13 information out was important.

14 Q. Where did this information about  
15 microchips and the shedding, what kind of  
16 information did the Census team have on those posts  
17 at that time?

18 A. My recollection is that we were pointing  
19 out to Facebook that there were these themes going  
20 around pretty heavily, and these probably came from  
21 the social listening tools, you know, that can  
22 consolidate examples. And we provided some examples  
23 of what we meant.

24 Q. Okay. You can put that aside.

25 A. Thank you.

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1 (Plaintiffs' Exhibit 10 marked.)

2 BY MR. VECCHIONE:

3 Q. And, again, I'll give you a chance to read  
4 it, but if you could just identify the document and  
5 the subject line?

6 MR. GILLIGAN: The document being  
7 Exhibit 10?

8 MR. VECCHIONE: Exhibit 10.

9 A. It says: Subject CV19 misinfo reporting  
10 channel. May 10, 2021.

11 BY MR. VECCHIONE:

12 Q. All right. What is -- I presume CV19 is  
13 COVID-19?

14 A. Yes.

15 Q. "Misinfo" is misinformation?

16 A. Yes.

17 Q. All right. What is the COVID-19  
18 misinformation channel?

19 A. Well, I don't think I -- just rereading  
20 this email, I don't think I understood this at  
21 first, what she was referring to. I think I thought  
22 that this was CrowdTangle, just by reading the  
23 chain, but I now know what it was was Facebook  
24 apparently has a portal or reporting channel where  
25 you can report misinformation or threats or things

1 from a specific log-in that I believe they only  
2 provide to like federal agencies.

3 **Q. All right. And who used it at the CDC?**

4 A. To my recollection, the only person that  
5 ever logged in at CDC was Brook Aspinall.

6 **Q. Who was that?**

7 A. She was part of our social media team.

8 **Q. For what?**

9 A. For COVID.

10 **Q. For what did she log on?**

11 A. Oh. Why did she log on?

12 **Q. Yeah.**

13 A. My memory is that we log on one time to  
14 see what it was -- what the system was and  
15 understand what we could do in it. And she logged  
16 on one time, and I think reported two or three -- I  
17 don't remember what they were -- two or three posts  
18 or threats or one or the other.

19 **Q. All right. Would you have a record of  
20 what she put on there?**

21 A. I believe so. But I only really remember  
22 this from pulling documents at some point related to  
23 this litigation earlier in the process. I recall  
24 there was an email that listed it, but I don't  
25 remember what they said. But I believe that there

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1 is a record of it because I recall seeing it during  
2 that process.

3 **Q. All right.**

4 MR. VECCHIONE: I would request that as  
5 well, Counsel. But I'll put it in writing.

6 BY MR. VECCHIONE:

7 **Q. Well, I'll just ask this question. I**  
8 **usually ask this question earlier, but I might as**  
9 **well. In preparation for your deposition today, did**  
10 **you review any documents?**

11 A. No. Well, we -- the only one I reviewed  
12 happened to be one of the ones you had during our  
13 practice.

14 **Q. Good. All right. That's fine. Do you**  
15 **know which one it was?**

16 MS. SNOW: Objection.

17 A. Oh, sorry.

18 MS. SNOW: To the extent this calls for --

19 MR. GILLIGAN: Does call for.

20 MS. SNOW: The question calls for  
21 information that's covered by the attorney-client  
22 privilege. So I direct the witness not to answer.

23 MR. VECCHIONE: No, it doesn't. What  
24 she's reviewed I'm allowed to know. That's --

25 MR. GILLIGAN: Not if it didn't refresh

1 her recollection.

2 MS. SNOW: Yeah.

3 MR. VECCHIONE: Doesn't matter. She  
4 reviewed it. I'm allowed to know it.

5 MR. GILLIGAN: No, you're not.

6 MS. SNOW: Not if it did not refresh her  
7 recollection about the facts.

8 MR. VECCHIONE: She's been shown the  
9 document today. I'm allowed to know which one she  
10 reviewed if she's been shown it today.

11 MS. SNOW: You're asking about documents  
12 that --

13 MR. VECCHIONE: That she saw today.

14 MS. SNOW: -- she reviewed in  
15 preparation --

16 MR. VECCHIONE: Yeah.

17 MS. SNOW: -- for the deposition?

18 MR. VECCHIONE: Yes.

19 MS. SNOW: Yes, that is covered by  
20 attorney-client.

21 MR. VECCHIONE: She said she's been shown  
22 it today. There is no attorney-client privilege for  
23 that.

24 MR. GILLIGAN: I don't know that -- I  
25 don't know that she said that she was shown it

1 today.

2 BY MR. VECCHIONE:

3 **Q. I'll ask. Were you shown it today?**

4 A. One of them, yes.

5 MR. GILLIGAN: It's still --

6 MR. VECCHIONE: It's an improper  
7 objection, but it's not that important, so I'm going  
8 to let it go for now.

9 MR. GILLIGAN: All right. Well, if you  
10 care to raise the issue again later, we'll be happy  
11 to discuss it later.

12 BY MR. VECCHIONE:

13 **Q. All right. So who's responsible for  
14 creating this channel, this COVID-19 channel?**

15 A. Well, I have a small recollection of this  
16 channel, and I never looked at it myself to my  
17 memory. But it's, to my understanding, you log onto  
18 Facebook as an administrator, and it's something  
19 that they make available to you as a federal agency.

20 **Q. Okay. So Facebook made it?**

21 A. Yeah. It's like a place you can go and  
22 report something. I -- "channel" does feel like an  
23 odd description of it to me.

24 **Q. Okay. How do you know that it was made  
25 available to, like, law enforcement? Do you know**

1 that from this document, or do you know that from  
2 your own memory?

3 MS. SNOW: Objection. Facts not in  
4 evidence.

5 MR. VECCHIONE: She testified to it a  
6 minute ago.

7 MS. SNOW: Okay. Sorry. My apologies. I  
8 missed that. Sorry.

9 BY MR. VECCHIONE:

10 Q. So how do you know that? Like, why is  
11 that your understanding?

12 A. I guess I can't say I know that. I have a  
13 vague recollection of it being described to me as  
14 something that other, like, official groups could  
15 use to report, that it wasn't something that was  
16 generally available. But I might be wrong.

17 Q. Okay.

18 A. I don't know for sure.

19 Q. That's fine. Now, at the end of this  
20 email there is a list of other email lists; right?  
21 She says: Thank you, Genelle. And then she lists  
22 some government people and some Census people and  
23 CDC people and Reingold again.

24 A. I see it.

25 Q. So those -- and she asks you to confirm if

1 the below emails are correct for onboarding to the  
2 reporting channel; right?

3 A. Yes.

4 Q. All right. Are any of those people the  
5 Ms. Aspinall I think you told me before?

6 A. Those emails are so difficult, I don't  
7 know. Perhaps it's [REDACTED] or [REDACTED] or [REDACTED], but I don't  
8 know peoples' user IDs, so I can't answer.

9 I would also like to clarify that when I  
10 was reviewing this based on this chain, I thought  
11 this was about CrowdTangle access.

12 Q. Okay. At that time?

13 A. At this -- yes, so.

14 Q. You don't believe that now, but that's  
15 what you thought when you received it?

16 A. Yes. I can see in this chain that that's  
17 what I thought was happening with this.

18 Q. All right. Do you know how this list of  
19 employees, whether you recognize them or not, do you  
20 know how the people for access were selected,  
21 like --

22 (REPORTER'S NOTE: Loud audio noise heard  
23 over loud speakers in room.)

24 (Comments off the record.)

25 MR. VECCHIONE: Let's go off record.

1 THE VIDEOGRAPHER: Off record at 11:51.

2 (Comments off the record.)

3 THE VIDEOGRAPHER: Back on record at  
4 11:53.

5 BY MR. VECCHIONE:

6 Q. All right. So the question is, the  
7 question on the floor, before we were so rudely  
8 interrupted, was how was this list of employees or  
9 contractors selected?

10 A. I don't know. Maybe from a meeting  
11 invite. Maybe people that were on a meeting, but I  
12 don't know.

13 Q. Do you know whether there was any training  
14 involved in using this COVID-19 misinformation  
15 channel?

16 A. I don't remember any training. The email  
17 looks like perhaps there was.

18 Q. Do you know whether CDC employees or  
19 contractors asked to flag or report certain kinds of  
20 information to Facebook?

21 A. Yes. On occasion there were people saying  
22 "we saw this." Usually they were around threats  
23 that they wanted us to report, which you can do as  
24 an administrator for Facebook now.

25 In terms of this, I only remember the one

1 occasion that I mentioned a minute ago.

2 **Q. Was Facebook asked to flag certain types**  
3 **of material to report to CDC or to Census?**

4 MS. SNOW: Objection. Vague.

5 BY MR. VECCHIONE:

6 **Q. I mean, I have asked whether or not CDC**  
7 **asked to flag things to Facebook, and you've**  
8 **answered that question. Did Facebook ask CDC to**  
9 **flag things to them?**

10 A. Well, the way I have been using "flag" in  
11 these emails is to point out.

12 **Q. Right.**

13 A. I don't recall asking them to point  
14 anything out to us, but I can maybe recall us saying  
15 something are you seeing this too, are y'all  
16 considering this too?

17 **Q. Do you know whether or not we have any**  
18 **documents that were given to CDC staff or**  
19 **contractors regarding the training on this COVID-19**  
20 **channel?**

21 A. I don't recall.

22 **Q. Okay. Did the meeting -- I think it was**  
23 **from May 18th. Let me look at the document for a**  
24 **second.**

25 Okay. You had a meeting that she -- that

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1 Genelle Adrienne refers to on May 7, 2021, 11:27  
2 a.m. "Hi, Carol following up from our meeting  
3 yesterday it looks like Monday May 17th at 12 will  
4 work for onboarding meeting."

5 Do you know whether that onboarding  
6 meeting ever occurred for this channel?

7 A. I don't have any recollection of the  
8 onboarding meeting.

9 Q. And once again would you have a calendar  
10 mark for that onboarding meeting, if it occurred?

11 A. If I was invited I would.

12 MR. VECCHIONE: And once again, I'll put  
13 that in a letter to you, Counsel.

14 MS. SNOW: We'll note that document  
15 discovery has closed, but we'll take it under  
16 advisement.

17 MR. VECCHIONE: I got you.

18 BY MR. VECCHIONE:

19 Q. And you can put Exhibit 10 aside.

20 Oh, you know, might need it for this, but  
21 I don't know if you do.

22 The Reingold contractors. Why did CDC  
23 need contractors? What were they doing? Did they  
24 have concern -- let me withdraw the question.

25 Why did CDC have the contractors, the

1 **Reingold contractors, involved in this?**

2 MS. SNOW: Objection. Mischaracterizes  
3 testimony.

4 BY MR. VECCHIONE:

5 **Q. Was it Census?**

6 MS. SNOW: Objection. Vague.

7 BY MR. VECCHIONE:

8 **Q. Why were the Reingold contractors involved**  
9 **in all this?**

10 A. They were contractors working with Census.

11 **Q. Okay. Did you know why they were**  
12 **contractors and not Census directly?**

13 A. No.

14 **Q. Do you know if their duties involve**  
15 **content moderation?**

16 A. I don't.

17 **Q. Do you know whether their duties involve**  
18 **flagging or reporting on certain kinds of opinions**  
19 **expressed by U.S. citizens?**

20 MS. SNOW: Objection. Vague, calls for  
21 speculation.

22 BY MR. VECCHIONE:

23 **Q. You can answer.**

24 A. I really don't know. I wouldn't know what  
25 they had them do.

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1 MR. VECCHIONE: All right. That's it for  
2 10. I could go on to 11, and or we could break here  
3 and fix the sound. You go -- you could have lunch.  
4 Decide what the witness --

5 MR. GILLIGAN: It's up to the witness to  
6 break.

7 THE WITNESS: Let's break. Let's break.

8 MR. VECCHIONE: There you go.

9 THE VIDEOGRAPHER: Off record at 11:59.  
10 (Lunch recess 11:59 a.m. - 12:51 p.m.)

11 THE VIDEOGRAPHER: Back on record at  
12 12:51.

13 MS. SNOW: And, defense counsel, just like  
14 to note that we've reestablished the Zoom connection  
15 and shared a call-in phone number again, which is  
16 being forwarded to plaintiffs' counsel pursuant to  
17 the previous agreement that it not be shared, the  
18 Zoom link not be shared beyond plaintiffs' counsel  
19 or the Zoom, or the call recorded using the Zoom  
20 call-in number.

21 MR. VECCHIONE: That's fine.

22 (Plaintiffs' Exhibit 11 marked.)

23 BY MR. VECCHIONE:

24 Q. All right. Ms. Crawford, I have handed  
25 you -- once again can you identify Exhibit 11 and

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1 then tell me what the subject matter of the -- what  
2 the subject line is, and then you can continue to  
3 read it.

4 A. Agenda item for CDC call this week.  
5 May 20th, '21.

6 Okay.

7 Q. Can you tell me who Liz Lagone is?

8 A. My understanding is that Liz is on their  
9 Trust and Safety team, or the Misinformation team,  
10 which I don't know what the official name of it is.

11 Q. Meaning Facebook's?

12 A. Yes, Facebook's. Sorry.

13 Q. And in these emails Ms. Lagone identified  
14 the, quote, "Content Policies" of Facebook as  
15 guiding which posts get removed; right?

16 A. It says "we may reduce, remove or inform."

17 Q. And I think she describes these policies  
18 as evolving?

19 A. Yes, I see that.

20 Q. Okay. Did you or anyone at the CDC  
21 participate in the crafting of the content policy of  
22 Facebook?

23 A. No.

24 Q. Did you or anyone at CDC contribute to the  
25 terms of service or community standards of Facebook?

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1 A. No.

2 Q. Any other policy at Facebook that they  
3 contributed to?

4 A. No.

5 Q. Did you do so at any other social media  
6 company?

7 A. No.

8 Q. Did you or anyone at CDC ever give input  
9 on what such a policy should look like?

10 A. No.

11 Q. Did you, or --

12 A. I should clarify.

13 Q. Go ahead.

14 A. I'm speaking from my -- no one in my group  
15 or my office. I can't imagine anyone else did.

16 Q. To your knowledge?

17 A. Yes, yes.

18 Q. You're only testifying to your knowledge.  
19 I understand that.

20 A. Yes.

21 Q. Thank you.

22 Did you or anyone at the CDC either advise  
23 or help Facebook on how to enforce or apply their  
24 policies to any particular social media post?

25 A. Not that I recall.

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1 Q. Same question for other social media. Did  
2 you ever -- did you or anyone at CDC help any other  
3 social media company on how they should apply their  
4 policies to -- toward a particular post?

5 A. No. We didn't -- I have never seen their  
6 policies.

7 Q. Did you or anyone at CDC ever discuss with  
8 Ms. Lagone any manner relating to any enforcement of  
9 the policies that she's discussing here?

10 MS. SNOW: Objection. Vague.

11 BY MR. VECCHIONE:

12 Q. Well, she's discussing these policies  
13 here. Did you ever discuss with her their  
14 development and enforcement?

15 A. No. We did not discuss the development of  
16 their policies, or the enforcement of their  
17 policies. What we did provide was scientific  
18 information that I did assume that they might use to  
19 do those things.

20 Q. Okay. I'd like you to take a look at one  
21 of -- she -- Payton Ithome lays out a number of items  
22 that I think she says at May 19th, 4:19: To help  
23 with scoping on your end for Thursday, here's some  
24 of the COVID content items that Liz will be flagging  
25 for you the CDC team.

1           And here she seems to be flagging items  
2           for you at CDC. And then she goes through them.  
3           And what did you do when they flagged some of these  
4           to you? What -- why was she flagging those to you,  
5           and then what did you do in response?

6           MS. SNOW: Objection. Compound.

7           BY MR. VECCHIONE:

8           **Q. You can answer.**

9           A. So why were they flagging this to us?  
10          First part. They were wanting our feedback on  
11          whether these things were true or false statements  
12          that they were seeing. Did the CDC have science  
13          around this, did we have content on our website.

14          Can you refresh me on the second part of  
15          the question?

16          **Q. And what did you do in response to the**  
17          **flagging?**

18          A. Typically what we would do is try to  
19          let -- if we knew, if we had something or we had  
20          science on these items, we would point to it or  
21          provide them an answer. If we didn't, we wouldn't  
22          provide it.

23          My recollection, this might have been one  
24          of the first times they asked in this type of  
25          format. And I think we talked about that on the

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1 call, like, who knew -- some of these people, I  
2 thought, could help answer whether -- what we had on  
3 these topics.

4 Q. All right. And you had -- and let's,  
5 since you just pointed out, we'll just say --

6 A. Mm-hmm (affirmative).

7 Q. -- your response was: Thanks for the  
8 additional info. And then you say you're going to  
9 have these folks joining.

10 And you've got the Census team members  
11 joining this. Cynthia Jorgensen, director of Comms  
12 for NCIRD. What's that?

13 A. National Center for Immunization and  
14 Respiratory Diseases at CDC.

15 Q. "And our joint information center  
16 co-lead." So is she that as well? She's the joint  
17 information center co-lead, or is that a different  
18 person?

19 A. She was serving both roles. She -- we  
20 deployed to the response, and she was -- at this  
21 point in time was deployed as the co-lead for the  
22 joint information center, but her regular job is the  
23 ADCS. So she had a lot of knowledge regarding this  
24 topic.

25 Q. And then you've got Rosie

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1     Bretthauer-Mueller and Demi Haynes. And they are  
2     co-leads for consumer vaccine content development.

3             Is that content development on your  
4     website at CDC?

5             A. Yes.

6             Q. Okay. And they say: "I'm not going to  
7     have SME join."

8             Is that subject matter experts?

9             A. Yes.

10            Q. What are those?

11            A. That would have been like an actual  
12     scientist that studied these issues, or knew what  
13     the science was on it. When I -- I believe when I  
14     scanned this I thought we probably had readily  
15     answered -- we probably had a lot of this already  
16     addressed on the website, and the content folks  
17     would be able to point that out. We didn't have to  
18     have the expert on the call.

19            Q. I have -- if you look at 11.

20            A. Mm-hmm (affirmative).

21            Q. "Is the claim 'COVID-19 manmade' false,  
22     unproven, unsupported by evidence, or true?"

23            Do you know whether or not CDC ever  
24     responded to that inquiry?

25            A. I don't know for sure, but I doubt we

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1 would have.

2 **Q. And why do you think that?**

3 A. I don't recall us having any information  
4 on this posted on our website. I know it came up a  
5 lot, but I don't remember us having it like an FAQ  
6 on it.

7 **Q. All right.**

8 A. But I'm not an expert on all the content  
9 we had on the web. I don't develop the content.

10 **Q. I understand.**

11 A. Okay.

12 **Q. I'm just -- I appreciate the information  
13 and why you thought it.**

14 I have a -- so this -- Census is now in.  
15 Is this after the IAA you mentioned to me yesterday?  
16 Earlier today. It's not yesterday yet. Before  
17 lunch?

18 A. Yes.

19 **Q. Okay. So what is the -- what's your  
20 understanding of what an interagency memo is, or an  
21 interagency agreement is?**

22 A. I'm definitely not an expert on IAAs. But  
23 it's an agreement between two agencies to conduct  
24 some kind of work between them. Sometimes you're  
25 given fundings to do it. Usually you are. I

1 don't -- I wasn't -- I didn't create the IAA, so I  
2 don't have a lot of details on what was in it.

3 **Q. Have you seen it?**

4 A. I do believe I saw it.

5 **Q. Is it related just to COVID, or is it**  
6 **broader than that?**

7 MS. SNOW: Objection. Assumes facts not  
8 in evidence.

9 BY MR. VECCHIONE:

10 **Q. Okay. Is it related to COVID?**

11 A. I cannot say for sure what was stated in  
12 the IAA, but we were only engaging on COVID  
13 misinformation. But we were learning about how they  
14 operated a general misinformation team along the way  
15 to --

16 **Q. How Census did?**

17 A. How Census did it, yes.

18 **Q. And did you -- was part of the IAA --**  
19 **well, I'll ask it in two parts first. Was part**  
20 **of -- was the purpose of the IAA so that CDC could**  
21 **learn what they did and perhaps replicate it?**

22 A. Was that the purpose of the IAA? No, I  
23 wouldn't say it. I think that we were learning from  
24 it to determine if we needed to do it. I really  
25 don't recall the wording in the IAA.

1           Q.   Okay.  What was your understanding of what  
2   the AII was about?

3           A.   To let us partner with the Census to learn  
4   how they handled misinformation and help us with the  
5   COVID misinformation.  We were shorthanded.  They  
6   seemed to have more knowledge than we did.

7           Q.   All right.  And do you know if the IAA is  
8   still in place?

9           A.   Well, we haven't been working with Census  
10   in quite some time.  I don't know the actual date on  
11   the end of the IAA, though.

12          Q.   All right.  If you look at item eight of  
13   the items flagged:  "COVID-19 vaccine cause bell's  
14   palsy."  Do you see that?

15          A.   Yes.

16          Q.   Do you know whether you gave any input on  
17   that question?

18          A.   I don't recall.

19          Q.   And how about item number nine:  "COVID-19  
20   has 99.96% survival rate"?

21          A.   I don't remember what we said about that  
22   one.

23          Q.   All right.

24               MR. VECCHIONE:  I will hand over these all  
25   at once because I'm going to ask the same question

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1 about them.

2 MR. GILLIGAN: 31?

3 MR. VECCHIONE: 12. No, no, no, 12  
4 through 14, how about that?

5 (Plaintiffs' Exhibit 12 and Exhibit 13  
6 marked.)

7 BY MR. VECCHIONE:

8 Q. And you don't have to read through these.  
9 You can just look at them all at once. I'll let  
10 counsel look at them for a second, and then I'll ask  
11 the question.

12 Now, I'll just represent to you what these  
13 are, unless you can tell me you've seen them before.

14 A. I haven't seen them before.

15 Q. All right. So Exhibit 12 is a scientific  
16 paper on the relationship between Bell's palsy and  
17 SARS CoV-2, as is 13.

18 Do you know whether or not in relationship  
19 to Exhibit 11 and Bell's palsy, that whether or not  
20 any of these scientific articles or others on Bell's  
21 palsy were flagged by CDC to Facebook?

22 MS. SNOW: Objection. Calls for  
23 speculation. Lack of foundation.

24 BY MR. VECCHIONE:

25 Q. You can answer, if you know.

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1           A. I wouldn't know. I mean, I didn't flag  
2 them.

3                           (Plaintiffs' Exhibit 14 marked.)

4 BY MR. VECCHIONE:

5           **Q. Okay. And then on 14, Plaintiffs'**  
6 **Exhibit 14, have you seen this before?**

7           A. No.

8           **Q. And this is another scientific paper on**  
9 **the percentage survival rate of COVID patients.**

10                           **Do you know whether this was flagged by**  
11 **CDC to Facebook or other social media?**

12           A. We didn't flag this, or specific things.  
13 We provided CDC content.

14           **Q. All right. And that means things that**  
15 **either CDC had on its website, or it knew**  
16 **internally?**

17           A. I think primarily it was things that were  
18 on CDC's site, but I can't say that for sure. I did  
19 not, not -- none of the communicators answered the  
20 questions directly.

21           **Q. Okay.**

22           A. Unless we had it on our website.

23           **Q. So what you do is would you refer them to**  
24 **subject matter experts?**

25           A. Those questions would -- if they were on

1 an email, they would go, you know, we would -- I  
2 didn't.

3 Q. Right.

4 A. People in the response would ask the SMEs  
5 about them. That's my understanding of what  
6 happened when they were circulated.

7 Q. So I'm trying to get the trail of how they  
8 get -- how Facebook or the other social media get  
9 information. You're the contact point oftentimes.  
10 They send you things like this?

11 A. Mm-hmm (affirmative).

12 Q. Then somebody -- and we've already  
13 determined, you're not -- you don't do science,  
14 you're a communicator, right? And a tech person?  
15 So where do you send this material to get those  
16 answers if it's not on the website? Because you've  
17 told me if it's on the website we just send it over  
18 to them.

19 A. I didn't even always check to see if it  
20 was on the website myself or in my office. I would  
21 let the communicator that was assigned to whatever  
22 the area was. For instance, Rosie on the Exhibit 11  
23 was working with this area, and she would have the  
24 contacts with the experts.

25 Q. Okay.

1           A. I don't know what they -- how they got the  
2 answers back in every instance.

3           **Q. Because you weren't always the person to**  
4 **send the answer back?**

5           A. I sent the answers back, but I didn't  
6 collect them. Usually they required multiple  
7 experts.

8           **Q. Okay. All right. And in Exhibit 11**  
9 **again -- you can put 12 to 14 aside. Do you know if**  
10 **Cynthia Jorgensen and Rosie Bretthauer-Mueller and**  
11 **Demi Haynes joined the meeting, as indicated?**

12           MS. SNOW: Objection. Vague.

13           MR. VECCHIONE: They're the people she's  
14 going to bring in for the meeting.

15           A. I think they probably did. I don't know  
16 if all three of them did.

17 BY MR. VECCHIONE:

18           **Q. And what is -- do you know what the role**  
19 **is of a co-lead for consumer vaccine content**  
20 **development is?**

21           A. She would help write all the materials on  
22 vaccines that were on the website, or in a fact  
23 sheet.

24           **Q. And do you recall this meeting taking**  
25 **place?**

1           A. I don't recall the specific meeting. I do  
2 recall meetings such as -- like this. I mean, maybe  
3 it's this one I have in my mind. I don't know for  
4 sure.

5           **Q. Well, if it's -- what was discussed at the**  
6 **meeting, to the best of your recollection?**

7           A. Sometimes in these meetings they would ask  
8 do we know if this is true or false, which is what  
9 they were doing. And then if we knew, the  
10 communicators knew the answer, we would provide it.  
11 If not, I would say, we would say, I'll have to get  
12 back to you later, we'll talk to our SMEs.

13                   And then that's why I was referring to not  
14 going to have an SME going, but we can go back to  
15 the group after the meeting if needed was the gist.

16           **Q. Do you have notes or other records of what**  
17 **was said on the call?**

18           A. I didn't take notes. I don't believe  
19 notes were taken.

20           **Q. But once again, on a calendar you might**  
21 **have that calendared?**

22           A. I would have -- the appointment would be  
23 there, but it wouldn't necessarily say if Cynthia  
24 joined or not. She would have been invited.

25           **Q. All right. And we discussed earlier today**

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1 your conversations with at least Facebook, but some  
2 social media on misinformation. And you said it was  
3 on -- I think you said it was on a general level,  
4 you couldn't remember anything specific.

5 After looking at these documents, has  
6 anything changed in your response? Do you remember  
7 any specific misinformation you discussed with the  
8 social media organizations around here, around 2021?

9 A. I mean, I remember seeing this list before  
10 now that you've showed it, but I don't remember what  
11 we sent back, or what we said on the phone  
12 specifically about each of these items.

13 Q. And did you -- did CDC -- when I say "you"  
14 here I mean you or anyone you know at CDC.

15 A. Mm-hmm (affirmative).

16 Q. Ever monitor whether Facebook or other  
17 social media company took down material that you  
18 have indicated was false?

19 A. I do think that Census was at least  
20 periodically checking on things that they had  
21 flagged, or they had seen come up.

22 Q. Okay. Thank you. And why do you believe  
23 that?

24 A. Because I have vague recollections of them  
25 mentioning it or asking it in the meetings, and I

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1 believe that was in one of these exhibits.

2 Q. Got it. That you reviewed during this  
3 deposition, or before?

4 A. In this one.

5 Q. Okay. You can put Exhibit 11 aside.

6 A. Okay.

7 (Plaintiffs' Exhibit 15 marked.)

8 BY MR. VECCHIONE:

9 Q. And let's go to Exhibit 15.

10 MR. GILLIGAN: Just a moment, Counsel,  
11 before you ask your next question.

12 (REPORTER'S NOTE: Mr. Gilligan conferring  
13 with witness.)

14 MR. VECCHIONE: The witness has conferred  
15 with counsel.

16 BY MR. VECCHIONE:

17 Q. And, again, I'd just ask you to identify  
18 it by the subject of the re: line and the date, and  
19 then continue reviewing it.

20 MR. GILLIGAN: Referring to Exhibit 15?

21 BY MR. VECCHIONE:

22 Q. Referring to Exhibit 15.

23 A. "It was this list, sorry. Agenda item for  
24 CDC call this week." It was June 2nd, 2021.

25 Q. Now, please take a look.

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1 A. Okay.

2 Q. All right. Now, I think the end of this  
3 email is pretty much the same as the one that was  
4 Exhibit 14; right?

5 A. It is.

6 Q. So let's just start with the email that's  
7 from Liz Lagone to you on May 24 at 1:57 p.m., and  
8 she ccs Carrie Adams at Facebook, it looks like,  
9 from the email. Who's Carrie Adams?

10 A. She was part of Liz -- of Payton's team,  
11 now Carrie is my main point of contact at Facebook,  
12 Payton has since left.

13 Q. And can you tell me -- so she says on this  
14 email: "Thanks so much again for you and team's  
15 help in debunking a few COVID-19 and vaccine  
16 misinformation claims for us. As a followup to our  
17 meeting, please see the list of claims below with  
18 notes from our conversation last Thursday morning."

19 So if this is Monday May 24th, is it fair  
20 to say that the meeting was Thursday May 20th, if  
21 that's the Thursday of the previous week?

22 A. It appears that way to me too.

23 Q. Okay. So do you recall who met at that  
24 meeting, and where it was?

25 A. Well, as we were discussing on the other

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1 exhibit, it was a phone conference, and I think that  
2 Cynthia and Rosie and Demi may have attended. I  
3 can't say for sure all three of them attended, but I  
4 know that they were at least two of them were  
5 probably on the line.

6 Q. All right. And she's listed a number of  
7 those items that we saw before that they had  
8 questions about. And the first one that she lists,  
9 although it's not in the same order, she sent it to  
10 you earlier; right?

11 A. It does appear in a different order, yes.

12 Q. But, she says: "Is the claim, quote,  
13 'COVID-19 is manmade' false, unproven, unsupported  
14 by evidence or true?" And the answer's:  
15 Inclusive [sic] -- inconclusive; right?

16 And then she also goes on to say: It's  
17 probably from animals jumping to humans.

18 And my question here is she says: The CDC  
19 director in her testimony yesterday said being  
20 manmade was technically possible because we did not  
21 know the origin still.

22 And was that the CDC dir- -- I think I  
23 saw Walensky in this email beforehand. Is that your  
24 understanding of who that is?

25 A. In May that would be Walensky.

1 Q. Okay. Now, why is Liz Lagone sending this  
2 email to you about -- why is she sending this email  
3 to you to confirm the conclusions below about the  
4 COVID vaccine?

5 MS. SNOW: Objection. Calls for  
6 speculation.

7 BY MR. VECCHIONE:

8 Q. You can answer.

9 A. I don't know why Liz specifically sent it  
10 for sure. But I -- because I just mentioned -- when  
11 we were talking about the other exhibit -- that we  
12 were communicators and not experts, there were  
13 probably -- I'm sure we were saying we're pretty  
14 sure this is correct. We might have to go back and  
15 check on stuff. And I think she was trying to give  
16 us something to go and follow up.

17 And I can see I said let's -- I'd like to  
18 note that we have no scientific experts on the call  
19 so these are our thoughts, but we'll definitely  
20 check on this on our end.

21 Q. Okay. So you didn't -- but you didn't  
22 respond that she had misheard anything on the  
23 conversation; right? You just said you needed to  
24 check with scientists; right?

25 A. Correct. That's what I said in the email.

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1 Q. Okay. And then I will just to -- later on  
2 the COVID-19 vaccine causes various things, these  
3 things had been proposed: Alzheimer's, Prion's,  
4 cytokine storm. And you respond inconclusive. We  
5 don't know right now; right? You just didn't have  
6 anything at hand?

7 A. That appears to be what we said on the  
8 call, and that Liz, in theory, wrote down what we  
9 said correctly.

10 Q. Right.

11 A. That's not clear from this chain.

12 Q. And then --

13 A. But how I'm interpreting it.

14 Q. And then once again the survival rate,  
15 they say it's inconclusive but it's a hard number to  
16 prove, and -- correct, that's what she says?

17 A. "Not able to debunk now, inconclusive.  
18 Scientists would be hesitant to attach a correct  
19 number to the survival rates," so.

20 Q. Okay. Yes. And then it says "Note, this  
21 claim is tied to the VAERS issue."

22 What's VAERS?

23 A. VAERS is a Vaccine Adverse Events  
24 Reporting system.

25 Q. And is it your understanding that doctors

1 around the country report adverse events for  
2 patients as a matter of course?

3 MS. SNOW: Objection. Calls for  
4 speculation.

5 A. I'm not an expert on the system.

6 BY MR. VECCHIONE:

7 Q. But the system, who puts the information  
8 there, do you know?

9 A. I actually believe anyone is able to  
10 report an adverse event. It doesn't have to only be  
11 physicians. It can be any of us that wanted to.

12 Q. Okay.

13 A. I believe.

14 Q. Right. And so it could be someone who  
15 doesn't know whether it's connected to the vaccine,  
16 or someone else?

17 A. I think any kind of -- any kind of thing  
18 can be reported.

19 Q. Okay. In this email do you know who the  
20 science experts, the subject matter experts you  
21 mention in your email, do you know who they were, or  
22 who you checked with?

23 A. No. Because people deployed in and out of  
24 the response, and I was not usually the person  
25 asking the SMEs directly. It was the communicators

1 assigned to the topic group such as Rosie who was  
2 the communicator for vaccines. She was talking to  
3 the SMEs.

4 **Q. All right. And then would she talk --**  
5 **could she talk directly to Facebook or the other**  
6 **social media after that?**

7 A. Almost always she'd send back to me, and I  
8 would consolidate responses and send them back.  
9 Sometimes if I was out, Rosie would respond directly  
10 with a copy to me or something. I don't know that  
11 that happened ever, but it might have.

12 **Q. All right. Now, on May 24 at 1:57 she**  
13 **does thank you for your and your team's help in**  
14 **debunking a few COVID-19 and vaccine misinformation**  
15 **claims; correct?**

16 A. Where do you see the thank you?

17 **Q. On May 24th, 2021 at 1:57. The Bates**  
18 **stamp at the bottom ends in 539.**

19 A. Sorry. I'm on the wrong --

20 **Q. Yeah.**

21 A. Yeah, she does say that. But then I note  
22 that we haven't had scientific experts review this  
23 yet right after she sent that to clarify.

24 **Q. All right. But you were going to check**  
25 **with them so that it could be debunked; correct?**

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1 A. Correct. If it was supposed to be  
2 debunked.

3 Q. If it --

4 A. Yes.

5 Q. Yes, if it was. I thought -- I'm not  
6 seeing it now. One second.

7 Ah, here it is on the very first page of  
8 Exhibit 15. Liz Lagone refers to a Sam. "Also I  
9 meant to ask in my email earlier but I recall it was  
10 either you or Sam mentioning that you could share a  
11 transcript." Who's Sam?

12 A. I assume that was Sam with the Census  
13 team.

14 Q. Got it. And have we talked about him  
15 before? Is he --

16 A. We mentioned that he was one of the Census  
17 folks. I didn't remember his name until the  
18 exhibits, but yes.

19 Q. And do you know if the transcript of  
20 Dr. Walensky was just her testimony to Congress, or  
21 something else?

22 A. In re-reading this, my recollection is is  
23 that they asked about this, and several of us said I  
24 think we heard her address this in the press event,  
25 or maybe it was the testimony. I'm not sure. I

1 guess it was the testimony because I was looking for  
2 the transcript, and we mentioned it. And we were  
3 looking for it because that was the only thing that  
4 we knew of that might exist to help them with their  
5 question.

6 MR. VECCHIONE: All right. You can put  
7 that aside.

8 (Plaintiffs' Exhibit 16 marked.)

9 BY MR. VECCHIONE:

10 Q. And once again if you could just tell me  
11 the subject line and the date, and then --

12 MS. SNOW: And this is Exhibit 16?

13 BY MR. VECCHIONE:

14 Q. Exhibit 16.

15 A. "It was this list, sorry. Agenda item for  
16 the CDC call this week." June 3rd.

17 Q. Okay. Now, let's go to the back again.  
18 And Liz Lagone writes to you on June 1st, 2021,  
19 8:49 p.m.: "Hi, Carol, I hope you're well and had a  
20 restful long weekend. I want to follow up on my  
21 below email and see if you needed any further  
22 information or context about COVID-19 vaccine claims  
23 below. We'd love CDC's help in debunking."

24 And the next one from June 2nd, 2021 at  
25 6:58, that's from you; right?

1 A. Yes.

2 Q. And that's to Liz Lagone; right?

3 A. Yes.

4 Q. And what -- could you read what you say to  
5 her?

6 A. "Notes below on some. I hope this helps.  
7 I will let you know when we have cleared points."

8 Q. And then stop there.

9 A. Okay.

10 Q. Then "COVID-19 vaccines causing  
11 magnetism." And, surprisingly, "debunked."

12 Then you'll say "will have cleared TP  
13 soon." What's TP?

14 A. Talking point.

15 Q. How does a talking point get cleared?

16 Well, I'll withdraw that. What is a talking point?

17 A. Usually it's a bullet or a paragraph on  
18 whatever the subject is that one could refer to.

19 Q. And how does it get cleared? What's the  
20 process?

21 A. I mean, I'm not sure why I was looking for  
22 TP instead of web content. I don't know if that was  
23 just a mistype or not, but -- or maybe -- maybe it  
24 was going to be a talking point. But usually any  
25 content that's going outside of the agency goes

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1 through a very specific clearance process. There  
2 was a clearance process for COVID. I wasn't -- I  
3 rarely cleared things myself, but there -- many  
4 people have to sign off on content before it leaves  
5 the Agency.

6 Q. Got it. And I'll just notice -- I'll just  
7 point out that the bottom about the COVID-19  
8 vaccines causing erectile dysfunction, again, you  
9 say "will have a cleared TP soon"; right?

10 A. Yeah. I believe thinking more about why I  
11 said TP, we often provide media with talking points  
12 when they ask questions. And that was -- we were  
13 also looking at things that we were providing to  
14 media in addition to web content because that was  
15 similar, there were similar questions coming. So  
16 perhaps that's why this says TP instead of web  
17 content.

18 Q. All right.

19 A. I can't say for 100 percent sure, but I  
20 think that might be likely.

21 Q. And you use web content in other -- in  
22 other of these points. So my question there is with  
23 respect to items 3, 4 and 6, which, I think if you  
24 look at it, that's what they are.

25 A. Mm-hmm (affirmative).

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1 Q. What does it mean that, quote, "web  
2 content to debunk is in clearance"?

3 A. Well, I think what we were referring to is  
4 posting a more specific kind of FAQ or myth. We had  
5 a myths page where we would more directly address  
6 the myth. You know, sometimes answers to things  
7 were buried in guidance or scientific papers, and we  
8 were trying to make it easier for people to  
9 understand the myths. So I think this is in  
10 reference to adding a myth or an FAQ to the site.

11 Q. All right. And then you said -- well, my  
12 next question: So what does CDC do to debunk the  
13 claims that -- I'll make it more specific here.  
14 What did CDC do to debunk each of these claims?  
15 What process does it go through to debunk them?

16 A. I can't -- I can't answer what the --  
17 because that's a scientific process that I'm not  
18 part of.

19 Q. Okay. So they give these questions to  
20 you, and you send it out to a scientist or a subject  
21 matter expert, let's call them.

22 A. Mm-hmm (affirmative).

23 Q. I take it -- I take it from the responses  
24 there is a number of different CDC answers. One is  
25 inconclusive. You say that a number of times. They

1 didn't have the information at that time, is that  
2 fair?

3 A. That's my assumption of what was meant by  
4 that.

5 Q. Okay. And sometimes they'd say  
6 inconclusive, but give here's what we know now?

7 A. Mm-hmm (affirmative).

8 Q. And then in other times it's just  
9 debunked.

10 What did you get from the subject matter  
11 experts when they send that back? Did they just  
12 send back "debunked," or do they have some reference  
13 or explanatory note?

14 A. On -- I think it varied. For this one I'm  
15 not sure. I don't remember if I saw all the  
16 explanations, or if they were discussed in meetings  
17 with the experts. I've seen some that seemed to  
18 have a little more description when I have asked it,  
19 but -- or well, maybe when I was asking the SME they  
20 might have given me, but I was really the one  
21 discussing it directly with the SME.

22 Q. Now you've also described already some  
23 things they'd already done and put on your website?

24 A. Yes.

25 Q. All right. So do you know if CDC

1 conducted any experiment or processes to debunk any  
2 of these items?

3 A. I wouldn't know.

4 Q. Do you know whether they did surveys of  
5 the medical literature of the vaccines?

6 MS. SNOW: Objection. Vague.

7 BY MR. VECCHIONE:

8 Q. In order to debunk claims do you know  
9 whether they checked medical literature, or what  
10 they reviewed?

11 A. I wasn't part of the scientific process,  
12 so I wouldn't even want to speculate.

13 Q. So I think if you look at Exhibit 15.

14 A. Yes.

15 Q. Do you have it? If you go to the  
16 second-to-last page it's where they start. And  
17 Payton Itheme sends you this list of a number of  
18 claims. And the date of that is May 19th; right?

19 A. Yes.

20 Q. And then if you look at 16 by June 3rd at  
21 2021, 2:57 you write about the last ones that you  
22 hadn't told her about: "Yes, they are debunked and  
23 we will also have content on it soon"; correct?

24 A. I see that, yes.

25 Q. All right. So that is about two weeks'

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1 time to debunk these claims that?

2 A. That seems like the dates, yes.

3 Q. So given that short time frame, would you  
4 agree with me that CDC didn't do any experiment to  
5 debunk these proposals?

6 MS. SNOW: Objection. Mischaracterizes  
7 the documents and the testimony.

8 A. I feel like it took us two weeks to  
9 respond back to Facebook. I don't think it was fair  
10 to characterize it as the time it took CDC to  
11 potentially collect science on this.

12 BY MR. VECCHIONE:

13 Q. Thank you. Do you know who -- when you  
14 give your initial proposals to Facebook, when --  
15 like the discussions we saw earlier where you said  
16 those were our discussions but we have to check with  
17 the subject matter experts, who in that  
18 conversation, when you're meeting with them, who  
19 makes those proposals? Is that you, or is that one  
20 of the co-chairs we mentioned?

21 MS. SNOW: Objection. Vague.

22 A. What do you mean by proposals?

23 BY MR. VECCHIONE:

24 Q. Well, they put together these matters to  
25 be debunked; right? And we saw -- and you can put

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1 15 next to 16. And if you look at 15, as we  
2 discussed earlier, Liz Lagone sends you: This is  
3 the conversation we had. It's kind of --

4 MR. GILLIGAN: Which page?

5 MR. VECCHIONE: Page -- on page 15 [sic],  
6 second page.

7 MR. GILLIGAN: Thank you.

8 MR. VECCHIONE: Exhibit 15.

9 BY MR. VECCHIONE:

10 Q. So she says, and we've discussed this  
11 before: "Please confirm the conclusions I have  
12 noted below based on our discussion."

13 So you had a discussion and she got these  
14 impressions. But who gave her these impressions?  
15 In other words, who was the person in the room who  
16 could say, nah, I don't think that's right, but  
17 we'll get back to you with the subject matter  
18 expert?

19 A. I don't remember this call specifically in  
20 any kind of detail, but I do believe it was one of  
21 the first times they had sent us a list, and I think  
22 that Cynthia and Rosie or Demi, who had a lot more  
23 knowledge of the content, piped in mostly on what  
24 they thought was available.

25 Q. Okay.

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1           A. But I believe we characterized it during  
2 the call that we would need the expert, and I  
3 followed up that way at the end.

4           **Q. In the subsequent emails?**

5           A. Yes.

6           **Q. And then -- so then finally there is at  
7 the end: "Yes, these are debunked" --**

8           A. Mm-hmm (affirmative).

9           **Q. -- and you'll "have content on it soon."  
10           And that content, is that talking points,  
11 or is that web content when you use that term?**

12          A. When I use what term?

13          **Q. Content.**

14          A. Web content, it could have been a FAQ on  
15 the web, it could have been a myth, it could have  
16 been a fact sheet on the web. Anything on the  
17 web --

18          **Q. All right.**

19          A. -- that was for consumers.

20          **Q. But you considered that debunked by the  
21 CDC by June 3rd, 2021?**

22                   MS. SNOW: Objection. Vague.

23 BY MR. VECCHIONE:

24          **Q. Well, she says: "Yes, they are debunked  
25 and we will also have content on it soon" in**

1 **Plaintiffs' Exhibit 16, June 3rd, 2021.**

2 A. We reported to Facebook that they were  
3 debunked at this time.

4 MR. VECCHIONE: Thank you. Exhibit 17.  
5 You know what, take this one, too, because it will  
6 be real quick, I hope.

7 BY MR. VECCHIONE:

8 Q. So I'll -- one more question on 16. On  
9 that June 3rd date where you said these are  
10 debunked, who makes the final calls that they are  
11 debunked before you send it Facebook?

12 A. The communicators or the SME that I'm  
13 working with would decide if it was okay to send it  
14 back to Facebook. The communicator would get that  
15 from the SME that they were working with.

16 For instance, my team posts the web, but I  
17 don't know how every piece is exactly cleared, but  
18 yet when they send it to us to post it there were  
19 trusted people that send it to me, and we assume  
20 that it's cleared and we post it.

21 It's very similar. Rosie was also in  
22 charge of clearing other things, and so she would  
23 assure to me that she had discussed it with the SMEs  
24 of authority.

25 Q. Okay. And do you know of any, the names

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1 of any of these SMEs?

2 A. No, not off the top of my head. I mean,  
3 people were in and out of the response, and I don't  
4 recall.

5 Q. All right. I'll ask you to take a look at  
6 Plaintiffs' Exhibit 16 again.

7 A. Okay.

8 Q. Can you read item seven, and the answer on  
9 -- it's Bates stamped 533. It's on the second page.

10 A. Of which exhibit?

11 Q. Exhibit 16.

12 A. Of 533.

13 Q. The bottom at the number is called a Bates  
14 stamp.

15 A. Oh, sorry.

16 Q. That page, if you go up -- yeah, not  
17 everybody knows that and I have to say that --

18 MR. GILLIGAN: Nobody actually uses a  
19 Bates stamp any more either.

20 MR. VECCHIONE: What do they do?

21 MR. GILLIGAN: They're all electronically  
22 applied.

23 MR. VECCHIONE: I gotcha. I remember.

24 BY MR. VECCHIONE:

25 Q. In any event, could you read item 7 from

1 the email that you sent?

2 A. "People who are receiving COVID-19  
3 vaccines are subject to medical experiments."

4 Q. And then the answer at 7(a)?

5 A. "Debunked. CDC notes this likely stems  
6 from the vaccines only having EUA now and equating  
7 lack of full authorization as being involuntary part  
8 of a medical experiment."

9 Q. And WhatsApp EUA?

10 A. Emergency use authorization.

11 Q. All right. And that's when the FTC -- FDA  
12 has given an emergency use authorization for certain  
13 medicines?

14 A. This is not my area of expertise, but yes,  
15 I believe that's --

16 Q. That's your understanding?

17 A. Yes.

18 Q. So were you aware at this time that  
19 vaccine mandates had been employed by governments,  
20 employers and colleges as a condition of maintaining  
21 employment or enrollment?

22 MS. SNOW: Objection. Assumes facts not  
23 in evidence.

24 BY MR. VECCHIONE:

25 Q. Have you ever heard of such a thing?

1 A. Yes. I don't know --

2 Q. Does getting a vaccine as a requirement of  
3 maintaining employment or enrollment affect  
4 voluntariness?

5 MS. SNOW: Objection. Calls for  
6 speculation, assumes facts not in evidence,  
7 argumentative.

8 A. This is really not my area of expertise of  
9 any account. I don't have anything really to  
10 provide on that.

11 BY MR. VECCHIONE:

12 Q. Did you instruct Facebook to do anything  
13 with debunked claims?

14 A. No.

15 Q. Did you have an understanding of what they  
16 were going to do with any claims that the CDC said  
17 were debunked?

18 A. I knew that they had options, but I think  
19 we also discussed on a previous exhibit, which is to  
20 inform people, to maybe reduce it in the algorithm,  
21 or to remove it. I -- they probably had other  
22 options, but I knew of at least those.

23 (Plaintiffs' Exhibit 17 presented.)

24 Q. Thank you. Exhibit 17. And, again, just  
25 tell me the subject line and the date.

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1 A. "FB misinformation claims help debunking,"  
2 misspelled. The date is 7/26/2021.

3 Q. So on July 26, 2021 it's Liz Langone to  
4 you again; right?

5 A. Yes.

6 Q. And she says: "Our Misinformation Policy  
7 Team," meaning Facebook's do you believe?

8 A. Yes.

9 Q. "Has identified some claims that we were  
10 hoping your team could help us understand if they  
11 are false and can lead to harm"; right?

12 A. Yes.

13 Q. And she has spike proteins in COVID-19  
14 vaccines, Guillain-Barre syndrome -- which I will  
15 use GBS from now on as well -- is possible side  
16 effect, and heart inflammation as a possible side  
17 effect of all COVID-19 vaccines.

18 Those were the questions that she sent  
19 you; right?

20 A. Yes.

21 Q. Do you know why she's asking you, or do  
22 you have an understanding? I'll withdraw it.

23 Do you have an understanding of why she's  
24 asking you at CDC whether the claims are true or  
25 false?

1           A. Because CDC would have credible health  
2 information about the claims or scientific  
3 information that would benefit their policy making  
4 is the way I understood it.

5           Q. Okay. And she then asks you she was  
6 "wondering if your team was aware of any global  
7 source of truth/database for vaccine adverse effects  
8 including possibly vaccine-related deaths."

9           Do you see that?

10          A. Yes.

11          Q. Did there ever come a time when WHO or  
12 some foreign medical health agency differed with the  
13 CDC on any of these vaccine topics that you recall?

14          A. That's not my area of expertise, and I  
15 don't recall any specifics.

16          Q. Do you know whether on these three  
17 requests that you did another response on debunking,  
18 inconclusive, or not known like you did in the  
19 previous one, exhibits we looked at?

20          A. I don't remember what I specifically  
21 answered with this.

22          Q. Okay.

23          A. I know generally what I -- how I handled  
24 them, but not what I did with this.

25          Q. Okay. And generally how you handled them

1 we've already discussed?

2 A. Yes.

3 Q. And you have nothing different to add on  
4 this particular request?

5 A. No.

6 (Plaintiffs' Exhibit 18 presented.)

7 Q. Okay. You can go to Exhibit 18. And once  
8 again could you please give me the subject line and  
9 the date of Exhibit 18?

10 A. Yes. CrowdTangle COVID-19 reports.  
11 7/20/21.

12 Q. Okay. And please take a look at it.

13 A. I've scanned this one.

14 Q. Who's -- at the top, at the very end, I  
15 guess I should say the end, the very top?

16 A. Mm-hmm (affirmative).

17 Q. It's Carol Crawford to Tyler Woods. Who  
18 is that?

19 A. Tyler Woods was a name on another exhibit.  
20 I mentioned at that time I'm pretty sure that Tyler  
21 Woods took over the reporting from Kelly Perron, and  
22 that appears to be the case here. There is a  
23 transfer on the first page saying -- from Kelly  
24 saying Tyler is going to be sending the reports in  
25 the future.

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1 Q. Okay. And once again these are the  
2 CrowdTangle reports that I think we discussed at one  
3 point you were receiving biweekly?

4 A. Yes.

5 Q. And were you doing anything different with  
6 this information at this time than you've described  
7 to me earlier?

8 A. Not that I recall.

9 Q. Okay. And at this time, June 9th, 2021,  
10 are they reporting this to you for the same reasons  
11 as you've described previously when we first  
12 mentioned CrowdTangle?

13 A. That's my recollection of it.

14 Q. On the very last page, which is the  
15 beginning of it, June 8th, 2021, 8:13 p.m.,  
16 "vaccination lawsuits" --

17 A. I see it.

18 Q. -- highlighted. Do you know what they are  
19 referring to there?

20 A. Sounds like the lawsuits around the  
21 mandates that you mentioned previously.

22 Q. Okay. Like the OSHA mandate or CMS  
23 mandates?

24 MS. SNOW: Objection. Assumes facts not  
25 in evidence. Calls for speculation.

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1 A. I really am speculating.

2 BY MR. VECCHIONE:

3 Q. You're not sure?

4 A. I don't know. This is not really an area  
5 of my expertise. This is simply a report of  
6 conversations that are occurring on social media.

7 Q. All right. When you received it, did you  
8 have an understanding of what the vaccine lawsuits  
9 they were referring to were?

10 A. I had a recollection of that from watching  
11 the news in my personal life.

12 Q. Okay. On that same page "Deciding to Get  
13 Vaccinated" she's highlighted.

14 Why does the CDC need to be updated on the  
15 statements of public physicians?

16 MS. SNOW: Objection. Mischaracterizes  
17 testimony and the document.

18 BY MR. VECCHIONE:

19 Q. Why were you updated on those statements?

20 A. Again, these are reports that characterize  
21 the overall conversation of social media. They are  
22 not -- I don't believe these were picked out  
23 specifically for CDC. I think these are a report of  
24 the trends of conversation on social media.

25 Q. And I'd like you to turn to the next page

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1 where Tyler Woods takes over and he sends a June  
2 22nd, 4:43 p.m. summary to you.

3 A. Okay.

4 Q. At the end of it it says: "Let us know if  
5 you have any questions or specific keywords/topics  
6 you'd like us to explore in the next report. As  
7 always, please do not share."

8 Did there come a time that you shared  
9 keywords or topics with Facebook that you wanted  
10 them to check in?

11 A. I don't recall doing it.

12 Q. All right. Turn to the first page of  
13 Exhibit 18. Once again, this is Tyler Woods to you?

14 A. Yes. Sorry.

15 Q. Thank you. The very, very mistake on my  
16 instructions at the beginning. You're to be  
17 commended, because it usually happens a lot more  
18 until now.

19 So the last, the last item that's  
20 highlighted: Door-to-door vaccines. Do you know  
21 whether he's referring to any public statements made  
22 on this topic by any plaintiff in this case,  
23 including Governor Mike Parson?

24 A. I wouldn't know.

25 MR. VECCHIONE: You can put that aside.

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1 (Plaintiffs' Exhibit 19 marked.)

2 BY MR. VECCHIONE:

3 Q. And once again please identify it to me by  
4 subject matter and date of Exhibit 19, and then  
5 please read it to yourself.

6 A. CrowdTangle COVID-19 reports, 8/18/21. I  
7 didn't hear your last part of to yourself, what.

8 Q. Just read it to yourself. In other words,  
9 you get to review the document but you don't have to  
10 read it out loud?

11 A. I'm sorry about that. Okay.

12 Q. I'm not caught up to you.

13 Okay. So as we've discussed, this, once  
14 again, is one of the CrowdTangle reports but that  
15 Tyler Woods is now sending; correct?

16 A. Yes.

17 Q. Let's go back to the August 3rd exchange  
18 on this. So on August 3rd Tyler Woods writes to you  
19 at 6:16 p.m.?

20 A. Yes.

21 Q. And once again the purpose of this you've  
22 already testified to; it hasn't changed, why you're  
23 getting these?

24 A. Correct.

25 Q. All right. So did the CDC at this time

1 have proof that, quote, "the recent uptick in  
2 hospitalizations and deaths is being driven by  
3 unvaccinated individuals"?

4 A. I'm not an expert in that area and I  
5 wouldn't be able to answer that question.

6 Q. All right. Do you know whether subsequent  
7 evidence the CDC had supported that view?

8 A. I'm not an expert in this area, and I  
9 don't feel comfortable. I don't know.

10 Q. The email exchange that Tyler would send  
11 you on July 20th, 2021, the Bates stamp number at  
12 the bottom is 2440 of this document.

13 A. I see it.

14 Q. You there? So, once again, when he sends  
15 you material from CrowdTangle concerning allowing  
16 people to return to religious services, that's  
17 because it's appearing on CrowdTangle and not  
18 because you asked for it?

19 A. Correct.

20 Q. And let's go to the first page here, but  
21 I'll ask you to take a look at the August 17th  
22 exchange. Once again, Tyler Woods sending you the  
23 CrowdTangle reports?

24 A. Yes.

25 Q. Now, by August 17th, 2021 are you still

1 using CrowdTangle for the same purposes you  
2 discussed earlier?

3 A. Yes. But this isn't about us using  
4 CrowdTangle. This is about them sending us  
5 CrowdTangle reports.

6 Q. Okay.

7 A. But either way it's all the same purpose.  
8 I just wanted to clarify that.

9 Q. Okay. Because by now you may be using  
10 CrowdTangle in a different way. You might be  
11 getting the summaries and going in directly?

12 A. Well, we had access to go in directly to  
13 CrowdTangle and run in reports I think from early  
14 2020.

15 Q. Okay.

16 A. And I mentioned that our research team, I  
17 think, searched in it and looked in it to create  
18 their reports, and I believe other teams did too. I  
19 did not personally. These are reports that were  
20 sent to us. So that's different than the way you  
21 stated it.

22 Q. I see.

23 A. I did not use these reports in any  
24 different way than I have been saying in previous.

25 Q. But just to clarify.

1 A. Yes.

2 Q. So these are reports from Facebook to you?

3 A. Yes.

4 Q. As we've discussed?

5 A. Yes.

6 Q. I might ask you if something's changed,  
7 but you've already testified to that. But within  
8 CDC you had access to CrowdTangle, and created your  
9 own reports?

10 A. That we could -- I don't know that we  
11 created reports. I know that we did searches in  
12 CrowdTangle, the same way we do searches in other  
13 social media and listening tools that we have to  
14 create, to understand what's being discussed in the  
15 environment, to update our communication material,  
16 as I was explaining this morning.

17 Q. Okay. So on this particular one that  
18 we're discussing, once again Facebook has sent you  
19 their CrowdTangle summary. And I-- the COVID 19  
20 mandates at the bottom there that's highlighted. It  
21 says: "On the other hand, many conservative  
22 politicians are calling for an end to government  
23 mandated restrictions and vaccinations."

24 And my question is do you know whether or  
25 not there was any CrowdTangle information about

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1 either Attorney General Schmitt or Attorney General  
2 Landry in these CrowdTangle briefings?

3 A. I'm not -- I wouldn't even say I flipped  
4 open this -- every report. I don't know. I  
5 couldn't remember any of the details.

6 They did often put pictures of the posts,  
7 of a post as examples.

8 Q. Oh, okay.

9 A. But I don't know.

10 Q. That they're finding? Sort of like that  
11 that attachment we saw earlier where they were  
12 asking you about the wording? Like, in other words,  
13 it wouldn't look like this. It would be some  
14 something they had taken off Facebook?

15 A. Yeah. But that was -- those samples I  
16 feel like you're referencing are different. This  
17 would just be like they are saying a lot of people  
18 are talking about COVID-19 mandates; they might put  
19 a few example posts someone put in the slide deck to  
20 show what they were talking about.

21 Q. Got it. Thank you.

22 MR. VECCHIONE: Exhibit 20.

23 THE WITNESS: After Exhibit 20, could we  
24 take a short break?

25 MR. VECCHIONE: Let's take one now.

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1 THE WITNESS: Could we take one now?

2 THE VIDEOGRAPHER: Off record at 2:06.

3 (Recess 2:06 p.m. - 2:19 p.m.)

4 THE VIDEOGRAPHER: We are back on the  
5 record at 2:19.

6 (Plaintiffs' Exhibit 20 marked.)

7 BY MR. VECCHIONE:

8 Q. Okay. Ms. Crawford, have you had a chance  
9 to look at Plaintiffs' Exhibit 20?

10 A. I did.

11 Q. All right. And could you tell me the  
12 subject line and who's it from, who's it to and what  
13 the date is?

14 A. Yes. The subject is VAERS policy  
15 consultation on 8/19, 2021. The first email is from  
16 me to Carrie Adams at Facebook.

17 Q. All right. What's your understanding of  
18 why the CDC was asking to meet with the VAERS  
19 experts for consultation about misinformation?

20 A. I don't recall a lot of the details, but  
21 VAERS, the topic of VAERS was an area that was  
22 widely discussed on social media, and there was a  
23 lot of areas of confusion about what VAERS data was.  
24 There was myths about VAERS data, and there was  
25 misinformation about VAERS data. So it was always

1 one of the things that rose to the top in terms of  
2 volume of discussion of people were very confused  
3 about VAERS.

4 **Q. And do you know whether this meeting ever**  
5 **took place?**

6 A. I don't remember if the one we were  
7 discussing at this time took place and the Singapore  
8 team attended for sure. But we did have a session  
9 with the VAERS experts with Facebook.

10 **Q. Okay.**

11 A. Probably as a result of this, I feel like  
12 it might have dragged out a little bit after this  
13 for a few weeks.

14 **Q. And do you know what was discussed at that**  
15 **meeting? First, did you attend it?**

16 A. I did attend it.

17 **Q. And do you recall what was discussed at**  
18 **that meeting?**

19 A. We had one of the experts for VAERS,  
20 and -- maybe it was two experts for VAERS and a  
21 couple of their communication experts on the line  
22 with Facebook's team. I believe it was like their  
23 misinformation and policy type team like that Liz  
24 was part of, but I don't know who -- I don't  
25 remember specifically who was on there. And we

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1 offered the SME just to answer their questions about  
2 what VAERS was and what it wasn't.

3 And my recollection is they asked a lot of  
4 questions like, you know, what does -- what does --  
5 who can report something on VAERS and things like  
6 that during the session.

7 **Q. Okay. Do you know who the subject matter**  
8 **experts on VAERS were at CDC?**

9 A. Goodness. I'm just totally blanking on  
10 their names. I'm sorry.

11 **Q. If you recall during the course of this**  
12 **deposition, please let me know.**

13 A. Okay.

14 MR. VECCHIONE: We can move on to the next  
15 document.

16 (Plaintiffs' Exhibit 21 marked.)

17 A. Thank you.

18 BY MR. VECCHIONE:

19 **Q. And once again if you could just read the**  
20 **subject line, and then who -- what the date was and**  
21 **then read it to yourself.**

22 MS. SNOW: Is this for Exhibit 21?

23 MR. VECCHIONE: 21.

24 A. Subject BOLO, CDC lab alert and  
25 misinformation. September 1st. It's from me to

1 Carrie Adams at Facebook.

2 I have read it.

3 BY MR. VECCHIONE:

4 **Q. Okay. So do you recall this email?**

5 A. I do now that I'm seeing it, yes.

6 **Q. What are you telling Adams in this email?**

7 A. I can't see the attachment. But there was  
8 a misinterpretation of a lab alert that we issued,  
9 and so I think we put together a deck -- a power  
10 point or a two-page just saying what the facts were  
11 about this lab alert.

12 **Q. Okay. What is a lab alert?**

13 A. I don't know if this was a HAN alert or if  
14 was some other kind of alert they sent straight to  
15 laboratory. So I don't remember the details.

16 **Q. What is a HAN alert?**

17 A. A health advisory alert. We send it --  
18 no, Network. Health Advisory Network alert. Sorry.

19 **Q. And you have: "Carrie - BOLO."**

20 **What's BOLO?**

21 A. Be on the lookout.

22 **Q. Why were you concerned about this?**

23 A. Similar to all the other BOLOs, we still  
24 thought it was good to point out if we had facts  
25 around something that was widely circulating as a

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1 cause of misinformation to the platforms to assist  
2 them in whatever they were going to do with their  
3 policy or not do. And this was one that was kind of  
4 growing, and we had a lot of facts about it, and the  
5 team was concerned about this, this  
6 misunderstanding.

7 **Q. Do you recall whether Facebook did**  
8 **anything upon receiving this information from you?**

9 A. I don't recall.

10 **Q. How did you know that it was a small but**  
11 **growing area of misinformation?**

12 A. I vaguely recall that we ran some  
13 Meltwater reports, and that people -- that  
14 conversation regarding this topic -- Meltwater is  
15 sort of like CrowdTangle but for all the  
16 platforms -- and that the conversation around this  
17 was growing.

18 **Q. Got it. Now, tell me about Meltwater.**  
19 **Does it aggregate all the platforms and you search**  
20 **across them?**

21 A. Yes. And social media listening tools are  
22 used by every social media team, I believe. I mean,  
23 it's widely common practice, and, yes, it will  
24 search. The CrowdTangle can see more on the Meta  
25 properties. So it's nicer if you're just looking at

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1 Meta properties. Meltwater gives you social media  
2 at large. The Meta platforms, to clarify.

3 Q. Do you know what the nature of the  
4 misinterpretation was? I know we don't have the  
5 attachment, but do you know?

6 A. I don't recall any longer.

7 (Plaintiffs' Exhibit 22 marked.)

8 BY MR. VECCHIONE:

9 Q. Go to Exhibit 22. So what -- before we  
10 look at that exhibit --

11 A. Mm-hmm (affirmative).

12 Q. -- when you said "be on the lookout," what  
13 did you expect them to do once they were on the  
14 lookout for Facebook?

15 A. The same thing I have been describing. I  
16 knew that they had various options. They could have  
17 just used it to inform people. They could have  
18 considered it in their algorithm, I believe. I did  
19 understand that potentially removing posts was  
20 something that they might do.

21 Q. So if you could, just please identify  
22 Exhibit 22 to me the same way by its re: line --

23 A. Okay.

24 Q. -- and its date and then read it to  
25 yourself.

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1           A. November 2nd, 2021. Subject New Claims  
2 and Policy Updates Following EUA Authorization for 5  
3 to 11-year-olds.

4           It's from me to a group, but I think  
5 primarily it was to Facebook. Also -- never mind.  
6 I thought I missed part of the subject. Sorry.  
7 Okay.

8           **Q. All right. So this is the first one**  
9 **that -- she actually signs off with Meta this time;**  
10 **right? So I guess whatever he did took place --**

11           A. I see that.

12           **Q. -- changed over by then.**

13           **All right. The -- can you read the first**  
14 **two paragraphs she writes to you on November 2nd,**  
15 **1:22 p.m. into the record?**

16           A. Yes. "Kristen, thanks so much for  
17 confirming the ability for the claims in question  
18 last week having the risk of causing vaccine  
19 refusals. And thank you all so much for your input  
20 over the last week on our many questions about  
21 vaccine misinformation relative to the EUA."

22           **Q. And second paragraph?**

23           A. (As read) I wanted to share that as a  
24 result of our work together, when the FDA give  
25 emergency use authorization to the Pfizer vaccine

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1 for children last week, we immediately updated our  
2 policies globally to remove false claims about the  
3 COVID-19 vaccine for children, e.g., the COVID  
4 vaccine is not safe for kids, we also launched a new  
5 feature on Instagram where accounts that repeatedly  
6 post content that violates our polices on COVID-19  
7 or vaccine misinformation may now lose the ability  
8 to be tagged or mentioned or may see pop-ups asking  
9 if they'd like to delete certain posts that violate  
10 our policies.

11 **Q. And then she goes on to say: Now we've**  
12 **identified new claims; right? And then she lists**  
13 **them?**

14 A. Yes.

15 **Q. And she asks you could you tell her**  
16 **whether the claim is false, and if believed this**  
17 **claim could contribute to vaccine refusals; right?**

18 A. Yes.

19 **Q. All right. And this is similar to the**  
20 **other lists she had sent you earlier that we looked**  
21 **at to be debunked or not?**

22 A. This is similar. This time, though,  
23 they -- I think -- I don't know if this is the first  
24 time, but this added the whole "could this  
25 contribute to vaccine refusals" element that I don't

1 think we had on the last one.

2 Q. Okay. What was your understanding of why  
3 she was reporting to you Meta's policies on  
4 childhood vaccines?

5 MS. SNOW: Objection. Mischaracterizes  
6 the document.

7 BY MR. VECCHIONE:

8 Q. You can answer.

9 A. Would you reask the question?

10 Q. Yeah. What was your understanding of why  
11 she was telling you what Meta's policy was on  
12 pediatric vaccines?

13 A. Well, I don't know what -- why she was  
14 doing it specifically because I can't speculate on  
15 that, but I received it as a thank you for assisting  
16 with the claims or the facts about this that we  
17 could provide.

18 Q. And then why did you think she was asking  
19 you to tell her which claims were true and which  
20 were false on that further list?

21 MS. SNOW: Objection.

22 A. Sorry?

23 MS. SNOW: Mischaracterizes the document.

24 BY MR. VECCHIONE:

25 Q. Okay. You can answer.

1 A. Ask the question again.

2 Q. Yeah. What was your understanding of what  
3 Langone was asking -- why she was asking you to tell  
4 her which of these claims were true and which were  
5 false, and, as you said, which would lead to vaccine  
6 hesitancy?

7 A. It was still my interpretation that she  
8 was asking to inform their policies. They were  
9 looking for CDC, who would have the scientific  
10 facts, to provide them with scientific facts.

11 Q. And didn't this email give you a pretty  
12 good idea that when CDC said something was false  
13 that Meta was going to take it down?

14 MS. SNOW: Objection. Calls for  
15 speculation.

16 BY MR. VECCHIONE:

17 Q. You can answer.

18 A. I did not have a recollection of this  
19 email, and -- when I think about the work we did,  
20 but it definitely says here that they updated the  
21 policy globally to remove additional false claims.

22 Q. All right. Upon getting your information;  
23 correct?

24 A. It doesn't say upon getting our  
25 information. It just says that when the FDA gave

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1 the emergency use authorization we immediately  
2 updated our policies. It doesn't say upon getting  
3 our information.

4 **Q. She goes on to say: I wanted to share**  
5 **that as a result of our work together; right?**

6 A. Yes. But I assume this was -- I mean, I  
7 don't -- I'm reading it now. I don't have memory of  
8 this email. I'm interpreting it more of like the  
9 ongoing work for us to provide the facts to them.  
10 It could have been something specific, but I don't  
11 remember something specific regarding the -- this.

12 **Q. Do you know whether -- and then you say --**  
13 **hang on. I'll get back to it.**

14 You then respond to her on 11/2. I think  
15 it's 2:54:26. It's down to the second. "Got it,  
16 Liz. I'm going to work on this one with some other  
17 vaccine staff and take this one off of Kristen."

18 **So who are the other vaccine staff?**

19 A. Kristen Nordlund is a press officer for  
20 the National Center -- or at the time was a press  
21 officer for the National Center for Immunization,  
22 Respiratory Diseases where the vaccine work was, and  
23 she was very involved in the COVID response.

24 And I don't see it in this chain, and I  
25 cannot be sure, but what I think happened was that

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1 Kristen helped on some questions regarding this in a  
2 previous set of emails or maybe a conversation.

3 Q. All right. And then you say: "I hope we  
4 can do it by Monday."

5 So it's going to take a little less than a  
6 week. But you're going to hope to get back to her  
7 by then. This is a Tuesday.

8 A. Yes. I see that, yes.

9 Q. But then you say: "Thank you so much for  
10 the feedback on what you've been able to do. This  
11 is very good to know." Right?

12 A. I do say that, yes.

13 Q. So you're approving of her taking down the  
14 COVID vaccine is not safe for kids off the Meta  
15 platforms; right?

16 MS. SNOW: Objection. Mischaracterizes  
17 document and testimony.

18 BY MR. VECCHIONE:

19 Q. You can answer.

20 A. I did not mean it generally. I never felt  
21 that my role, or CDC's role, was to determine what  
22 to do with the scientific information that we  
23 provided. But I'm happy that providing the  
24 scientific information led to less spread of  
25 misinformation. In this email I think what's what I

1 was reflecting.

2 Q. So you were pleased that people who  
3 believed that the COVID vaccine was not safe for  
4 kids were taken off the platforms of Meta?

5 MS. SNOW: Objection. Mischaracterizes  
6 testimony.

7 A. I don't think that's what she's saying in  
8 here.

9 BY MR. VECCHIONE:

10 Q. (As read) We immediately updated our  
11 policies globally to remove additional false claims  
12 about COVID vaccine for children, e.g. the COVID  
13 vaccine is not safe for kids.

14 That doesn't tell you that she's removing  
15 those people from the platform?

16 MS. SNOW: Objection. Mischaracterizes  
17 document.

18 A. No.

19 BY MR. VECCHIONE:

20 Q. What is she doing then?

21 A. I understand that she's removing claims  
22 that have -- that are not scientifically accurate.

23 Q. Okay. Well, let me put it another way.  
24 People who post that statement will have that  
25 statement removed from Meta; correct?

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1 MS. SNOW: Objection. It calls for  
2 speculation, mischaracterizes the document.

3 BY MR. VECCHIONE:

4 Q. That was your understanding of this email;  
5 right?

6 A. I think we'd have to just look at what's  
7 written here.

8 Q. And it is in English; right?

9 MS. SNOW: Objection.

10 MR. GILLIGAN: Argumentative.

11 A. I don't think you're characterizing it  
12 correctly. Sorry.

13 (Plaintiffs' Exhibit 23 marked.)

14 BY MR. VECCHIONE:

15 Q. Move on to Exhibit 23. And once again I'd  
16 like you to just read the subject line and the date,  
17 and then read the rest to yourself.

18 A. New claims and policy updates following  
19 EAU authorization for 5 to 11-year olds.

20 This is on November 8th, 2021 from me to  
21 Liz and some others at CDC.

22 Okay.

23 Q. All right. So once again in Exhibit 23  
24 she's asking you a number of questions, particularly  
25 number one was COVID-19 vaccines weaken the immune

1 system. And then the same question she's asked  
2 before: "Is this false? Could this lead to vaccine  
3 refusals?" Right?

4 A. Yes.

5 Q. And you've -- and you've responded,  
6 "false"; right? "COVID vaccination will help people  
7 from getting COVID-19. Adults and children may have  
8 some side effects from vaccine which is normal signs  
9 that their body is building protection. These side  
10 effects may affect their ability to do daily  
11 activities but they should go away in a few days.  
12 Some people have no side effects, and allergic  
13 reactions are rare. Learn how mRNA vaccines work."  
14 Right? That's your response to her?

15 A. That I received from the content teams,  
16 yes.

17 (Plaintiffs' Exhibit 24 marked.)

18 BY MR. VECCHIONE:

19 Q. Okay. I'm going to give you Exhibit 24.  
20 I'll just represent to you this is a report about  
21 European's Medicines Agency.

22 Do you know whether or not CDC looked to  
23 other worldwide agencies' view of the vaccines in  
24 order to inform Facebook on what was true and false?

25 A. That's completely out of my expertise or

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1 knowledge.

2 Q. Have you seen this document before?

3 A. No.

4 Q. And you don't know whether it was used to  
5 formulate any response you gave to Ms. Lagone?

6 A. No.

7 MS. SNOW: Objection. Asked and answered.  
8 BY MR. VECCHIONE:

9 Q. That's fine. You said no.

10 A. (Nods head.)

11 Q. And then let's look at -- I think I tossed  
12 my document aside. Yeah.

13 I'll direct you to item number six that  
14 you responded to Lagone about breast milk from  
15 vaccinated parents, harmful to babies and children.

16 MR. GILLIGAN: What document you referring  
17 to again, John?

18 MR. VECCHIONE: It's number 23. It's  
19 number six of the Lagone proposals.

20 MR. GILLIGAN: Thank you.

21 MR. VECCHIONE: You know what, I'm going  
22 to let that -- we're going to move on.

23 MR. GILLIGAN: Okay. No objection.

24 BY MR. VECCHIONE:

25 Q. All right. We're going to Exhibit 26.

1 We're going to skip Exhibit 25.

2 (Plaintiffs' Exhibit 26 marked.)

3 BY MR. VECCHIONE:

4 Q. And once again I ask you to tell me what  
5 the subject line is, and the date, and then read it  
6 to yourself of Exhibit 26.

7 A. Vaccine misinformation questions for CDC.  
8 February 3rd, 2022.

9 I have read it. I didn't read all the  
10 questions.

11 Q. I got. I'll direct you too. So this is a  
12 long email, so let's go by it in pieces.

13 A. Mm-hmm (affirmative).

14 Q. If you see Liz Lagone writes to you on  
15 February 3rd, 2022 4:36; right?

16 A. Yes.

17 Q. The very front page. She says: Hi,  
18 Carol. And could you please read her paragraph  
19 there?

20 A. (As read) I hope your team are well and  
21 staying healthy. Thank you so much for the  
22 information you provided on claims we asked about  
23 last month. Since we last spoke, I wanted to share  
24 updates we made as a result of our work together. I  
25 also wanted to ask for your assessment of a few

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1 things, including three additional claims we've  
2 become aware of from our regular monitoring; how FDA  
3 EUA authorization for children under five might  
4 impact our policies; and three, CDC's insights  
5 regarding deaths from vaccines. As always, please  
6 do let me know if it's easier to set up a time to  
7 talk. Otherwise could we get input before  
8 February 9.

9 **Q. Okay. Time to talk through any of these**  
10 **live; right?**

11 A. Excuse me?

12 **Q. I think you just --**

13 A. Oh, did I miss a sentence?

14 **Q. I think you just skipped.**

15 A. Sorry. "Set up a time to talk through any  
16 of these live." I apologize.

17 **Q. So what was your understanding of what she**  
18 **meant by as a result of our work together?**

19 A. I believe the result of the work together  
20 is us providing the scientific information for the  
21 questions that they were asking us periodically like  
22 these in this email.

23 **Q. All right. And if you'd look -- I'd ask**  
24 **you to go to the back of the document, the very**  
25 **back. And the first at three, she says: "COVID-19**

1 vaccines have caused thousands/millions of deaths."

2 And she says: (As read) Under our current  
3 policy, we remove posts that claim that COVID-19  
4 vaccines kill people or lead to death. We removed  
5 these posts on the grounds that the claim is false  
6 and that it's harmful because people believe it, it  
7 might make them less likely to get vaccinated;  
8 right?

9 A. Yes.

10 Q. And then she notes that: In fact,  
11 vaccines -- some people might have an adverse  
12 reaction that leads to death; right?

13 MS. SNOW: Objection. Mischaracterizes  
14 the document.

15 A. I also can't --

16 BY MR. VECCHIONE:

17 Q. Okay.

18 A. I'm not a scientist.

19 Q. I understand that. But she's telling you  
20 her understanding. Putting millions and thousands  
21 of deaths aside, we have this -- she's bringing to  
22 you a problem now.

23 A. Okay. If you'd -- I lost where you're  
24 reading from.

25 Q. Okay. So on the last page she says: We

1 understand that in general COVID-19 vaccines do not  
2 cause death. However, we are aware that some deaths  
3 have been linked to COVID-19 vaccination such as  
4 detailed in this correspondence in The Lancet...  
5 reporting death rates from TTS following AstraZeneca  
6 vaccination in a number of countries.

7 And then she's saying we're going to  
8 reconsider our policies, and she's asking you for  
9 your advice; correct?

10 A. She's asking us for scientific  
11 information.

12 Q. I'll ask you to go to the second page of  
13 this document, which is Bates stamped 1684 at the  
14 bottom. And in the middle of the page under number  
15 2 of the Claims about COVID vaccines for children  
16 under five years of age.

17 And she says: We understand the FDA is  
18 considering giving emergency use authorization for  
19 COVID-19 vaccine for children under five in coming  
20 weeks. We are considering how our existing policy  
21 on COVID-19 vaccines (see below) should apply to  
22 claims about children 6 months to 4 years once the  
23 vaccine is approved for use. Can you please assess  
24 for each claim whether it is false for children in  
25 this age range and if believed, likely to contribute

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1 to vaccine hesitancy or refusal?

2 And then: Please let us know if it's  
3 easiest to set up a time to meet and discuss each  
4 one.

5 And then she tells you what their policies  
6 are; correct?

7 A. No. I don't -- I haven't interpreted any  
8 of this as being the policies. These are the  
9 claims.

10 Q. Okay.

11 A. These are the things or -- they're saying  
12 are these true or false or unknown.

13 Q. Well, at the first one we read, though,  
14 they -- she did tell you under our current policy,  
15 remove posts that claim COVID-19 vaccines kill  
16 people or lead to death; right?

17 A. But the policy is not the same as the  
18 claims. The claims are the -- what she's asking us  
19 about, which is I know that they're using our  
20 scientific information to determine their policy,  
21 but they're asking us about the science.

22 Q. Okay. And your response was: "PS - the  
23 update is very helpful. Thank you for including  
24 that." Right?

25 A. Yes.

1           **Q. But and in this you don't respond on**  
2 **whether anything's debunked or not?**

3           A. Yes. I don't remember if we did or not.

4           **Q. And what did you find helpful about this?**

5           A. I think what I think is helpful for us is  
6 to have her ask us specifically what she needs input  
7 on. So it's been helpful when she started just  
8 sending us the things she's wanting us to do.

9           I also think it is helpful to know that  
10 they're actually using the responses that we have in  
11 some form or fashion because it takes time to put  
12 them together.

13           **Q. Thank you. You can put that aside.**

14           A. Okay.

15           (Plaintiffs' Exhibit 27 marked.)

16 BY MR. VECCHIONE:

17           **Q. And just again tell me the subject matter,**  
18 **the date, and then read it to yourself.**

19           A. Okay.

20           MS. SNOW: What exhibit is it?

21           MR. VECCHIONE: Exhibit 27.

22           A. Have five minutes to chat. E: Vaccine  
23 Misinformation questions for CDC February 4th, 2022.

24           Okay.

25           (Reporter clarifying exhibit number.)

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1 BY MR. VECCHIONE:

2 Q. All right. And I think this is the same,  
3 at least part of the email is the same, as the last  
4 one we looked at; right?

5 A. I agree.

6 Q. But there is a different chain on top of  
7 hers saying she -- the part where she says she hopes  
8 you and your team are well and staying healthy.

9 A. Can I see 26?

10 Q. When you say on February 3rd at 5:21:  
11 I'll talk to the vaccine program and see what I can  
12 do -- or what we can do. Excuse me. You say: I  
13 will talk to the vaccine program and see what we can  
14 do; right?

15 A. Yes.

16 Q. Is that to have a meeting on these  
17 questions that she'd presented?

18 A. Well, I mean, I guess it could have been a  
19 meeting, but I was -- I was meeting -- I'll see if  
20 they could -- it was a lot of claims she gave in  
21 this email.

22 Q. Right.

23 A. And I was thinking I don't know that we're  
24 going to be able to address all of these. So I  
25 think I was thinking I would talk to them and see if

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1 would even be willing to look at this many of them  
2 because she's asking for input on them within a  
3 couple of days.

4 Q. And it would be difficult to give input on  
5 all those questions that quickly?

6 A. I thought so.

7 Q. And do you know if this phone call  
8 occurred that you say at the very top of it in  
9 Exhibit 27?

10 A. I don't know for sure. I think that she  
11 called, and I just said, look, I don't think that  
12 we're going to be able to -- I was going out of  
13 town. I do remember that much. I think I -- I  
14 think she may have called, or I had emailed her  
15 separately when we didn't catch up, and said I don't  
16 think we're going to have it this quickly, it  
17 probably will be when I return.

18 MR. VECCHIONE: Aren't you glad you came?

19 MR. KUMAR: Make myself useful, yeah.

20 (Plaintiffs' Exhibit 28 marked.)

21 BY MR. VECCHIONE:

22 Q. And once again I'd ask you to read, for  
23 Exhibit 28 read the subject line and the date and  
24 read it to yourself.

25 A. Okay. COVID Misinfo Project. 3/23/2021.

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1 Okay.

2 Q. Okay. We have a new cast of characters.  
3 I'd like you to take a look at the bottom here, the  
4 March 18, 2021 portion of the email chain.

5 A. Yes.

6 Q. And that's from you to Stanley Onyimba at  
7 a Google -- it's [REDACTED]@google.com and Jan  
8 Antonaros at -- [REDACTED]@google.com.

9 Do you recognize those names?

10 A. Yes. And Stanley was the name I couldn't  
11 remember when you asked me who my POCs were at  
12 Google.

13 Q. Okay. Stanley.

14 So you wrote to them on March 18 -- well,  
15 read that out loud to me what you wrote to them:  
16 "Stanley/Jan"?

17 A. (As read) As I believe we discussed  
18 previously, CDC is now working with Census to  
19 leverage some of their infrastructure to help  
20 identify and address COVID vaccine misinfo. As I  
21 understand it from the Census team, when they were  
22 doing this for the Census project last year, they  
23 met regularly with a Google/YouTube Trust team. Is  
24 it possible for us to start regular meetings on this  
25 topic or maybe use our existing time? Let us know

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1 if you want to discuss in more depth.

2 Q. All right. So what did you mean by CDC is  
3 now working with Census to leverage some of their  
4 infrastructure to help identify and address COVID  
5 vaccine misinfo?

6 A. That was the work of the IAA with Census  
7 to help consult and work with us on the COVID  
8 misinformation information. I just -- put COVID  
9 information one time. That's what I'm referring to  
10 here. This is more specific. This is when I refer  
11 to infrastructure, I was referring to the fact that  
12 Christopher ran those reports and looked for  
13 misinformation on these areas for us.

14 Q. All right. And you refer to the Census  
15 project last year in which they met -- meet  
16 regularly with Google YouTube Trust team.

17 Was that a different project?

18 A. That was their -- I believe this was the  
19 2020 Census.

20 Q. And that's what you think you're referring  
21 to there?

22 A. Yes.

23 Q. Do you know whether or not the Census  
24 engaged in content moderation with Google?

25 A. I don't know.

1 MS. SNOW: Objection. Vague.

2 BY MR. VECCHIONE:

3 Q. So and here I am not using censorship --  
4 anyways, still drawing objections.

5 All right. Let's take a look at  
6 March 23rd, 2021. Jan Antonaros to you, and cc's  
7 Stanley Onyimba. Can you read that response out  
8 loud?

9 A. Yes. But before I do, I want to go back  
10 to the clarification that she objected. When you  
11 asked me did Census do content moderation, I assumed  
12 you meant for the Census project, and I answered for  
13 that.

14 Q. Okay. How about for --

15 A. I wondered if there was more vagueness  
16 to --

17 Q. And how about for the COVID-19 vaccine  
18 project?

19 A. Not to my knowledge either.

20 Q. Okay.

21 A. But I thought you were referring to their  
22 project.

23 Q. All right. So please read Mr. Antonaros'  
24 response to you.

25 A. Hey, Carol -- or "Hi, Carol, Thank you for

1 your patience as we identified the right colleagues  
2 from Google to pull into this effort. Would it be  
3 possible to schedule a call for later this week to  
4 learn more about how the CDC and Census envision  
5 working together on this important topic."

6 **Q. What was your understanding of what**  
7 **Antonaros meant by the right colleague from Google**  
8 **to pull into this effort?**

9 A. I believe she was going to ask people on  
10 their trust team, or whatever their name for their,  
11 that kind of team is.

12 **Q. Okay. Did you -- do you know now or did**  
13 **you know then who these people were and what their**  
14 **titles were, or are?**

15 A. No. I mean, I might have known then.  
16 They may have participated in the meeting.

17 **Q. But you can't remember now?**

18 A. But I don't know their names now.

19 **Q. And what's your response to him?**

20 A. "Sounds good to check in first -- would  
21 Friday around 3:30 work?"

22 **Q. All right. And do you know whether or not**  
23 **you had that call with him?**

24 A. I don't remember.

25 **Q. All right. So you don't recall who was on**

1 the call besides you, if it took place?

2 MS. SNOW: Objection. Mischaracterizes  
3 testimony.

4 A. I --

5 MS. SNOW: Sorry.

6 (Inaudible crosstalk.)

7 MR. VECCHIONE: I'll rephrase.

8 BY MR. VECCHIONE:

9 Q. You don't recall whether the call happened  
10 and who was on it?

11 A. Correct.

12 Q. All right. And do you know whether you'd  
13 have a calendar with that call on it, by any chance?

14 A. If we had a call, we typically had a  
15 calendar appointment.

16 Q. Okay. All right. And what was -- you say  
17 "sounds good to check in first."

18 What did you want to check in with him  
19 for? What were you -- what did you want to talk  
20 about first?

21 A. I mean, I'm doing this from reading the  
22 email. I think she's saying let's check in before  
23 our regular meeting.

24 Q. Okay.

25 A. I think that's what -- I mean, that's how

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1 I interpreted the "check in first."

2 Q. And by this time were you already having  
3 regular meetings with Google like we've seen with  
4 Facebook?

5 A. Yeah. This was in 2021. So we had been  
6 meeting pretty regularly with Google by this time.

7 MR. VECCHIONE: Okay. You can put that  
8 aside.

9 (Plaintiffs' Exhibit 29 marked.)

10 BY MR. VECCHIONE:

11 Q. Let's try Exhibit 29. Same thing, read me  
12 the subject line, the date, and then take a look at  
13 it.

14 A. Okay. Okay. Subject line's: Followup on  
15 misinformation, or misinfo conversation. It's  
16 4/5/2021.

17 THE WITNESS: Can I see this?

18 MS. SNOW: Yes.

19 A. Okay.

20 BY MR. VECCHIONE:

21 Q. All right. So can you go to the very end,  
22 I guess, the very last page, read what you said on  
23 March 29 at 9:52.

24 A. "Are you all open to using our regular 4pm  
25 meetings to go over things with Census, or what is

1 preferred? I wasn't clear how interested you all  
2 were on this effort or who the players are on your  
3 end."

4 **Q. So what were the regular 4:00 p.m.**  
5 **meetings you refer to?**

6 A. I think -- because I still have a  
7 4:00 p.m. meeting every other Monday with Google. I  
8 think that these were the same every-other-week  
9 check-in meetings. Sometimes we wouldn't have them.  
10 Sometimes we would have them and discuss things.

11 **Q. Did you have similar regular meetings with**  
12 **the other platforms we've been discussing, Face- --**  
13 **Meta and Twitter?**

14 A. We -- you asked some of this earlier.

15 **Q. I did.**

16 A. The same answer. So we had regular  
17 meetings with Google, and we had regular meetings  
18 with Meta. Most -- you know, the frequency changed.  
19 So, you know, I don't meet as often. I mean, Google  
20 we meet every other week. Right now with Meta it's  
21 more ad hoc.

22 **Q. Okay.**

23 A. We had had a regular meeting with  
24 Pinterest for a short period of time, and we had my  
25 memory was just more ad hoc meetings on occasion

1 with Twitter.

2 Q. So on the regular meetings with either  
3 Google or Facebook?

4 A. Mm-hmm (affirmative).

5 Q. Well, let me ask the question this way.  
6 From the CDC end, were the same people usually  
7 attending those meetings with each social media?

8 A. It could vary. I mean, I was always -- I  
9 mean, with Google, it was typically me and Fred  
10 Smith, who's our technical lead, because often the  
11 Google questions would be more about technical  
12 implementations that we might have to work on. We  
13 were usually always on it. Sometimes I would --  
14 depending on the subject, I would bring in other  
15 people.

16 With Meta, I was pretty much always on  
17 there. Jay typically listened in. And then I would  
18 bring people in depending on the subject.

19 Q. All right. And what were the -- were the  
20 topics typically misinformation, or technical  
21 subjects?

22 A. They -- by and large, they were mostly  
23 about things other than misinformation; though  
24 misinformation was discussed in the meetings. But  
25 they were originated about getting our credible

1 information out to our audiences and some of the  
2 examples I gave this morning.

3 **Q. Okay. And what did you mean by with we're**  
4 **going to check with -- "to go over things with**  
5 **Census, or what is preferred"? What does that mean?**

6 A. I don't -- I don't have direct memory of  
7 it. I'm only assuming that -- what I recall doing  
8 is asking through this chain is like is it okay if  
9 we bring Census in? Do you like -- what format is  
10 best to talk about misinformation?

11 Maybe we didn't resolve it on this call  
12 from the previous exhibit. I can't say for sure  
13 what I meant by it.

14 **Q. Okay. And then could you read Onyimba's**  
15 **response to you on that, following that on**  
16 **March 29th?**

17 A. (As read) We would like to follow up on  
18 our discussion with your colleague, Cynthia, on  
19 vaccine information a few months ago. Specifically,  
20 we plan to share a new list of common vaccine  
21 misinformation claims and would love it if Cynthia  
22 or other vaccine experts can join. We can also save  
23 a few minutes for me, you and Jan to discuss  
24 potential next steps regarding Census, but will not  
25 need the broader team for that discussion.

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1           **Q. So who's Cynthia?**

2           A. Cynthia Jorgensen, which was on a previous  
3 exhibit. She was the -- I mean, at the time of the  
4 other exhibits, she was the co-lead and the  
5 associate director for communication. I don't know  
6 what role she was -- she was definitely the ACS  
7 during this. I don't know if he was in their JIC  
8 during this period of time.

9           **Q. Do you know what vaccine information she**  
10 **provided to Google?**

11          A. I don't recall specifically. But they --  
12 so they were trying to be sure that they had the  
13 right information when someone Googled something.  
14 When you Google COVID, for instance, there are these  
15 little tabs that come up. They'll say, like,  
16 symptoms, treatment, vaccines. And that content,  
17 some of the things came from the CDC website. So  
18 from time to time they wanted to update information  
19 like that, and would ask us to have an expert on  
20 that could talk about it.

21          **Q. Got it.**

22          A. I don't remember this question, but I'm  
23 sure that's what it's in reference to.

24          **Q. All right. Do you know what Google did**  
25 **with the list of common vaccine misinformation**

1 **claims?**

2 A. I don't remember the list of claims, or  
3 what the format was or what they asked us about it.  
4 Maybe if you have future exhibits I'll remember, but  
5 I don't recall from this.

6 Q. All right. And then he says and -- "can  
7 save a few minutes for you, me and Jan to discuss  
8 potential next steps regarding the Census but will  
9 not need the broader team for the discussion."

10 Is that your understanding that it's a  
11 discussion about Census, or with Census, like are  
12 they there?

13 A. I don't know for sure what this was in  
14 reference to. But it -- I think that it is in  
15 reference to discussing how to engage on an ongoing  
16 basis about misinformation and the Census suggestion  
17 that we have regular meetings with them just on that  
18 topic.

19 Q. I got it. And you respond that you're  
20 going to get those subject matter experts on the  
21 next call?

22 A. Yes.

23 Q. I think I might as well add, and Census  
24 won't be there, but you'll discuss how to engage  
25 with them. Is that the meaning of that, that they

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1 are not going to be at the next meeting but we'll  
2 talk about them?

3 A. That's my assumption.

4 Q. Okay.

5 A. I don't know if it's because they weren't  
6 available, or if there was some reason we didn't  
7 invite them.

8 Q. Do you recall what your discussion with  
9 Census was about Google at that time?

10 A. I don't recall, but I still believe this  
11 is just about how to engage more regularly about  
12 misinformation, or whatever -- whatever Census had  
13 done with Google and YouTube, should we have a  
14 similar structure with CDC. I believe that is what  
15 is not resolved in these chains.

16 Q. All right. And then Mr. Onyimba asked you  
17 another question on Friday April 2nd, 2021.

18 A. Mm-hmm (affirmative).

19 Q. He says: "Thanks again for your time this  
20 week. Attached are some of the claims we discussed  
21 for your reference," and they are not attached so we  
22 can't see those. But it says: "On a separate but  
23 related note would you happen to know if the CDC has  
24 statistics on hospitalization or death for people in  
25 the 40-49 age category who do not have underlying

1 health conditions or co-morbidities?"

2 You see that?

3 A. Yes.

4 Q. Do you know why he was asking you that?

5 A. No, I don't know why he was asking me  
6 that.

7 Q. And you responded on April 5th that you  
8 couldn't respond over the weekend, but then you -- I  
9 think you sent him this chart?

10 A. Yes.

11 Q. What is that chart?

12 A. I thought that this chart would answer his  
13 question. It's the -- it was from the CDC's data  
14 tracker. It's a chart on hospitalizations.

15 Q. But it's a chart of people with asthma;  
16 right?

17 A. That's -- the link worked -- you could --  
18 that's a drop-down where you can pick anything you  
19 want I think I'd screenshot so he'd know what was  
20 going to be on the link.

21 Q. So you could pick without asthma if you  
22 wanted?

23 A. Yeah. I think I just was showing him what  
24 it was.

25 Q. Okay.

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1 A. But the link was more interactive.

2 Q. Okay. And so if he went there, if you go  
3 to this website, theoretically he can take out  
4 asthma and put in whatever age range he wants?

5 A. Mm-hmm (affirmative). And you could pick  
6 a different major category or an age.

7 MR. VECCHIONE: Thank you. Put that  
8 aside.

9 (Plaintiffs' Exhibit 30 marked.)

10 BY MR. VECCHIONE:

11 Q. Plaintiffs' Exhibit 30. Again, could you  
12 just tell us the subject matter and the date and  
13 then read it to yourself.

14 A. Subject: Follow up on mis-info  
15 conversation. 4/12/21. 4 -- yeah, 2021. Sorry.

16 Okay.

17 Q. So would you agree with me that this is  
18 also, if you look at Plaintiffs' Exhibit 29, that  
19 bottom link you had sent is the same link, and then  
20 there is just a new chain on the top of this?

21 A. Yes.

22 Q. And then you ask him: "Can you give me an  
23 idea what topics we'll be covering? But yes, I'll  
24 ask them to attend."

25 I guess we ought to read. Could you

1 please read to me what question he asked you?

2 A. "For tomorrow's call would it be possible  
3 to include Cynthia or other COVID-19 treatment SMEs  
4 to follow up on some additional questions?"

5 Q. And then you say: "Can you give me an  
6 idea of what topics we'll be covering? But, yes,  
7 I'll ask them to attend"?

8 A. Yes.

9 Q. Was this a BOLO meeting or a regular  
10 meeting? Like, was this for something that had just  
11 occurred that you wanted to alert them to, or was  
12 this a regular meeting?

13 A. I don't believe this was a BOLO meeting  
14 because I don't think we had started BOLO meetings  
15 in April. I think we started those in May. I don't  
16 know for sure, but I don't feel like that's what  
17 this was.

18 I -- without that attachment, I don't  
19 remember what it was, but it wasn't uncommon for  
20 them to have just general questions about things and  
21 ask us to bring people to a meeting to help go over  
22 it. Maybe they were trying to display something in  
23 the search or whatever. I just -- I don't remember  
24 this context.

25 (Plaintiffs' Exhibit 31 marked.)

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1 BY MR. VECCHIONE:

2 Q. All right. Go to Exhibit 31.

3 A. Thank you.

4 Q. Once again for Exhibit 31 could you tell  
5 me the date and the subject matter line, and then  
6 read it to yourself.

7 A. Subject: Omicron page. Sent December 21,  
8 2021.

9 Okay.

10 Q. All right. We can go to the back again,  
11 the last page. And you have an email exchange you  
12 sent on December 21, 2021 at 10:38?

13 A. Yes.

14 Q. Who did you send it to?

15 A. That's -- I -- probably to Jan and  
16 Stanley.

17 Q. Okay. And why are you sending information  
18 about Omicron-specific pages to them?

19 A. Very similar to how I described how we've  
20 been working with them. This was a really big thing  
21 at the time, and they are trying to also be sure  
22 that people can find things in the search results,  
23 and they were -- they were highlighting CDC content  
24 and what they -- I call it the knowledge panel,  
25 those little tabs on Google.

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1           So, if something big like this was  
2           happening I would let them know if we had new key  
3           pages that they were likely getting a high number of  
4           searches on. And I'm pretty sure everyone was  
5           searching for Omicron around December of 2021. So  
6           that is why I sent it to them so they would have  
7           awareness of this brand new piece of content, and  
8           because I was seeing this -- I know. I have a  
9           point.

10           **Q. Right.**

11           A. This is a screenshot of what I call the  
12           knowledge panel with the tabs, and it wasn't coming  
13           up with the newer piece of content. So I wanted to  
14           alert them to it.

15           **Q. Okay. So what you've cut and pasted I  
16           think in there, says, like, coronavirus virus  
17           disease, and then there is overview statistic  
18           symptoms?**

19           A. Yes.

20           **Q. And then below it has the information on  
21           variants.**

22           A. Mm-hmm (affirmative).

23           **Q. All right. So let me understand this,  
24           because I'm not quite sure I'm getting it.**

25           **You say: "I see our main Variant page."**

1 That means CDC's variant page; right?

2 A. Yes.

3 Q. "Is coming up at the top of the  
4 Omicron/variant panel."

5 What -- was that Google search?

6 A. Yes.

7 Q. Or what are you referring to then?

8 A. So this -- when you search Google, you  
9 would get -- this is a screenshot --

10 Q. Got it.

11 A. -- of the Google results.

12 Q. Okay.

13 A. This is not our site. This is their site.  
14 They have these little things that say overview  
15 symptom -- I mean, statistic symptoms. Some of  
16 these were populated by CDC's content. There was  
17 one here that's cut off that said variants.

18 Q. Got it.

19 A. That was going to just the general  
20 variants page. But I know people were looking --  
21 because we'd saw all the search terms, they were  
22 looking for Omicron specifically, and I wanted to  
23 make them aware that they may want to swap the links  
24 out.

25 Q. Okay. And so you said: "So I want to be

1     **sure you were aware that this Omicron specific page**  
2     **is maturing and I expect further updates."**

3             **What does that mean, the Omicron-specific**  
4     **page is maturing? The one at CDC?**

5             A. Yes. This was our page, like -- you know,  
6     this is pretty early in the Omicron, I believe, I  
7     don't have the timetable in it, but -- so we're  
8     always updating our web pages as situations changes.  
9     So I don't think this -- at the time I sent it I had  
10    just tons of concrete information, but it -- we were  
11    going to add to it, and I thought it was a better  
12    place to send people that were searching for  
13    Omicron.

14            **Q. And what did you want them to do with it?**

15            A. Well, they have always been clear that the  
16    search results are not something that they mess  
17    with, but this part, the knowledge panel, is  
18    something that they manually assembled and worked  
19    with us on. So I thought they might want to switch  
20    this. (Indicating.)

21            **Q. Got it. And then he responds -- at least**  
22     **it looks like Jan Antonaros responds to you; right?**

23            A. Jan does, yes.

24            **Q. "Thanks for heads up. Our health team,**  
25     **including our Chief Health Officer, is tracking U.S.**

1 federal announcements today closely. Stanley and I  
2 will take this back to our team."

3 Do you know who the chief health officer  
4 was?

5 A. I think -- I think it may be Karen  
6 DeSalvo.

7 Q. Okay.

8 A. But on their end. That's their chief  
9 health officer. I think that's her title.

10 Q. And when he says tracking U.S. federal  
11 announcements today closely, does he mean on Google?  
12 What does he mean by that, in your understanding?

13 MS. SNOW: Objection. Calls for  
14 speculation.

15 BY MR. VECCHIONE:

16 Q. What did you understand that term?

17 A. I don't remember. I'm guessing there was  
18 some announcements then, but I don't recall.

19 Q. Had Google been instructed by the CDC to  
20 update following the CDC guidance?

21 A. To update what?

22 Q. To update their search engine, or for  
23 their panels to follow the CDC guidance?

24 MS. SNOW: Objection. Compound.

25 BY MR. VECCHIONE:

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1           **Q. You could answer if you understand.**

2           A. We did not instruct Google to update their  
3 search engines, or their panels. But I did suggest  
4 that -- and he said about CDC guidance. This was --  
5 this wasn't about -- this was a consumer page about  
6 what people would need to know about Omicron. I --  
7 it was more of just correcting what I thought was a  
8 better link in the panels that we had provided input  
9 on before.

10                   Google is already -- has always made it  
11 clear that the search engine is sacred. There is  
12 nothing we can say to have them fix their search  
13 engine, or change their search engine to something  
14 else.

15           **Q. All right. But how about the panel**  
16 **itself? What -- I guess what I'm trying to**  
17 **understand is what -- you send them this panel --**  
18 **because apparently it's going to the wrong place on**  
19 **the CDC -- if you put in certain search terms, it's**  
20 **going to the wrong place on the CDC website?**

21           A. So I think what's hard to understand about  
22 this is this is not a typical way that Google  
23 presents things. You will have to ask Google how  
24 they considered when they added it. But my  
25 perception is that because of the substantial demand

1 of searches for COVID, they added this that I call a  
2 knowledge panel. I think they may have another word  
3 for it. So that there is this layer before the  
4 search results come up, and it looks like this  
5 screenshot.

6 **Q. What you're pointing --**

7 A. But normally when you search, you don't  
8 get that on other topics. I think they do have it  
9 for a few other topics, but I rarely run into it  
10 when I do searches.

11 **Q. Okay. And then on December 21st I think**  
12 **Stanley Onyimba writes to you?**

13 A. Yes.

14 **Q. And he again said he explains how it's**  
15 **working and what they are going to do; right?**

16 A. Yes.

17 **Q. And then he says again: "As Jan mentioned,**  
18 **we are tracking announcements closely and will**  
19 **continue to update our products to reflect the**  
20 **latest guidance."**

21 **What did you understand that to mean?**

22 A. I think he is saying -- I -- gosh, I don't  
23 remember what was happening the week of December 21.  
24 There seems to be a reference to announcements that  
25 I just, at this moment I'm not sure. So I think I'm

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1 missing some context to what he's saying.

2 **Q. And at the top?**

3 A. Mm-hmm (affirmative).

4 **Q. Then you say: "Glad you all are**  
5 **tracking." You sign off.**

6 A. That would mean I'm glad you're watching  
7 what's happening, but I don't -- unfortunately, I  
8 can't remember what was happening that week that  
9 they're referencing. But when they say reflect the  
10 latest guidance, what I believe he's referring to is  
11 what I said before is that we helped populate some  
12 of these tabs.

13 **Q. You can put that aside.**

14 A. Okay.

15 (Plaintiffs' Exhibit 32 marked.)

16 BY MR. VECCHIONE:

17 **Q. Exhibit 32. And once again I'll ask you**  
18 **for Exhibit 32 to read the subject line and the**  
19 **date, and then read it to yourself.**

20 A. Subject: Request for problem accounts.  
21 Sent April 9, 2021.

22 Okay.

23 **Q. All right. This is from you to Todd**  
24 **O'Boyle at the top. And then it's from Todd O'Boyle**  
25 **to you at the bottom, right, on April 8th, 2021?**

1 A. Yes.

2 Q. Can you read what he writes to you, and  
3 then your response?

4 A. "Hi, Carol, I'm looking forward to setting  
5 up regular chats; my team has asked for examples of  
6 problematic content so we can examine trends. All  
7 examples of misinformation are helpful, but in  
8 particular, if you have examples of fraud such as  
9 fraudulent COVID cures, fraudulent vaccine cards,  
10 et cetera, that will be very helpful."

11 And I said: "Yes, we will get back to you  
12 early this week."

13 Q. "Thanks for checking in"; right?

14 So did you -- had you talked to Todd  
15 O'Boyle before this exchange?

16 A. I don't recall. But I think this is  
17 around the time that Census was helping us, and I  
18 believe I asked Todd, similar to I asked the other  
19 ones, like: Is there a good way that we should  
20 start engaging on misinformation? And this is  
21 probably a followup to either that email or phone  
22 call.

23 Q. And so first, who's Todd O'Boyle? And he  
24 says at Twitter.com, so I assume he's at Twitter?

25 A. Yes, Todd's at Twitter. And I know he was

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1 a point of contact that I received for the topic of  
2 misinformation. I don't know what his title was  
3 specifically.

4 **Q. Okay. Have you ever met him in person?**

5 A. No. And as a clarification, I think I  
6 called him Todd O'Brien when you asked me earlier  
7 who the POCs were. Until I see this, I didn't  
8 remember his name correctly.

9 **Q. So O'Boyle, different, yes.**

10 A. Yes.

11 **Q. That's fine. At this time did you set up**  
12 **regular meetings with Twitter?**

13 A. My memory is is that we never got regular  
14 meetings with Twitter set up. I mean, around this  
15 time. I know they participated in the BOLO  
16 meetings, but I don't recall any kind of regular  
17 schedule with them. I don't remember many occasions  
18 we actually got on a phone call and discussed  
19 anything during COVID. There was a couple, but not  
20 many.

21 **Q. How many BOLO meetings did you have with**  
22 **the social media companies from the beginning of**  
23 **COVID to, say, now?**

24 A. I think that we only had two. And then I  
25 think that I sent one time a -- in lieu of a meeting

1 a PowerPoint. And I didn't recall it but we sent  
2 another PowerPoint regarding that lab issue that was  
3 in a previous exhibit.

4 **Q. Do you know who directed Mr. O'Boyle to**  
5 **send misinformation on Twitter to you?**

6 MS. SNOW: Objection. Mischaracterizes  
7 testimony.

8 A. Say again.

9 BY MR. VECCHIONE:

10 **Q. Excuse me. Do you know who directed him**  
11 **to ask you for examples of misinformation?**

12 A. No.

13 **Q. And do you know whether you sent him any?**

14 A. No.

15 **Q. Okay.**

16 A. Could --

17 **Q. Yeah, go ahead.**

18 A. Can I get you to clarify? What do you  
19 mean by directed him to?

20 **Q. I just wanted to -- I'll put it this way.**  
21 **Todd O'Boyle was your point of contact with Twitter?**

22 A. Yes.

23 **Q. Was -- did you know of anyone over him**  
24 **telling him to do things?**

25 A. That's how I interpreted it. No.

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1 Q. He says that examples of misinformation  
2 are helpful, particularly fraud. Do you know what  
3 he was doing that it would be helpful to him to get  
4 this information?

5 A. I don't remember the exact context of this  
6 email, but I believe, as I mentioned before, this  
7 was probably part of me saying how could we work  
8 together on misinformation.

9 And it sounds like he's kind of wondering  
10 what we're seeing that we want to bring up, and he's  
11 asking for some examples. This is how I'm reading  
12 it now. And it sounds familiar based on what we,  
13 you know, my memory of this time.

14 MR. VECCHIONE: You can put that aside.  
15 (Plaintiffs' Exhibit 33 marked.)

16 BY MR. VECCHIONE:

17 Q. Exhibit 33. And once again please read  
18 the subject matter and the date, and then read it to  
19 yourself for Exhibit 33.

20 A. Twitter CDC examples. 4-13-21 xlsx is the  
21 extension. 4/14/2021.

22 Q. Can you read his request to you, and then  
23 your response?

24 A. This is the same email from before. "I'm  
25 looking forward to setting up regular chats. My

1 team has asked for examples of problematic content  
2 so we can examine trends. All examples of  
3 misinformation are helpful, but in particular, if  
4 you have examples of fraud such as fraudulent COVID  
5 cures, fraudulent vaccine cards, et cetera, that  
6 would be very helpful."

7 **Q. And then this time you respond, though?**

8 A. Yes. I didn't recall if we sent them, but  
9 we did.

10 **Q. And what do you say?**

11 A. "The Census team put together this  
12 spreadsheet with four examples. Is this what you  
13 had in mind?"

14 **Q. And then you have examples: Vaccines  
15 aren't FDA approved. Fraudulent cures. VAERS data  
16 taken out of context and infertility; right?**

17 A. Yes.

18 **Q. What did you mean by the subject word --  
19 what was your understanding of the subject "request  
20 for problem accounts"?**

21 A. I don't know --

22 **Q. Okay.**

23 A. -- why the subject read that. But what he  
24 asked for in the email is for examples of  
25 misinformation.

1           **Q. Okay. And when you met with him, did you**  
2 **have a spreadsheet like this?**

3           A. I don't -- we, we sent him a spreadsheet.  
4 I don't remember meeting with Todd --

5           **Q. Okay.**

6           A. -- besides the BOLO meetings. We might  
7 have, but I don't recall.

8           **Q. And if -- and if you look at this email --**

9           A. Mm-hmm (affirmative).

10          **Q. -- it has attachments?**

11          A. Yes.

12          **Q. And it's Twitter CDC examples. So you've**  
13 **attached the spreadsheet to this?**

14          A. Right.

15          **Q. Okay.**

16          A. I thought you were asking about when we  
17 met with him --

18          **Q. No --**

19          A. -- did we have spreadsheets.

20          **Q. -- that's -- I was asking that.**

21          A. Okay.

22          **Q. Do you know who in the Census put this**  
23 **spreadsheet together?**

24          A. I don't know for sure, but likely it was  
25 Christopher.

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1 Q. Christopher, remind me.

2 A. Lewitzke.

3 Q. Lewitzke, yes. I got it.

4 A. Something close to that name.

5 Q. We discussed him earlier. He appears on  
6 those emails?

7 A. Yes.

8 Q. Not a new guy?

9 A. No. I feel like we're saying his name  
10 wrong, though.

11 Q. I think that's correct. Lewitzke.

12 (Comment off the record.)

13 BY MR. VECCHIONE:

14 Q. Do you know whether that Census team had  
15 any medical professionals on it?

16 A. No.

17 Q. And what was the definition of fraudulent  
18 cures?

19 A. I don't remember what that was.

20 Q. And what is the category: Vaccines aren't  
21 FDA approved? Is that a claim, or is that a  
22 statement about vaccines that you're making? What  
23 is that?

24 A. I'm interpreting this whole list as things  
25 that they saw that were being stated as

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1 misinformation, that there were claims that vaccines  
2 aren't FDA approved.

3 Q. All right. And as far as VAERS data taken  
4 out of context, is your understanding that that's  
5 the same problem we discussed earlier with VAERS  
6 reports?

7 A. Yes.

8 Q. All right. It's not something different?

9 A. Yes.

10 Q. Let me rephrase. No, it's not something  
11 different?

12 A. I believe this VAERS data taken out of  
13 context is the same kind of thing we were discussing  
14 earlier.

15 Q. Thank you. And what do you believe  
16 "infertility" is?

17 A. I'm assuming this was people claiming that  
18 getting the vaccines led to infertility.

19 Q. Okay. And why did you give this chart and  
20 this information to Mr. O'Boyle?

21 A. He asked for examples. And I believe he  
22 was asking for these examples in this email because  
23 he was wondering what we would -- what would come up  
24 in BOLO meetings, or what we would be discussing. I  
25 think he wanted some sense of what we would be

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1 bringing to point out. That's my memory of it.

2 **Q. You can put that aside.**

3 MS. SNOW: Can we take like a five-minute  
4 break?

5 MR. VECCHIONE: Sure, sure. We have --  
6 we're -- I was cooking with gas, though, so, you  
7 know --

8 (Comments off the record.)

9 THE VIDEOGRAPHER: Off the record at 3:37.  
10 (Recess 3:37 p.m. - 3:51 p.m.)

11 THE VIDEOGRAPHER: Back on record at 3:51.

12 BY MR. VECCHIONE:

13 **Q. And I will again direct the witness to**  
14 **read the subject line and the date, and then read**  
15 **this one. And this one is a little more hefty. You**  
16 **may want to take a look through it.**

17 MS. SNOW: What exhibit?

18 MR. VECCHIONE: Exhibit 34.

19 (Plaintiffs' Exhibit 34 marked.)

20 A. Subject line is COVID Misinformation.  
21 Sent 6/30/2021.

22 MS. SNOW: Mine is stapled out of order, I  
23 just realized. I want to make sure, it might just  
24 be mine, if you want to clarify.

25 MR. VECCHIONE: Let's do the Bates stamps.

1 The bottom right I have it ends 496, 497, 498, 499  
2 and 500.

3 MS. SNOW: I think I have all those. They  
4 are just out of order. I just want to make sure no  
5 one else's was.

6 MR. VECCHIONE: No, I appreciate that.

7 MS. SNOW: Yeah.

8 MR. GILLIGAN: Is Carol's right?

9 MS. SNOW: Yeah.

10 A. Mine was correct.

11 BY MR. VECCHIONE:

12 **Q. Tell me when you're ready.**

13 A. I'm ready.

14 **Q. All right. Can you identify Exhibit 34**  
15 **for me?**

16 A. The subject line is COVID misinformation.  
17 6/30/2021.

18 **Q. Do you recognize this document?**

19 A. This, yes, feels familiar to me.

20 **Q. And what is it?**

21 A. It's a discussion about accessing  
22 Twitter's partner support portal where you can flag  
23 information to be reviewed by Twitter.

24 **Q. Let's take a look. As usual, these chains**  
25 **start at the back.**

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1 A. Mm-hmm (affirmative).

2 Q. I think the first one in this chain is  
3 May 10, 2021 at 1:50 p.m. and is that from you to  
4 Todd O'Boyle?

5 A. Yes.

6 Q. And I think that we've seen this list of  
7 items before to other -- to other social media  
8 outlets about --

9 A. Yes.

10 Q. And it's concerned -- it's mainly  
11 concerned about shedding?

12 A. And microchips.

13 Q. And microchips. And you attach sort of a  
14 chart. Could you tell us what that chart is?

15 A. Just a table of example posts regarding  
16 this, those two issues, vaccine shedding and  
17 microchips. It's not really a chart. It's just  
18 formatted in a table.

19 Q. Okay. Could you read what you say to him  
20 right above the table?

21 A. (As read) We wanted to point out two  
22 issues that we are seeing a great deal of misinfo  
23 about, vaccine shedding and microchips. These  
24 are -- the below are just some example posts. We do  
25 plan to post something shortly to address vaccine

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1 shedding, and I can send that link too. Our Census  
2 team copied here has much more info on it if needed.

3 Q. Okay. And so you have copied the Census  
4 team that we've discussed earlier.

5 A. Yes.

6 Q. And then you say -- could you read what  
7 you say next?

8 A. (As read) We're -- also we're standing up  
9 a BOLO COVID misinformation meeting and inviting all  
10 tech platforms. We are shooting for 12 p.m. on  
11 Friday for our first meeting. I'll include you on  
12 the invite but if you'd like to propose an alternate  
13 approach or would like me to include others, just  
14 let me know.

15 Q. All right. Tell us. We discussed a  
16 little bit the BOLO meetings that you had with the  
17 tech companies. And this BOLO COVID meeting, is  
18 this the first one? Where does it stand amongst  
19 those you've discussed?

20 A. I -- without having the date --

21 Q. Right.

22 A. -- in front of me, I think this is in  
23 reference to the very first meeting.

24 Q. Okay. And BOLO, we said, is be on the  
25 lookout. And this was -- you were sending this to

1 Mr. O'Boyle so that he would be on the lookout for  
2 these things appearing on Twitter?

3 A. Yes.

4 Q. Did you have a prior conversation with him  
5 about this before you sent it, do you know?

6 A. I don't think I had a prior conversation  
7 about vaccine shedding and microchips, and these are  
8 examples of that. I mean, we saw on the other one  
9 we had sort of general conversations about how we  
10 could -- how we should have meetings or not have  
11 meetings. And I probably asked about the BOLO, like  
12 is the BOLO format, since it was used previously, a  
13 good format.

14 Q. Okay. And what is that format? So it's  
15 just -- we've seen the previous one, you said to him  
16 I'll include you on the invite, but if you'd like to  
17 propose an alternative approach, or would like me to  
18 include others, just let me know.

19 Did you have some view of whether Twitter  
20 wanted to meet alone, or separately? Is that what  
21 that means?

22 A. No. But I had a view that I couldn't tell  
23 if the platforms wanted to do the BOLO meetings the  
24 way Census had done them for their own work, so I  
25 was checking.

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1 Q. Had you been at any -- invited to any of  
2 the Census BOLOs?

3 A. No. I don't think they were doing BOLOs  
4 by the time that we were meeting.

5 Q. So they had done that for the Census?

6 A. That's my understanding.

7 Q. And it had been in relation to the 2020  
8 Census?

9 A. That's my understanding.

10 Q. All right. Did you talk to anyone at  
11 Census about how they ran BOLO meetings?

12 A. Yes.

13 Q. Okay. In order to create your own?

14 A. Yes.

15 Q. And what did they tell you?

16 A. Well, they explained how they did it. In  
17 fact, they drafted the slide deck. We talked about  
18 this earlier. They drafted it and showed me how  
19 they thought that we should do it, and that it was  
20 just we would give examples, we would give the  
21 science, and then they -- people could follow up  
22 separately. I mean, I believe we changed some of  
23 the format of the PowerPoint, what we did for CDC of  
24 course, but they -- you know, they kind of told us  
25 how they had done it in the past.

1 Q. Okay. Let's go to his response to you.

2 He says to you -- and here we see  
3 Mr. Lewitzke's name spelled correctly; right?

4 A. Yes.

5 Q. Okay. So Todd O'Boyle writes to you on  
6 May 10, 2021 on Exhibit 34. "Hi, Carol. Thanks for  
7 sharing this."

8 And you took that to mean your chart,  
9 right, or table, you called it?

10 A. Yes.

11 Q. "Agree these are important trends to note.  
12 A quick scan shows that at least some of these have  
13 been previously reviewed and actioned. I will now  
14 ask the team to review the others."

15 What did you take that to mean?

16 A. I don't know how Todd meant it  
17 specifically, but I interpreted it as Twitter made  
18 decisions about the areas of misinformation based on  
19 whatever policy they had.

20 Q. And he says: "Carol, remind me: Did you  
21 have a chance to enroll in our partner support  
22 portal? In the future that's the best way to get a  
23 spreadsheet like this reviewed."

24 So you mentioned that Partner Support  
25 Portal. What is that?

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1           A. My understanding of it, and I don't  
2 believe I ever successfully got into it, but it's  
3 similar to what I described for Meta. It's an  
4 offering where you log in and you can report  
5 misinformation or threats or problematic posted  
6 content in this portal, and it puts it in a system  
7 for review.

8           **Q. Did you know what happened at Twitter to**  
9 **reports that were deemed actionable?**

10          A. I assume similar to Meta that they  
11 probably had multiple options. I am sure some were  
12 removed. I am sure some may have had -- were  
13 flagged. I see flags all the time on the Twitter  
14 posts. I am sure some were just maybe -- I don't  
15 know what they do, but maybe they weren't  
16 distributed as much on peoples' feeds.

17          **Q. Where do you see Twitter? Do you have a**  
18 **Twitter?**

19          A. Yeah. I mean, my responsibility is social  
20 media for CDC, so I do look at Twitter, and we have  
21 Twitter accounts at CDC.

22          **Q. And CDC -- well, I'll just go back for one**  
23 **second. You -- prior -- on May 10 you were**  
24 **discussing a Friday meeting that you'd invited**  
25 **Mr. O'Boyle to. And do you know whether that**

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1 meeting occurred?

2 A. I mean, I think we set up the first BOLO  
3 meeting in May. And this was May 10th, and the  
4 Friday was there so I suspect it did occur.

5 Q. Okay. And you said you didn't use the  
6 portal. Did anyone else at CDC use the portal?

7 A. No, I don't -- I don't recall anyone else  
8 trying to get access besides myself.

9 Q. Had you talked to him about the partner  
10 support portal beforehand, before this email chain?

11 A. I don't remember. I'm inferring from this  
12 chain that perhaps not.

13 Q. All right. Had you talked to Census about  
14 the portal?

15 A. I don't recall if we discussed the Twitter  
16 portal per se. But I did know from discussions with  
17 them that one technique I think that they used was  
18 using portals to -- for their work to report  
19 information. I don't remember if we discussed  
20 Twitter or not.

21 Q. Okay.

22 A. Or if it was all about Meta.

23 Q. But it was your understanding that Census  
24 did use such devices when offered?

25 A. That, or they told me it was an option for

1 us. I'm worried I'm mischaracterizing their work  
2 with very little actual memory on it.

3 Q. Okay. And you respond to him: "Todd, I  
4 don't think we have info on how to enroll, but we'd  
5 be happy to get on it if you'd send some info";  
6 right?

7 A. Yes.

8 Q. And he responds that -- on May 10th at  
9 8:51, he says he's happy to enroll you, and it  
10 allows you a special, expedited reporting flow in  
11 the Twitter Help Center. That's the purpose of it.

12 A. Yes, I see that.

13 Q. What's the Twitter Help Center?

14 A. The portal is part of their help center  
15 somehow. I mean, I'm not an expert, but I -- it's  
16 seeming -- I think the screenshot might even show  
17 how it's part of it.

18 No, it doesn't. But I believe it's like a  
19 link on the help center page.

20 Q. And he says it worked very well with  
21 Census colleagues last year; right?

22 A. Well, there we go.

23 Q. Yeah.

24 A. That's why he came up with that.

25 Q. Okay. And did you give him a Twitter

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1     **account to enroll?**

2             A. I asked him -- I can see that I asked him  
3 does it have to be our official CDC account, or is  
4 it supposed to be personal. And I gave him my  
5 personal one.

6             **Q. Okay. And what was your problem with**  
7 **using -- did you have a technical problem with using**  
8 **it? What happened?**

9             A. It was not a priority for me, for one. I  
10 wasn't thinking that we would probably want to use  
11 this portal on a regular basis. I thought that let  
12 me just myself, instead of asking my staff to get  
13 involved, I want to see what the portal is myself  
14 because I wasn't able to look at the Meta portal  
15 myself because you had to be administrator.

16             So I wanted to look at it and see what it  
17 it looked like, but I -- it wasn't a priority. So  
18 every now and then I would try to get on it, and I  
19 don't remember ever solving the problem. All I know  
20 is I think when I clicked it nothing happened, or I  
21 didn't get drop-downs. That's -- and I felt like  
22 maybe I wasn't in the right place.

23             **Q. Okay.**

24             A. But I am --

25             **Q. Okay.**

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1 A. -- unclear of what exactly was wrong.

2 Sorry.

3 Q. I got it. But here's -- so then I see  
4 May 24th, 2021, 2:28 email from Christopher Lewitzke  
5 that I think Todd forwards it to you. Is that how  
6 that works? How does that page -- could you tell me  
7 what's happening on this page?

8 A. The way the reply works from the email  
9 it's unclear if I was copied or not, so I can't say.  
10 But I definitely was copied on Todd's response to  
11 Christopher. I'm not sure if Christopher copied me  
12 on his email to Todd, which is what I think you're  
13 asking me.

14 Q. Okay. But on May 24th at least it looks  
15 like Lewitzke sent a note to Todd?

16 A. Mm-hmm (affirmative). And then 30 minutes  
17 later Todd hit reply with everyone on it.

18 Q. Okay. And Carol says I had -- (as read)  
19 Carol and I had a sidebar, and I requested her  
20 account be enrolled. Your email reminds me that the  
21 process should have been completed by now. I'll  
22 check with the team to make sure it's properly  
23 enrolled.

24 And that's your recollection that's how it  
25 occurred?

1           A. That's my recollection. I don't recall  
2 the sidebar, but I do know that I wanted it to be  
3 CDC people in these portals versus Census. I felt  
4 like that was more appropriate.

5           **Q. And remind me, who's Christopher Lewitzke?**

6           A. He's a -- he's a Census contractor.

7           **Q. Okay. With this Reingold outfit we talked**  
8 **about?**

9           A. Mm-hmm.

10          **Q. He says: We want to have at least some**  
11 **CDC accounts whitelisted. What does whitelisted**  
12 **mean?**

13          A. Let me read this. I'm not sure.

14          **Q. You've never heard that term before?**

15          A. I have heard of whitelisted. I don't  
16 understand it in this context.

17          **Q. What was your understanding of whitelisted**  
18 **meaning?**

19          A. Like my under -- my general understanding  
20 of whitelisting is you can have kind of a list of  
21 things that maybe -- of servers that are allowed or  
22 not allowed is an example of a list of whitelist.

23          **Q. Okay. And then do you know which Census**  
24 **accounts had access to this portal?**

25          A. My memory was that none. And I think this

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1 email supports my memory, and that Todd responding  
2 that I'm going to be the account that's enrolled.

3 Q. Oh.

4 A. For CDC.

5 Q. For CDC.

6 A. For CDC at least.

7 Q. But do you know which Census accounts?

8 A. Oh, no.

9 Q. Okay.

10 A. I wouldn't have any knowledge of what they  
11 did.

12 Q. Okay. And then let's read up to May 27th,  
13 2021, 2:30. And you say haven't seen anything come  
14 through. And then Todd says: You should now be  
15 up -- should be fully -- and period. You should be  
16 fully period, he says.

17 Then he says: "When you visit the Twitter  
18 help center logged in with your account you should  
19 see additional reporting options."

20 Do you know what he meant by that?

21 A. Yes. This portal, like I think when  
22 anyone goes to the health center -- help center, I  
23 think there is, like, you can flag threats and  
24 things, I believe. I think he was saying I would  
25 have had something more. But I never could locate

1 that.

2 Q. Okay. And you tell him: "Hi, Todd. I  
3 have been trying to enter info but I realize I have  
4 been unclear on where to enter them. I went to  
5 /forms and there is a drop down on things to submit,  
6 but none of them seem relevant to misinformation.  
7 Am I in the right place?"

8 So is that the problem you had?

9 A. I -- based on this email I think it was  
10 one of the problems. I don't -- I think at the  
11 beginning I didn't get the links, I couldn't find it  
12 on the help center. There's probably additional  
13 chains, I suspect, regarding this.

14 Q. Okay. But you don't recall what they  
15 were?

16 A. No.

17 MR. VECCHIONE: All right. Put that  
18 aside.

19 (Plaintiffs' Exhibit 35 marked.)

20 BY MR. VECCHIONE:

21 Q. 35. And once again for Exhibit 35 tell me  
22 what the subject line is and what's the date at the  
23 top.

24 A. The subject line: BOLO CDC lab alert  
25 misinformation. Sent September 2nd, 2021.

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1 Q. And I think we've seen this alert before  
2 for another social media recipient, am I correct  
3 about that?

4 A. You're correct.

5 Q. All right. Is this anything different  
6 than when you testified last time about this BOLO?

7 A. The only difference is this email is going  
8 to Twitter.

9 Q. Okay. And what was your intent in telling  
10 Twitter through O'Boyle to be on the lookout for  
11 misinformation about PCR testing?

12 A. I mean, I, again, I think CDC's role is to  
13 provide the facts around issues. We saw this  
14 confusion about this alert brewing and more posts  
15 were going up with confusion, and we thought it  
16 would be a good idea to provide the platforms with  
17 the facts before it became something bigger.

18 Q. And what did you believe he'd do with the  
19 information?

20 A. I believed that they would consider it in  
21 their -- I knew their policy teams or their trust  
22 teams or misinfo teams, whatever they -- whatever  
23 they called their teams, would evaluate it.

24 Q. And perhaps remove it?

25 A. I knew that removal was one of the options

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1 that they had, yes.

2 MR. VECCHIONE: You can put that aside.

3 (Plaintiffs' Exhibit 36 marked.)

4 BY MR. VECCHIONE:

5 Q. Exhibit 36. And once again, if you could,  
6 for Exhibit 36 tell me the date and the subject  
7 line, and then read it to yourself.

8 A. Subject: Call or VC-Facebook weekly sync  
9 with CDC (CDC to invite other agencies as needed.)  
10 And this was sent on April 15, 2021.

11 Q. And then please read it to yourself.

12 A. Okay.

13 Q. All right. Do you know who created the  
14 meeting agenda there?

15 A. I think Payton probably inserted these  
16 agenda items because it was her appointment.

17 Q. And what was on that agenda?

18 A. New attendees intro, CDC needs/questions,  
19 FB product updates/feedback requests. (COVID-HUB).  
20 And then COVID-19 projects, and several are listed  
21 CMU/FB data survey. Update -- data survey update.  
22 Excuse me. Misinfo collab status. Others.

23 Q. Let's go through this. What's COVID-HUB?

24 A. I believe the COVID-HUB is what they  
25 called when I mentioned you're on Facebook and you

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1 could search for COVID, they actually provided  
2 in-app content on COVID that they pulled from WHO,  
3 CDC and other sources and I believe they call that  
4 internally the COVID-HUB.

5 Q. All right. And I think we have some new  
6 names here in the middle. Let's see if we see most  
7 of them. Kang-Xing Jin. Do you know who that was?

8 A. Looks like a Facebook employee, but I  
9 don't recall.

10 Q. And I think we've discussed Raena Saddler,  
11 but I've forgotten. Do you recall?

12 A. I mean, she's with Facebook, or he is with  
13 Facebook, but I don't know who they are.

14 Q. All right. And then she cc'd a number of  
15 people. Do you recognize any of those names besides  
16 Liz Lagone?

17 A. Yes, Airton, the first name.

18 Q. Yeah.

19 A. He was definitely with Facebook, and he  
20 seemed to be an expert on like Facebook ads how to  
21 run Facebook ads.

22 Julia Eisman is someone we talked to  
23 regularly. I think she's in, like, their public  
24 relations type office. She occasionally would be on  
25 the calls with Payton. Kate Thornton, I don't

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1 recall. Carrie Adams, I mentioned is the new point  
2 of contact I have now. And Ursula Phoenix Weir was  
3 -- is someone at CDC. I assume that for this  
4 meeting she was probably deployed in a -- something  
5 that was related to what I thought was going to be  
6 discussed here.

7 **Q. And what was her title?**

8 A. Ursula's?

9 **Q. Yeah.**

10 A. I'm not sure. When people deploy into  
11 something -- Ursula probably had several roles  
12 during COVID, as many of us did. I just don't -- I  
13 can't tell why I invited her to this meeting from  
14 looking at this.

15 **Q. Where was she normally?**

16 A. I believe -- I believe. I believe she's  
17 in the National Center for Birth Defects.

18 **Q. Now, the subject says "Call or VC," I**  
19 **assume that's voice chat?**

20 A. Yes.

21 **Q. "Facebook weekly sync." That's**  
22 **synchronization with CDC?**

23 A. That's how I interpret sync, yes.

24 **Q. CDC to invite other agendas as -- agencies**  
25 **as-needed. Okay.**

1                   **What did you understand CDC needs**  
2 **questions to be about in this agenda?**

3                   A. I think that that was often just listed.  
4 I mean, it would just be if we had a question that  
5 we needed, we wanted to ask Facebook about, or if we  
6 had something that we -- was upcoming that we wanted  
7 their assistance with or something. I know, like,  
8 for instance, Airton's on this because sometimes  
9 we'd have technical questions about how to run an ad  
10 or the live chat, that kind of -- that we talked  
11 about earlier, how to make it work.

12                  **Q. All right. And then the COVID-19**  
13 **projects, she seems to have split them up. Were**  
14 **they split up this way within CDC or within**  
15 **Facebook, to your knowledge?**

16                  A. No. I think it's just a list of things  
17 that were just put together in one area. But I  
18 don't recall.

19                  **Q. What's your understanding of CMU/FB?**

20                  A. I think this was -- oh, gosh. I think  
21 this was about some surveying that Facebook was  
22 doing regarding COVID maybe, and they wanted to just  
23 let us know they were doing it. But I'm very fuzzy  
24 on that, on the details of it.

25                  **Q. All right. And is data and survey**

1       **separate?**

2           A. I think that's all one update. CMU at  
3 slash FB data survey update. That's how I believe  
4 this to be.

5           **Q. All right. And misinformation. "Misinfo"**  
6 **is misinformation?**

7           A. "Collab status" is one thing.

8           **Q. Oh, that's one thing?**

9           A. Yeah.

10          **Q. Okay. And "collab" is collaboration?**

11          A. Yes.

12          **Q. And then others, I take it, is everything**  
13 **else?**

14          A. Yes.

15          **Q. So when this meeting took place do you**  
16 **know if there is any notes or recordings of it?**

17          A. We didn't record them. I don't -- like  
18 I've been saying, I rarely took notes. If something  
19 was jotted down, it would have been in an email or a  
20 Word doc.

21          **Q. Do you recall if all these agenda items**  
22 **were discussed on this call?**

23          A. No.

24          **Q. What do you remember about that meeting?**

25          A. I don't remember the specific meeting at

1 all.

2 MR. VECCHIONE: Okay. You can put that  
3 aside.

4 (Plaintiffs' Exhibit 37 marked.)

5 BY MR. VECCHIONE:

6 Q. 37. And once again for Plaintiffs'  
7 Exhibit 37 please read the date and the subject line  
8 of, and then read it to yourself, please.

9 A. Subject line: CDC "guides," in quotes,  
10 and this week's meeting. And that was sent on  
11 4/29/2021.

12 Okay.

13 Q. All right. And can you identify what this  
14 is?

15 A. This is an email chain about -- that's  
16 called "CDC 'Guides' and this week's meeting."

17 Q. Okay. And at this time -- I think we've  
18 talked about biweekly meetings. At this time could  
19 you have been having weekly meetings with Facebook?

20 A. We might have. There definitely were  
21 times that we were talking weekly.

22 Q. All right. Let's do it -- let's go to the  
23 back, the last page.

24 She writes to you: "Hi, Carol, we want to  
25 flag a couple of items for you this week," right?

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1 And she says: "Instagram Guides Promotion  
2 Opportunity. Our Instagram team is looking to run  
3 promotion to amplify vaccine-related Instagram  
4 Guides. We saw that CDC has a great one on its  
5 feed." And then she provides a link; is that right?  
6 Am I correct? Did I read that correctly?

7 A. Yes.

8 Q. What is an Instagram Guides? I --

9 A. I honestly don't remember. I noticed I  
10 added our social lead to pipe in more of the guides.  
11 I think it might have been like a reel, like the  
12 little video snippets you can see on Instagram. But  
13 I honestly cannot remember what they were at the  
14 time.

15 Q. Okay.

16 A. I don't know that Instagram guides still  
17 exist.

18 Q. Let's talk about it just for a moment,  
19 though, because we talked about various types of  
20 social media. Instagram is usually like a photo and  
21 then some words under it?

22 A. That is one type of Instagram post, and  
23 then there is more like a video version of it.

24 Q. Okay. And how long -- does the video run  
25 a long time like YouTube, or is it short?

1 A. No, it's short.

2 Q. And then she says: "The team is planning  
3 to launch an in-feed promotion of the Guides on  
4 Monday."

5 What's an in-feed promotion?

6 A. If I'm not sure what they meant by in-feed  
7 promotion. But what I'm -- as reading this at this  
8 moment, I believe they were -- it would, you know,  
9 it would get highlighted more often in a user's  
10 feed. They would -- the content would be promoted  
11 more to the users in their scrolling.

12 Q. Okay. And then it says that this launch  
13 in-feed promotion would run for three weeks, and the  
14 anticipated reach is 60 to 80 percent of the people  
15 in the U.S. on Instagram.

16 So that's 60 to 80 percent of the people  
17 that -- the United States people on that platform,  
18 is that your understanding?

19 A. Yes.

20 Q. And then she says: (As read) "We wanted  
21 to know if the Guide above is up-to-date, or if  
22 you'd be willing to update it (if needed) and if it  
23 is something" you can include in the -- "we can  
24 include in the promotion. Happy to discuss further  
25 if this is something you may be interested in, or if

1     **you have any questions."**

2             **Did I read that correctly?**

3             A. Yes.

4             **Q. Who decides whether the guide is up to**  
5 **date or not?**

6             A. That would be us because it's our post.

7             **Q. Okay.**

8             A. Like if the guide is like a story -- I  
9 called it a reel earlier, but a story is better for  
10 Instagram. It's something that CDC has posted, so  
11 it's our content to update.

12            **Q. Got it.**

13            A. And I'll add, to clarify, I can see on the  
14 url it says "/CDC gov." So it's definitely  
15 something we have posted, and if I'm incorrect about  
16 the format of it I still can tell it's something  
17 we've posted.

18            **Q. Okay. Then also "FYI", which I think is**  
19 **for your information, "we are hoping for an update**  
20 **on our COVID-19 misinfo reporting, but that is not**  
21 **ready for this week."**

22            **What did you -- did I read that correctly?**

23            A. You read it correctly.

24            **Q. And what did you take that to mean?**

25            A. I am not sure, but I'm -- it might have

1 been about those CrowdTangle reports and sending  
2 them to us.

3 **Q. Can you read your response at 2:32 on the**  
4 **same day, the 28th?**

5 A. Read the whole response?

6 **Q. Yeah.**

7 A. Okay. (As read) plus Jay to weigh in on  
8 that guide. I think he'll have the latest info. I  
9 think it would be great to get that kind of  
10 promotion on it. Thanks for offering. I still hope  
11 to get you some health equity info, but agree we can  
12 pull that meeting down tomorrow. Are you being  
13 asked by the White House to do anything on  
14 vaccine.gov or vaccinefinder? If so, can you share  
15 any plans in a nutshell via email?

16 **Q. All right. So, first, what's health**  
17 **equity info?**

18 A. I can't recall the context of why we were  
19 discussing it, or what prompted me to write that.  
20 But CDC had posted, I believe around this time,  
21 information on health equity. I'm thinking that we  
22 either -- they wanted it, or we wanted to mention it  
23 to them, but I don't recall which.

24 **Q. And you asked about the White House. You**  
25 **asked her whether the White House is asking her to**

1 do anything on vaccine.gov or vaccinefinder. What's  
2 "vaccinefinder"?

3 A. Vaccines.gov originally was called  
4 vaccinefinder.gov. But we renamed it vaccine.gov or  
5 vaccines.gov when the vac- -- COVID vaccines came  
6 out. But a lot of us still think of it as the  
7 "vaccinefinder site" because when you go to that  
8 site, in effect, the main thing it does is you can  
9 put in your ZIP code and find out where COVID  
10 vaccines are offered. So it helps you find the  
11 vaccine.

12 Q. Why did you suspect the White House was  
13 asking her or Facebook to do something about that  
14 site?

15 MS. SNOW: Objection, calls for  
16 speculation.

17 BY MR. VECCHIONE:

18 Q. And you wrote down: "Are you being asked  
19 by the White House?" You asked her that. Why did  
20 you do that?

21 A. I --

22 MR. GILLIGAN: You asked her why she  
23 suspected something.

24 BY MR. VECCHIONE:

25 Q. Why did you -- why did you ask whether the

1 **White House had asked her to do anything?**

2 A. I don't remember specifically. But it was  
3 not uncommon because there was multiple major  
4 agencies such as the White House working on things.  
5 And so Payton had meetings with lots of federal  
6 agencies, and we were -- the vaccine.gov site was  
7 something CDC, HHS and the White House were  
8 collaboratively working on.

9 So it might have been me just trying to  
10 understand if we were about to promote vaccines.gov  
11 on -- maybe it was in the guides; maybe I was just  
12 trying to see if she knew something related to what  
13 we were doing. We did overlap from time to time and  
14 ask Payton similar things.

15 **Q. So you knew that Facebook could also have**  
16 **been being contacted by other agencies besides CDC?**

17 A. Yes. They -- she -- I'm fairly confident  
18 that she was speaking to several federal agencies  
19 during the COVID response.

20 **Q. Including HHS?**

21 A. I believe so, yes.

22 **Q. And including the White House?**

23 A. I think. I believe so, yes. I don't -- I  
24 didn't ask her her meeting schedule, but she often  
25 would be up to date.

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1 Q. Did she ever mention to you who her  
2 contact was at the White House?

3 A. No.

4 Q. Do you know that of your own knowledge  
5 from some other source?

6 A. No.

7 Q. Were you ever on a call with any of the  
8 agencies in the White House?

9 A. Yes. Sometimes what I remember was that  
10 when vaccines.gov was coming out, that was involving  
11 multiple agencies including people at the White  
12 House and the U.S. Design System team and HHS and  
13 CDC, and I do believe there might have been some  
14 joint calls to discuss some of the promotion of  
15 vaccine.gov.

16 Q. All right. And U.S. Design are the people  
17 who design the websites for the government?

18 A. Yes. I think in my mind when I say White  
19 House, they are the people in the White House that  
20 I'm talking about because that's my counterparts in  
21 the White House are digital people. I should have  
22 clarified. I should have clarified that earlier.

23 Q. All right. And do you know of anyone, any  
24 names?

25 A. There was several of them that were

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1 involved with vaccines.gov.

2 Q. Okay. Do you recall any names?

3 A. I really don't.

4 Q. All right. Did anyone from the White  
5 House, any office in the White House, direct you to  
6 engage with social media companies independent of  
7 your supervisor at the CDC?

8 A. No.

9 Q. All right. Let's take a look at the next  
10 one. Payton to you on April 29 at 6:23. Can you  
11 read her response to you?

12 A. (As read) Thank you, Carol. Regarding  
13 vaccines.gov -- or vaccine.gov -- we haven't had any  
14 specific requests from the White House on this.  
15 We've been working at the state level on our vaccine  
16 finders tools and promotions. I also want to  
17 followup on our COVID-19 misinfo reporting. Our  
18 team is looking to schedule a training with CDC and  
19 Census colleagues who will be reporting content  
20 through the tool. It will cover Community  
21 Standards, COVID-19 misinformation and harm policies  
22 and a walkthrough of the reporting tool.

23 Q. Let's stop there.

24 A. Okay.

25 Q. Did that training occur with CDC?

1           A. To my recollection, that training never  
2 occurred. But I might not have been a part of it,  
3 and that's why I don't recall it.

4           **Q. Do you recall whether or not Census was  
5 involved in such a training?**

6           A. No, because I'm not sure that we had the  
7 training, so I don't know who would have attended  
8 it.

9           **Q. Okay. And then could you continue reading  
10 where you have the asterisks?**

11           A. "Could you share back some times that may  
12 work to schedule? We'll probably need 1.5 hours to  
13 cover. If needed, we can break the training up if a  
14 longer block is hard to schedule."

15           **Q. All right. And then you'll respond that  
16 you'll check with Census; right?**

17           A. Yes.

18           **Q. But do you know whether or not you checked  
19 with Census?**

20           A. No.

21           **Q. Do you recall anything more than what  
22 you've told me about this training?**

23           A. I recall that when this -- well, can I ask  
24 my -- can I ask counsel a question first?

25           MR. GILLIGAN: Yes, you may.

1 (Witness conferring with counsel.)

2 MR. VECCHIONE: Let the record reflect  
3 that the witness has consulted with counsel.

4 BY MR. VECCHIONE:

5 **Q. Can you answer my question?**

6 A. Oh. Yes. When we went through discovery,  
7 I was pulling documents for discovery, and I was  
8 asked if we had used the portal by I believe the CDC  
9 lawyer that I have been working with, and I could  
10 not recall.

11 So I went through a lot of emails at that  
12 time, and I concluded that my memory was correct  
13 that we really did not use the portal more than the  
14 one time that I mentioned earlier, and that's why I  
15 don't believe the training occurred. I don't have  
16 any memory of going through the training, or setting  
17 up the training. But it's pos- -- I mean, I have a  
18 lot of emails, but that was what I thought after I  
19 did discovery.

20 BY MR. VECCHIONE:

21 **Q. Right. And that's what you think now**  
22 **sitting here?**

23 A. Yes.

24 **Q. All right. Thank you. You can put that**  
25 **aside.**

1           A.   Okay.

2                           (Plaintiffs' Exhibit 38 marked.)

3 BY MR. VECCHIONE:

4           **Q.   And, again, for Exhibit 38 just tell me**  
5 **the date and the subject line, and then read it to**  
6 **yourself.**

7           A.   I'm sorry.   The subject, Wyoming issue.  
8 April 30th, 2021.   Okay.

9           **Q.   So let's start from the back again.**

10                   **On April 23rd you write to Payton Theme**  
11 **again. Can you write what you say to her?**

12           A.   (As read)   The Wyoming Department of  
13 Health mentioned to one of our groups that the  
14 algorithms that Facebook and other social media are  
15 apparently using to screen out postings by sources  
16 of vaccine misinformation are also apparently  
17 screening out valid public health messaging,  
18 including Wyoming Health communications.   They were  
19 looking for advice about how to work with social  
20 media networks to ensure that verifiable information  
21 sources are not blocked.   Do you have someone that  
22 she could talk to -- sorry.   Do you have someone  
23 that could perhaps talk to the state about this?

24           **Q.   And then before you get a response you say**  
25 **on top: "Anything you all can do to help on this?"**

1 I guess -- you say that five days later, is that why  
2 you sent it again?

3 A. They hadn't responded.

4 Q. Okay. Who decided what a verifiable  
5 information source was at this time?

6 A. I don't know.

7 Q. Now, on April 28th at 6:37 you get an  
8 email back from Adrien Genelle, I think or Genelle  
9 Adrien. Excuse me.

10 A. Yes.

11 Q. And she says that her colleague can solve  
12 this problem?

13 MS. SNOW: Objection, mischaracterizes  
14 document.

15 BY MR. VECCHIONE:

16 Q. Did she direct you to another person to  
17 take care of the problem?

18 A. She looped in another colleague to provide  
19 additional guidance, or to connect directly with the  
20 state health department that asked.

21 Q. Okay. And then you say, you tell her that  
22 you don't have an email chain to loop anyone in  
23 because it was received via meeting. Do you know  
24 what meeting it was received in?

25 A. Yes. Well, no, I don't know exactly which

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1 meeting it was in, but it was just relayed to me  
2 during one of the COVID internal meetings that, hey,  
3 we got a call from Wyoming, do we know anyone to  
4 connect them with.

5 Q. And you connected to Holly Scheer? Is  
6 that what you're doing there?

7 A. Yes.

8 Q. And do you know anything more about Eva  
9 Guidarini than what she states here about her? Did  
10 you ever deal with her?

11 A. No.

12 MR. VECCHIONE: You can put that aside.

13 Exhibit 39. I believe they are all  
14 one-pagers, and they are all stapled together, so  
15 give me one moment.

16 (Plaintiffs' Exhibit 39 marked.)

17 BY MR. VECCHIONE:

18 Q. Once again, could you just read the -- 39,  
19 could you read the subject line and the date?

20 A. Join with new info E: Call or VC-Facebook  
21 weekly sync with CDC (CDC to invite other agencies  
22 as needed). May 6, 2021.

23 Q. Okay. Tell me when you're ready.

24 A. Oh, I'm ready. I'm sorry.

25 Q. And I think we've seen this meeting

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1 before, but I just want to make sure it's not a  
2 separate one. Was -- this was just with Facebook;  
3 right?

4 A. This was.

5 Q. Okay. And the -- and we've already  
6 discussed the items that were -- that were on the  
7 agenda; right?

8 A. We did. But I'm just now noticing that  
9 the items in the agenda might be a cut-and-paste  
10 from the same thing and maybe weren't updated  
11 regularly.

12 Q. I see. That's my question. All right.  
13 So do you have any memory of this particular  
14 meeting?

15 A. I don't.

16 Q. And you don't recall what was said one way  
17 or another?

18 A. Don't recall, excuse me?

19 Q. Okay.

20 A. I didn't catch -- I'm sorry. I didn't  
21 catch what you asked me.

22 Q. Oh, oh. Do you recall anything that was  
23 said at that meeting?

24 A. On May 6? No.

25 Q. And do you know if the format was in Zoom,

1 or what the format, or Microsoft Teams, or in  
2 person, or?

3 A. It was always on either teams or they had  
4 BlueJeans that we used occasionally.

5 Q. Okay. What's BlueJeans?

6 A. It's something like a Teams or a Zoom.

7 Q. Okay. And, once again, do you know if  
8 there is any notes or record kept of the meeting?

9 A. I did not take any notes at the meeting  
10 that I recall. I mean, same answer I have been  
11 giving. If there were any, it was minor and they  
12 would have been in Word or email.

13 Q. Okay.

14 MR. VECCHIONE: 40.

15 MR. GILLIGAN: I remember when everybody  
16 just used Skype when it was simpler times.

17 (Plaintiffs' Exhibit 40 marked.)

18 BY MR. VECCHIONE:

19 Q. Exhibit 40. Once again the date and the  
20 subject line, and then read it to yourself.

21 A. Subject line: COVID BOLO meetings on  
22 misinformation, sent on May 10, 2021.

23 Okay.

24 Q. All right. Let's go back to the back page  
25 of this that's Bates number 682.

1 A. Okay.

2 Q. Now, this is -- I think we've said this  
3 date. It's May 10th of 2021?

4 A. Yes.

5 Q. And you send to Facebook the COVID BOLO  
6 misinformation meeting request; right?

7 A. Yes.

8 Q. And could you please read that for me?

9 A. (As read) We would like to establish  
10 COVID BOLO meetings on misinformation and invite all  
11 platforms to join the meetings. We are aiming for  
12 the first one on Friday at noon. I know you were  
13 considering a possible process on your end, but we  
14 wanted to start here just as an interim first step.  
15 Are there direct POCs on your end I should include  
16 on the invite? I'm happy to chat if better, thanks.

17 Q. All right. Now, so this is the first BOLO  
18 meeting. Does that comport with your recollection?

19 A. This is a note that I'm about to send an  
20 appointment for the first BOLO meeting and asking  
21 them who to include.

22 Q. All right. And we've already said POCs --

23 A. Yes.

24 Q. -- are the point of contacts; right?

25 A. Mm-hmm (affirmative).

1 Q. And you said: "I know you are considering  
2 possible process on your end."

3 What did you mean by that?

4 A. As I mentioned, that I was engaging with  
5 the platform saying what format would be best for us  
6 to talk about this. And I think there were  
7 references in the exhibit a couple of times where  
8 they said they were thinking internally about what  
9 would be best. So I think I was just referencing  
10 that I knew that they were considering it as well.

11 Q. Do you know what the topics -- did you  
12 know what the topics for the BOLO were when you sent  
13 this out?

14 A. I don't know if I did or not.

15 Q. All right. Let's go to the next page back  
16 where we have -- I believe this is from Jan  
17 Antonaros to you, but he includes your email to him;  
18 right?

19 A. This -- the bottom part --

20 Q. Mm-hmm (affirmative).

21 A. -- is where I sent a similar note to  
22 Google, which is Jan.

23 Q. Okay.

24 A. And I was telling her that we would like  
25 to invite the digital platforms to attend the BOLO.

1 I think it was me sending the appointment or a  
2 heads-up that it was coming. I can't -- it looks  
3 like maybe I -- this is an actual appointment.

4 **Q. Okay.**

5 A. But I tried to send each of them a  
6 personal note that we were doing it.

7 **Q. And in this one you actually spelled out**  
8 **be on the lookout; right?**

9 A. I did.

10 **Q. And was that because you hadn't discussed**  
11 **it with them before, or did you have some concern**  
12 **they wouldn't know what it was?**

13 A. I don't know why I didn't do it that time.

14 **Q. All right. And there is Kevin Kane here**  
15 **with the email address [REDACTED]@Google.com. Who is**  
16 **that?**

17 A. I don't remember Kevin, but this indicates  
18 that he was from YouTube.

19 **Q. Okay. And do you recall having**  
20 **discussions with YouTube?**

21 A. YouTube would occasionally -- people from  
22 YouTube would occasionally be on our regular  
23 meetings, depending on what we talked about. And  
24 because YouTube has the most content, like, hosting,  
25 they -- they were at the -- they were a part of the

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1 BOLO meetings, I believe, that Kevin attended  
2 probably, or someone from YouTube did.

3 **Q. And you responded: "Great. I was going  
4 to ask about Kevin."**

5 A. Yeah. Maybe I remembered who Kevin was at  
6 the time.

7 **Q. Okay. And then finally the front page.**

8 A. That's a repeat of -- oh, no, that's not.  
9 I apologize. I'm looking at the wrong one.

10 **Q. And here you're sending this to the Google  
11 folks?**

12 A. Yes.

13 **Q. Why don't you read it for the record?**

14 A. "We would like to establish COVID BOLO  
15 meetings on misinformation and invite all platforms  
16 to join the meetings. We were aiming for the first  
17 one on Friday at noon. We heard through the  
18 grapevine that Kevin Cain at YouTube would want to  
19 join. Are there other POCs on your end I should  
20 include on the invite?"

21 **Q. All right. You said YouTube. Who's  
22 YouTube related to, is it Google or Facebook?**

23 A. YouTube is a Google property.

24 **Q. Okay.**

25 A. Or platform.

1           **Q. And is it your recollection that you did**  
2           **have a meeting on Friday?**

3           A. I think we did, but I don't have the exact  
4           date. But I believe we had -- that's when we had  
5           the first BOLO meeting.

6           **Q. All right. And do you have any list of**  
7           **who actually showed up and was an attendee?**

8           A. No.

9           **Q. All right. And, once again, it would be**  
10          **on your calendar as far as if it happened?**

11          A. Now, to clarify I don't remember keeping a  
12          list of who attended. Maybe Census might have  
13          because this is something they were arranging. But  
14          I don't recall it being sent to me. It could have  
15          been, but I don't believe so.

16          **Q. So they were helping you arrange this**  
17          **because they'd done it before, this particular**  
18          **meeting?**

19          A. Yes. I mean, I mentioned that they  
20          drafted the slides.

21          **Q. Right.**

22          A. And, you know, Chris participated in the  
23          meeting.

24          **Q. Okay. Chris. Remind me his last name?**

25          A. Lewinsky, Lewitzke.

1 Q. Lewitzke. I'm glad he's not here because  
2 we've done terrible things to his name, and I  
3 apologize for that. My name is Vecchione. I have  
4 no excuses for this.

5 All right. I think you can put that  
6 aside.

7 (Plaintiffs' Exhibit 41 marked.)

8 BY MR. VECCHIONE:

9 Q. Let's go to Exhibit 41. And once again  
10 please tell me the headline, subject line, and the  
11 date, and then read it to yourself.

12 A. Subject, CDC COVID-19 BOLO meeting.  
13 6/10/2021.

14 Q. Okay. So let's go back -- well, the first  
15 item on here, it says "On Wednesday June 9, 2021 at  
16 4:23 PM Crawford, Carol wrote."

17 Can you read that to -- into the record?

18 A. Yes.

19 "We would like to invite digital platforms  
20 to attend our third short 'Be On The Lookout'  
21 meeting on COVID. Let us know if you have questions  
22 and feel free to forward this message to anyone in  
23 your organization that should attend."

24 Q. And did you send these out separately to  
25 all the -- withdrawn.

1           **You sent this particular one to Todd**  
2     **O'Boyle at Twitter; right?**

3           A. The formatting of the email is odd. But I  
4     don't believe I did that. I believe I had one  
5     appointment and I blind copied everyone, so the  
6     emails -- I think that's just because he replied, it  
7     looks like it's just him.

8           **Q. Okay. But you think when you sent these**  
9     **out you sent them out to all the social media places**  
10    **at once?**

11          A. I do. And I think when we were looking at  
12    the other exhibit I wondered the same thing, but I  
13    think that was the situation.

14          **Q. All right. That explains it for me.**

15                 **And did you -- do you know if this meeting**  
16    **in June, I think it would be, ever took place?**

17          A. I don't believe it did. And this is a  
18    morning question. I'm starting to think maybe  
19    Juneteenth was a new holiday we weren't expecting  
20    that conflicted with the third BOLO meeting and  
21    maybe that is why we didn't end up having it and we  
22    sent the materials out via email.

23          **Q. All right. And who tasked you with**  
24    **sending out the BOLO messages? Why were you doing**  
25    **it?**

1           A. Because I was the main person that was the  
2 CDC point of contact to talk to Facebook, Twitter  
3 and the platforms since our job was to lead digital  
4 media.

5           MR. VECCHIONE: Okay. You can put that  
6 aside.

7           (Pleadings' Exhibit 42 marked.)

8 BY MR. VECCHIONE:

9           **Q. Exhibit 42.**

10           MR. VECCHIONE: And I feel that someone  
11 has added 43 in here, so I do apologize. That's a  
12 late addition.

13           MR. GILLIGAN: I thought it was Carnac  
14 time.

15           MR. VECCHIONE: No.

16 BY MR. VECCHIONE:

17           **Q. So, once again, please just name the date  
18 and the subject matter, and then take a look at it.**

19           A. Yeah. Subject: Booster shots, regarding  
20 booster shots. It was sent on 10/28/2021.

21           Okay.

22           **Q. All right. Do you recognize this  
23 document?**

24           A. Not specifically.

25           **Q. Can you describe what it is?**

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1           A. It's a conversation about some booster  
2 guidance updates that are occurring and some  
3 requests from Google to review some of the changes  
4 that they were considering on the search result  
5 pages.

6           **Q. All right. And the date is -- I think it**  
7 **starts, if you look at the last page, on**  
8 **September 30th, 2021.**

9           A. Yes.

10          **Q. And that's from Stanley Onyimba to Fred**  
11 **Smith.**

12                   **Who is Fred Smith? He's new.**

13          A. He's a direct -- he reports to me. He was  
14 the technical person I mentioned who usually  
15 attended the Google meetings with me. I was out of  
16 town this date, so I wasn't on the email.

17          **Q. All right. And he -- well, I think he**  
18 **sends you the email?**

19          A. Yeah.

20          **Q. Just you're cc'd?**

21          A. Maybe. I don't believe I was in town,  
22 though --

23          **Q. Okay.**

24          A. -- when this was occurring. I don't see  
25 myself cc'd on Stanley's email to Fred.

1 Q. All right. Why is -- do you have any  
2 knowledge why is Stanley Onyimba sending this to  
3 Fred? What is the purpose of this?

4 MS. SNOW: Objection. Calls for  
5 speculation.

6 A. Are you going to re-ask the question?

7 BY MR. VECCHIONE:

8 Q. No.

9 A. I mean --

10 Q. What's your understanding of why he's  
11 sending this --

12 A. Yes.

13 Q. -- to CDC?

14 A. Well, I don't -- because the screenshots  
15 are not available that are attached or put in here,  
16 I can't directly explain this, but sometimes on  
17 those Google panels that I mentioned they would  
18 highlight specific things like, they would -- they  
19 would, you know, before the search results came up,  
20 they would highlight a link. And I think that they  
21 were considering -- considering taking some words  
22 that they saw on vaccines.gov and add it to that  
23 panel, and they wanted to be sure it was right and  
24 they were asking us.

25 Q. All right. And then Fred responds that it

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1 looks okay to him, but he's not the -- he's not an  
2 expert on this?

3 A. Correct.

4 Q. All right. And so -- and then Mr. Smith  
5 writes -- now, after that -- after that, you know, I  
6 don't know, I'm going to go check with some people,  
7 Mr. Smith writes back: "Hi, Stanley, I heard back  
8 from some folks. No heartburn over the messages  
9 proposed. Cheers, Fred."

10 Do you see that?

11 A. Yes.

12 Q. Did I read that correctly?

13 A. Yes.

14 Q. Do you know who "some folks" are? Who did  
15 he check with?

16 A. I don't know who he checked with.

17 Q. Okay. And then the next -- I'm having a  
18 hard time -- I can read the message. Do you know  
19 when that was sent, the next message up?

20 A. The one from Jan and Megan?

21 Q. Yeah.

22 A. It looks like October 28, 2021.

23 Q. So you go all the way up to the next -- on  
24 page 1, and then you read down?

25 A. That's what it appears, mm-hmm.

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1 Q. All right. Why don't you take -- so can  
2 you -- you came back, apparently, and emailed  
3 Antonio [sic] -- Jan and Stanley and the folks at  
4 Google on October 28th at 5:11; right?

5 A. Yes.

6 Q. Okay. And you said: "This looks good,  
7 thanks for checking," in the middle there?

8 A. Mm-hmm (affirmative).

9 Q. The next part?

10 A. (As read) Yes. We can discuss the  
11 pediatric vaccines early next week but let me give  
12 you some general info: ACIP is likely to vote on  
13 this on November 2nd. CDC is likely to start  
14 posting final information on November 3rd...if that  
15 helps to know. There will be many updates so the  
16 changes might span over a few days. We are also  
17 looking ahead and misinformation and hope to have a  
18 BOLO type meeting later that week with the platforms  
19 that are interested.

20 Q. And who's ACIP?

21 A. The Advisory Council for Immunization  
22 Practices, I believe, I think that's right.

23 Q. And do you know whether you had a BOLO  
24 meeting for this?

25 A. I don't -- I don't believe that we ever

1 had one.

2 Q. So the email states that --

3 You can put that aside.

4 (Plaintiffs' Exhibit 43 marked.)

5 BY MR. VECCHIONE:

6 Q. Let's go to -- yeah, let's go to the last,  
7 43.

8 Once again for Exhibit 43 please state the  
9 subject matter line, and then the -- and who it --  
10 what the date of it is?

11 A. Subject: Claims review. 6/29/2022.

12 I have read it.

13 Q. Okay. So can you read the -- well, who is  
14 Rachel Gruner?

15 A. She is my new point of contact at Google.  
16 She replaced Jan Antonaros.

17 Q. And who's Lindsay Steele?

18 A. Lindsay Steele replaced Stanley.

19 Q. Onyimba?

20 A. "O".

21 Q. Okay. And they're both -- their emails  
22 are here in the to line; right?

23 A. Yes.

24 Q. All right. And if you could read the  
25 after Hi, Carol, Hi, Fred from Rachel, what does she

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1 **say here?**

2 A. "The YouTube policy team is requesting  
3 evidence-based input on the claims below. In the  
4 past, the CDC has reviewed COVID information claims  
5 and commented true or false plus any additional  
6 context needed."

7 **Q. And then what are the claims?**

8 A. (As read) Claim: High dosage of  
9 progesterone is a safe method of reversing chemical  
10 abortion, in parentheses, mifepristone and  
11 misoprostol.

12 Sorry.

13 (As read) Claim: High doses of  
14 progesterone is an effective method of reversing  
15 chemical abortion, in parentheses, mifepristone and  
16 misoprostol.

17 **Q. All right.**

18 A. "Please let me know if you have questions  
19 or concerns."

20 **Q. And then what -- how do you respond?**

21 A. "I'll check on this, but I think I'll  
22 probably end up needing to refer you to another  
23 agency. I'll get back to you."

24 **Q. So this -- this -- is it your**  
25 **understanding this didn't have anything to do with**

1 COVID-19 or vaccines?

2 A. It definitely didn't have anything to do  
3 with COVID-19 or vaccines.

4 Q. Do you know why it was sent to you?

5 A. Well, as COVID's -- our focus is not  
6 solely on COVID. We're focusing on other topics. I  
7 think Rachel thought that we might be able to help  
8 with this topic as well.

9 Q. Okay. Do you know who you sent it, what  
10 agency you sent it to, if any?

11 A. I -- I didn't know. I called one of our  
12 centers and asked if this was something that CDC  
13 dealt with. I didn't think that we did, and they  
14 confirmed that we do not. And I don't think they  
15 had a suggestion on where to refer this to, but I  
16 can't recall for sure.

17 MR. VECCHIONE: All right. I would like  
18 to take a brief break and have the court reporter  
19 put my last exhibit together and give you copies  
20 and then --

21 MR. GILLIGAN: There is a 44, too?

22 MR. VECCHIONE: -- confer, confer with  
23 counsel, and I think we'll be finishing up.

24 (Comments off the record.)

25 THE VIDEOGRAPHER: Off the record at 5:07.

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1 (Recess 5:07 p.m. - 5:19 p.m.)

2 THE VIDEOGRAPHER: Back on the record at  
3 5:19.

4 (Plaintiffs' Exhibit 44 marked.)

5 BY MR. VECCHIONE:

6 Q. All right. Ms. Crawford, this is going to  
7 be Exhibit 44. And it will have -- once again, read  
8 the subject line and then tell me what the date was.

9 A. Subject: "Themes that have been removed  
10 from misinform." I am sure that was typo.  
11 3/10/2021.

12 Okay.

13 Q. All right. Let's go to the back end of  
14 the exhibit. And the first email chain is from  
15 March 10th, 2021 from you to Payton Theme; is that  
16 correct?

17 A. Yes.

18 Q. And it says: "Themes that have been  
19 removed for misinfo." And I think we've established  
20 that's misinformation; correct?

21 A. Yes.

22 Q. And you say to her: "We mentioned this on  
23 a call last week and you said you'd be sending  
24 something as other had asked -- is that available  
25 yet by chance?"

1                   **What were you telling her? What did you**  
2                   **mean?**

3                   A. This is what I was referencing on a  
4 previous exhibit that one of our teams that was  
5 doing those vaccine confidence reports and those  
6 research reports, they were wondering if we -- if  
7 they had info on the -- on the types of posts that  
8 were removed and the themes because they were  
9 worried that we could only see the live posts and so  
10 we wouldn't know if there was also confusion about  
11 other areas that had been removed.

12                  **Q. And she --**

13                  A. I feel pretty confident that that is what  
14 this is about.

15                  **Q. And she responds to you. "Are you looking**  
16 **for types of COVID-19 misinfo we remove"; right?**

17                  A. Yes.

18                  **Q. "I think it may be worth a separate**  
19 **meeting to have some of our leads discuss the**  
20 **approach/what they are seeing and doing. Would that**  
21 **work?" That's what you said?**

22                  A. Yes.

23                  **Q. And what are her leads; what was your**  
24 **understanding?**

25                  A. Just like I would bring people that were

1 in charge of different areas, sometimes she would  
2 bring people that had more expertise. Payton and I  
3 did not know everything in our respective  
4 organizations, so I assume it was a lead for  
5 something, someone in this area.

6 Q. All right. And then you respond to her on  
7 March 10th at 9:24; correct?

8 A. Yes.

9 Q. "Yes." And you say "you mentioned  
10 that" -- is that White House?

11 A. Yes.

12 Q. "And HHS"?

13 A. Yes.

14 Q. "Had asked so you'd get it to us"; right?

15 A. Yes.

16 Q. "I think it is wanted as part of  
17 analysis -- so are you thinking there is no  
18 report/file to send?"

19 Is that your question to her?

20 A. Yes.

21 Q. All right. And what you say there is when  
22 White House and HHS ask Facebook for this  
23 information, they assumed that Facebook would  
24 provide it to them; correct?

25 MS. SNOW: Objection. Calls for

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1 speculation.

2 BY MR. VECCHIONE:

3 Q. You can answer.

4 A. Well, I think it was poorly worded by  
5 myself and kind of typo maybe. But what this was  
6 was I recall we asked on the meeting if they had  
7 this data, like, because we wanted it. And I think  
8 she said, Oh, we did something like this for the  
9 White House or HHS.

10 This is my memory of it.

11 Q. Okay. This is one of your weekly  
12 meetings, or a BOLO?

13 A. I think it was at a weekly meeting.

14 Q. All right. And then the next thing she  
15 says back to you is: (As read) It wasn't a report,  
16 but rather a discussion. We were setting up a  
17 meeting with White House and HHS to discuss more  
18 likely later this week or early next week. Perhaps  
19 the CDC rep could participate or HHS share out?

20 Is that what she says?

21 A. Yes.

22 Q. What does HHS share out mean? That they'd  
23 give it to you?

24 A. Yes. Oh.

25 MS. SNOW: You're good. You're good.

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1 BY MR. VECCHIONE:

2 Q. So let's clean up the record a little.  
3 What is an HHS share out? Does that mean they give  
4 you whatever they are provided?

5 A. Yes.

6 Q. All right. So it was your understanding  
7 that Facebook was having the same kind of meetings  
8 you were having with them with White House and HHS?

9 A. I don't know that in relation to this  
10 email. I was assuming that. But I do think that  
11 they did have meetings with the agencies.

12 Q. And could you read what you respond to her  
13 on May 10th at 9:30 a.m.?

14 A. "Oh, I assumed it was a report. Who at  
15 HHS is in the meeting?"

16 Q. And what did she respond to you at 9:32?

17 A. (As read) Josh Peck would be the HHS rep  
18 once a meeting is confirmed based on that I see him  
19 at a previous discussions or meetings with the White  
20 House.

21 Q. Do you know who he is?

22 A. Yes.

23 Q. Who is he?

24 A. I don't know his specific title, but he, I  
25 believe, during this time was running the HHS COVID

1 communication marketing campaign.

2 Q. All right. And did you interface with him  
3 in any of your work?

4 A. Yes.

5 Q. Would he be at these, any of your weekly  
6 meetings?

7 A. No.

8 Q. All right. Would he be at your BOLO  
9 meeting?

10 A. No.

11 Q. All right. Next at 9:36 she adds  
12 something. What does she say?

13 A. (As read) And of course we are using  
14 CrowdTangle as well to visualize the current trends  
15 as well. Lauren has been working on that and can  
16 give a refresher if needed. I know she has been  
17 sending reports as well.

18 Q. And who's Lauren?

19 A. Lauren is the one who's been -- sent those  
20 biweekly CrowdTangle reports during this time frame.

21 Q. Okay. And then you respond to her at  
22 9:43:56 seconds. What do you say?

23 A. (As read) They want to see what you guys  
24 proactively have removed that might not be in those  
25 reports. My guess is a short meeting with Lis

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1 Wilhelm on the vaccine confidence team is what is  
2 needed if Facebook is willing to do it. Doesn't  
3 seem to me like that would be -- like it should be  
4 part of the White House HHS meeting.

5 **Q. Who's Lis Wilhelm?**

6 A. She is the group that was creating those  
7 vaccine confidence reports that was wondering if  
8 they had all the data reflected in them, and what  
9 the people were worried about, or confused about.  
10 And she was thinking that if the data -- if we knew  
11 the kinds of things that were removed, it might give  
12 a fuller picture for those reports.

13 **Q. Okay. And then you discuss a time for**  
14 **another meeting, and I think it ends at -- this**  
15 **chain ends at 3:10, 9:54 a.m.: Let's plan on next**  
16 **Thursday then.**

17 **Do you know whether you ever had that**  
18 **meeting?**

19 A. I think we did.

20 **Q. And do you know what was discussed there?**

21 A. I think that the vaccine confidence team  
22 came, and I don't -- and we discussed what they  
23 might have that would give them that fuller picture.

24 **Q. You can put that aside. I have got a few**  
25 **followup questions.**

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1 A. Okay.

2 Q. At any of your -- in flagging any material  
3 for any of the social media issues, themes, facts,  
4 whatever you flag, can you say whether or not you  
5 flagged any information from the Great Barrington  
6 Declaration?

7 A. I don't know what that is.

8 Q. Okay. How about Jay Bhattacharya?  
9 Anything from him?

10 A. I don't know who that is.

11 Q. Marty Kulldorff. Anything from him?

12 A. I don't know who that is.

13 Q. Aaron Kheriaty. Anything from him?

14 A. I don't know who that is.

15 Q. Jim Hoft, or Gateway Pundit?

16 A. I don't know who that is.

17 Q. All right. And Jill Hines?

18 A. I don't know who she is.

19 Q. All right. And I think I have asked you  
20 before, but bear with me. Have you flagged anything  
21 from Governor Michael Parson?

22 A. I -- well, I may or may not have known the  
23 name of the governor. But I don't recall any  
24 specific who posted anything we flagged. That might  
25 be a better way to answer these questions.

1 Q. Okay. And that's --

2 A. I don't remember anybody associated with  
3 the example posts that we sent.

4 Q. Okay. And that would include -- I'm doing  
5 this for the record, you understand. I understand  
6 your answer.

7 A. Yes.

8 Q. That would include Eric Schmitt, Jeff  
9 Landry and John Bel Edwards?

10 A. Yes.

11 Q. Thank you. And now, finally, on the BOLO  
12 meetings, who ran the BOLO meetings?

13 A. I ran the BOLO meetings.

14 Q. In what manner? How did you do it?

15 A. I opened up the meeting, introduced  
16 myself, gave context for why we were doing the BOLO  
17 meeting in brief. And then I believe that  
18 Christopher went through the slide decks, and I  
19 occasionally piped in on them.

20 Q. Lewitzke?

21 A. Yes.

22 Q. And so he -- these slide decks, would they  
23 be like the table you showed me or that we looked at  
24 with examples of the shedding and the microchips in  
25 the bloodstream?

1           A. They were similar to the table, but they  
2 were more like this is a theme, and then there'd be  
3 maybe a little info about what the theme was and  
4 then maybe a couple of example posts. And then  
5 there would be a slide maybe with CDC links or  
6 information related to that theme.

7           **Q. All right.**

8           A. So it was more than just a table. It had  
9 more context to it.

10          **Q. How long did the meetings go?**

11          A. They were short. I mean, maybe they were  
12 20 minutes.

13          **Q. And what did you and Mr. -- well, first,  
14 what did you hope to accomplish by those meetings?**

15          A. The same thing that I've been referencing.  
16 I mean, our goal is to be sure that credible  
17 information about COVID was out there. A lot of  
18 people seek information on platforms. We thought  
19 that by giving the platform scientific information  
20 it might help in our goals to being sure that  
21 credible information could be found.

22          **Q. And uncredible information would not be  
23 found; correct?**

24               MS. SNOW: Objection, mischaracterizes  
25 testimony.

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1 BY MR. VECCHIONE:

2 Q. You can answer.

3 A. I did want the credible information to be  
4 found in advance of the unbelievable information.

5 Q. You at least wanted upgraded over --

6 A. Yes.

7 Q. -- unbelievable information?

8 A. Yes.

9 Q. Do you recall anything anyone at any of  
10 the social media platforms asked at any of these  
11 BOLO meetings?

12 A. They weren't able to ask questions during  
13 the BOLO meetings.

14 Q. Why was that? Tell me how it ran.

15 A. I think we talked about that this morning.  
16 They are muted because the thought was they're  
17 competitors, and they could ask questions  
18 individually later.

19 Q. Got it. One second.

20 (Mr. Vecchione conferring with Mr. Sauer.)

21 BY MR. VECCHIONE:

22 Q. Did they ask any questions individually  
23 later that you recall?

24 A. No, I don't think that they did.

25 MR. VECCHIONE: All right. I have no

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1 further questions at this time.

2 MS. SNOW: Okay. Nothing further. No  
3 questions for defense.

4 MR. VECCHIONE: And you already said  
5 you'll read, right, at the beginning?

6 MS. SNOW: I said that at the beginning,  
7 so I didn't want to forget at the end.

8 MR. VECCHIONE: All right.

9 THE VIDEOGRAPHER: Okay. I've got to ask  
10 on the record, what about video copies for  
11 everybody? Anybody?

12 MR. SAUER: We want video as soon as it's  
13 available.

14 THE VIDEOGRAPHER: So you want synced,  
15 non-synced?

16 MR. SAUER: I think synced syncs the video  
17 to the transcript?

18 THE VIDEOGRAPHER: Yes, I believe so.

19 MR. VECCHIONE: And we -- I think what  
20 we've been doing, we're going to do is give the  
21 originals to her to put the record together, the  
22 transcript together, the original exhibits.

23 MR. GILLIGAN: The original exhibits, yes.

24 MR. SAUER: So there should be -- that  
25 stack of exhibits should go to the court reporter in

1 front of the witness.

2 THE VIDEOGRAPHER: Do you want a copy also  
3 for your group?

4 MR. SAUER: No, just one. We're both  
5 plaintiffs.

6 MR. VECCHIONE: And there is no Exhibit.  
7 25 that's the one we skipped. So don't be thinking  
8 it's lost.

9 MS. SNOW: But, yeah, we would like a copy  
10 of the video as well.

11 THE VIDEOGRAPHER: Okay. A synced copy?

12 MS. SNOW: Yes.

13 THE VIDEOGRAPHER: So how about you, sir?

14 MR. GILLIGAN: She's with us.

15 THE VIDEOGRAPHER: So just one for each.

16 MS. SNOW: Yeah.

17 THE VIDEOGRAPHER: Got you. Thank you.

18 And we are off the record at 5:33.

19 (Concluded at 5:33 p.m.)

20 (Signature reserved.)

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C E R T I F I C A T E

STATE OF GEORGIA:

DEKALB COUNTY:

I, Maureen S. Kreimer, a Certified Court Reporter for the State of Georgia, before whom the foregoing deposition was taken, do hereby certify:

That CAROL CRAWFORD, the witness whose deposition is hereinbefore set forth in pages 1 to 269, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS HEREOF, I have hereunto set my hand this 18th day of November, 2022.



MAUREEN S. KREIMER, CCR-B-1379  
Notary Public in and for the  
State of Georgia. My Commission  
Expires August 14, 2024.

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LEXITAS LEGAL

November 17, 2022

KYLA SNOW, ESQ.  
U.S. Department of Justice  
1100 L Street N.W.  
Washington, DC 29530

IN RE: STATE OF MISSOURI ex rel. ERIC S. SCHMITT,  
Attorney General, et al. v. JOSEPH R.  
BIDEN, JR., in his official capacity as  
President of the United States, et al.

Dear Ms. Snow:

Please find enclosed your copies of the deposition of  
CAROL CRAWFORD taken on November 15, 2022 in the  
above-referenced case. Also enclosed is the original  
signature page and errata sheets.

Please have the witness read your copy of the  
transcript, indicate any changes and/or corrections  
desired on the errata sheets, and sign the signature  
page before a notary public.

Please return the errata sheets and notarized  
signature page within 30 days to our office at 711 N  
11th Street, St. Louis, MO 63101 for filing.

Sincerely,

Lexitas Legal

Enclosures

1 ERRATA SHEET

2 Witness Name: CAROL CRAWFORD

3 Case Name: STATE OF MISSOURI ex rel. ERIC S. SCHMITT,  
 4 Attorney General, et al. v. JOSEPH R.  
 5 BIDEN, JR., in his official capacity as  
 6 President of the United States, et al.

7 Date Taken: NOVEMBER 15, 2022

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9 Page #\_\_\_\_\_ Line #\_\_\_\_\_

10 Should read: \_\_\_\_\_

11 Reason for change: \_\_\_\_\_

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25 Witness Signature: \_\_\_\_\_

CAROL CRAWFORD 11/15/2022

1 STATE OF \_\_\_\_\_ )

2

3 COUNTY OF \_\_\_\_\_ )

4

5 I, CAROL CRAWFORD, do hereby certify:

6 That I have read the foregoing deposition;

7 That I have made such changes in form

8 and/or substance to the within deposition as might

9 be necessary to render the same true and correct;

10 That having made such changes thereon, I

11 hereby subscribe my name to the deposition.

12 I declare under penalty of perjury that the

13 foregoing is true and correct.

14 Executed this \_\_\_\_ day of \_\_\_\_\_,

15 20\_\_\_\_, at \_\_\_\_\_.

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19 \_\_\_\_\_

20 CAROL CRAWFORD

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22 \_\_\_\_\_

23 NOTARY PUBLIC

24 My Commission Expires:

25

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# EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION**

STATE OF LOUISIANA, STATE OF  
MISSOURI, *et al.*,

*Plaintiffs,*

v.

JOSEPH R. BIDEN, JR., in his official  
capacity as President of the United States, *et*  
*al.*,

*Defendants.*

Case No. 3:22-cv-01213

**PLAINTIFFS' PROPOSED FINDINGS OF FACT IN SUPPORT  
OF THEIR MOTION FOR PRELIMINARY INJUNCTION**

**PLAINTIFFS' PROPOSED FINDINGS OF FACT**

Plaintiffs respectfully submit the following Proposed Findings of Fact as Exhibit 1 to their supplemental brief in support of a preliminary injunction. Plaintiffs incorporate by reference the evidence, documents, and exhibits previously filed in this case; where cited herein, they are cited by docket number (e.g. “Doc. 174-1, at 31” is page 31 of ECF No. 174-1). The deposition transcripts and exhibits to depositions are filed separately; they are cited herein as “[Witness Last Name] Dep. Page:Line,” e.g., “Fauci Dep. 1:3-5” is lines 3-5 of page 1 of Dr. Fauci’s deposition, and “Scully Dep. 10:22-11:5” is page 10, line 22 through page 11, line 5 of Brian Scully’s deposition. Plaintiffs are also filing the video recordings of the depositions with the Court so that the Court may view the testimony of the Government’s witnesses and assess the witnesses’ credibility for itself. The Declaration of Jasimiel Jones, submitting supplemental exhibits in addition to the deposition and transcript and attached as Exhibit 2, is cited herein as “Jones Decl. Ex. \_\_, at \_\_” e.g., pages 1-3 of Exhibit A to the Jones Declaration is “Jones Decl. Ex. A, at 1-3.” Plaintiffs’ previously filed exhibits attached to the Declaration of Tammy Glenn, Doc. 10-1, are cited as “Glenn Decl. Ex. \_\_, at \_\_; Doc. 10-1, at \_\_.” In addition, these Findings regularly refer to the company formerly known as Facebook, now known as Meta, which owns Facebook, Instagram, WhatsApp, and other platforms, as “Facebook,” consistent with common usage in documents.

**I. The Campaign Of Public Threats Against Social-Media Platforms To Pressure Them To Censor More Speech on Social Media.**

1. Federal officials, including Defendants, have made a long series of public statements since at least 2018 demanding that social-media platforms increase their censorship of speech and speakers disfavored by these officials, and threatening adverse consequences – such as repeal or

reform of Section 230 immunity under the Communications Decency Act, antitrust scrutiny or enforcement, increased regulation, and other measures – if the platforms do not increase censorship. The private communications between government officials and social-media platforms addressing disinformation, misinformation, and censorship set forth herein were made against the backdrop of these public threats.

2. The immunity provided by Section 230 of the Communications Decency Act is extremely valuable for social-media platforms, so threatening to amend or repeal that immunity is highly motivating to them. One commentator has aptly described Section 230 immunity as “a hidden subsidy worth billions of dollars,” stating: “Digital platforms enjoy a hidden subsidy worth billions of dollars by being exempted from any liability for most of the speech on their platforms (Section 230).” Glenn Decl. Ex. 11, Doc. 10-1 at 140. Another commentator has observed, “imperiling Section 230 is a fearsome cudgel against ever untouchable companies.” Glenn Decl. Ex. 13, Doc. 10-1 at 206.

3. The threat of antitrust scrutiny or enforcement is also a major motivator to social-media platforms. For example, Facebook CEO Mark Zuckerberg has stated that the threat of antitrust enforcement is “an ‘existential’ threat” to his platform. Glenn Decl. Ex. 12, Doc. 10-1 at 202.

**A. Threats From Federal Elected Officials Pressuring Platforms to Censor Speech.**

4. Then-Speaker of the House Nancy Pelosi stated on April 12, 2019: “I do think that for the privilege of 230, there has to be a bigger sense of responsibility on it. And it is not out of the question that that could be removed.” Glenn Decl. Ex. 13, Doc. 10-1, at 205 (“When asked about Section 230, Pelosi referred to the law as a ‘gift’ to tech companies that have leaned heavily on the law to grow their business.... ‘It is a gift to them and I don’t think that they are treating it with the respect that they should, and so I think that that could be a question mark and in jeopardy... I

do think that for the privilege of 230, there has to be a bigger sense of responsibility on it. And it is not out of the question that that could be removed.”).

5. Senator Richard Blumenthal stated on Nov. 17, 2020: “I have urged, in fact, a breakup of tech giants. Because they’ve misused their bigness and power. ... And indeed Section 230 reform, meaningful reform, including even possible repeal in large part because their immunity is way too broad and victims of their harms deserve a day in court.” Glenn Decl. Ex. 16, at 1; Doc. 10-1, at 225.

6. Senator Mazie Hirono tweeted on Feb. 5, 2021: “Sec 230 was supposed to incentivize internet platforms to police harmful content by users. Instead, the law acts as a shield allowing them to turn a blind eye. The SAFE TECH ACT brings 230 into the modern age and makes platforms accountable for the harm they cause.” Glenn Decl. Ex. 55, at 1; Doc. 10-1, at 723.

7. Defendants’ political allies have repeatedly used congressional hearings as forums to advance these threats of adverse legislation if social-media platforms do not increase censorship of speakers, speech, content, and viewpoints they disfavor. They have repeatedly used such hearings to berate social-media firm leaders, such as Mark Zuckerberg of Facebook, Jack Dorsey of Twitter, and Sundar Pichai of Google and YouTube, and to make threats of adverse legal consequences if censorship is not increased. Such hearings include, but are not limited to, an antitrust hearing before the House Judiciary Committee on July 29, 2020; a Senate Judiciary Committee hearing on November 17, 2020; and a House Energy and Commerce Hearing on March 25, 2021.

8. The March 25, 2021 Joint Hearing of the Communications and Technology Subcommittee with the Subcommittee on Consumer Protection and Commerce, the Joint Statement of Democratic Committee Chairs stated: “This hearing will continue the Committee’s work of holding online

platforms accountable for the growing rise of misinformation and disinformation. ... For far too long, big tech has failed to acknowledge the role they've played in fomenting and elevating blatantly false information to its online audiences. Industry self-regulation has failed. We must begin the work of changing incentives driving social media companies to allow and even promote misinformation and disinformation." Glenn Decl. Ex. 17, at 1-2; Doc. 10-1, at 228-29.

9. At the same hearing, entitled "Disinformation Nation: Social Media's Role in Promoting Extremism and Misinformation," Representative Schakowsky stated: "[S]elf-regulation has come to the end of its road.... [Congress] is preparing to move forward with regulation and legislation. The regulation we seek ... must hold platforms accountable when they are used to ... spread misinformation.... All three of the companies that are here today run platforms that are hotbeds of misinformation and disinformation." Jones Decl., Ex. A, at 1, 5. She also stated: "Self-regulation has not worked. They must be held accountable for allowing misinformation and disinformation to spread." *Id.* at 7.

10. At the same hearing, Representative Doyle stated: "despite repeated promises to tackle this crisis, Facebook, Google, and Twitter instead routinely make minor changes in response to the public relations crisis of the day. ... It is now painfully clear that neither the market nor public pressure will force these social media companies to take the aggressive action they need to take to eliminate disinformation and extremism from their platforms. And therefore, it is time for Congress and this committee to legislate and realign these companies' incentives. ... I question whether existing liability protections [*i.e.*, Section 230] should apply ... That is why you are here today, Mr. Zuckerberg, Mr. Pichai, and Mr. Dorsey.... Your business model itself has become the problem." *Id.* at 10-11.

11. At the same hearing, Representative Rush accused the platforms of allowing “[m]isinformation, outlandish conspiracy theories, and incendiary content” to spread, and stated to the three CEOs of Google, Facebook, and Twitter: “There is only one comparison that remotely approaches the avarice and moral discrepancy of your companies, and that is the slavetocracy burden of our Nation’s shameful and inhumane and most difficult dark days in the past.” *Id.* at 13. He also stated to Jack Dorsey, “I can’t wait until we come up with legislation that will deal with you and your cohorts in a very, very effective way.” *Id.* at 14.

12. At the same hearing, Representative Upton stated: “we are going to see some changes in Section 230.” *Id.* at 15.

13. At the same hearing, Representative Eshoo demanded of Jack Dorsey, “why haven’t you banned the 12 accounts that are spewing its deadly COVID misinformation?” *Id.* at 17.

14. At a hearing of the Antitrust subcommittee of the House Judiciary Committee on July 29, 2020, Representative Cicilline said to Mark Zuckerberg: “Mr. Zuckerberg. When a television station runs a false political advertisement, they’re held liable for that. Why should Facebook or any other platform be different? ... It’s hard to understand why Facebook shouldn’t be responsible for those business decisions. ... Facebook gets away with it because you’re the only game in town. There’s no competition forcing you to police your own platform. Allowing this misinformation to spread can lead to violence. And frankly, I believe it strikes at the very heart of American democracy. ... American democracy has always been at war against monopoly power. ... These companies, as exist today, have monopoly power. Some need to be broken up, all need to be properly regulated and held accountable. ... The names have changed, but the story is the same. Today, the men are named Zuckerberg, Pichai, Cook, and Bezos.” Jones Decl., Ex. B, at 9-11.

15. On November 17, 2020, at a hearing of the Senate Judiciary Committee, Senator Blumenthal stated: “Now, Mr. Zuckerberg and Mr. Dorsey, you have built terrifying tools of persuasion and manipulation with power far exceeding the robber barons of the last Gilded Age. You have profited hugely by ... promoting hate speech and voter suppression. ... The destructive incendiary misinformation is still a scourge on both your platforms and on others. ... [W]hat appears on your platform ... is voter suppression and incendiary malicious misinformation. ... [A] series of hearings on big tech is long overdue on antitrust issues ... and Section 230. I have urged, in fact, a breakup of the tech giants because they’ve misused their bigness and power. Breaking off, for example, WhatsApp and Instagram [both Meta platforms].... And indeed Section 230 reform, meaningful reform, including even possible repeal in large part because their immunity is way too broad.... [F]oreign disinformation campaigns intended to interfere in our democracy.... What we’ve seen here are fighting words and hate speech that certainly deserve no free expression protection. ... Change is going to come, no question. Change is on the way and I intend to bring aggressive and targeted reform to Section 230.” Jones Decl., Ex. C, at 2-3. Soon thereafter, he demanded that Mark Zuckerberg (who was testifying before the committee) “commit to ... robust content modification playbook in this coming election, including fact-checking, labelling, reducing the spread of misinformation” to “tak[e] action against dangerous disinformation” and “malign tactics.” *Id.* at 4; *see also, e.g., id.* at 9 (Senator Coons demanding that Jack Dorsey explain why “you don’t have a standalone climate change misinformation policy”)

16. On March 11, 2022, Representative Ro Khanna, the Chairman of the House Oversight and Reform Committee who is leading “an investigation of oil industry ‘misinformation’ and held two days of hearings on the oil industry, tweeted: “Facebook is preventing us from taking action on climate change by allowing climate misinformation to spread. Congress must step up and hold

them accountable.” Jones Decl., Ex. D. He also tweeted: “Misinformation being spread on social media is undermining our efforts to tackle climate change. As chair of the House Oversight Environment Subcommittee, I will be holding a hearing to hold social media companies accountable.” *Id.*

17. On April 20, 2022, twenty-two Democratic members of Congress sent a letter to Mark Zuckerberg of Facebook (n/k/a “Meta Platforms, Inc.”), demanding that Facebook increase censorship of “Spanish-language disinformation across its platforms” and threatening Congressional action if Facebook did not do so. The letter claimed that “disinformation” was a threat to democracy, and it made explicit threats of adverse legislative action if Facebook/Meta did not increase censorship: “The spread of these narratives demonstrate that Meta does not see the problem of Spanish-language disinformation in the United States as a critical priority for the health of our democracy. The lack of Meta’s action to swiftly address Spanish-language misinformation globally demonstrates the need for Congress to act to ensure Spanish-speaking communities have fair access to trustworthy information.” Glenn Decl. Ex. 18; Doc. 10-1, at 244-46.

18. Comments from two Members of the House of Representatives summarize this campaign of pressure and threats: “In April 2019, Louisiana Rep. Cedric Richmond warned Facebook and Google that they had ‘better’ restrict what he and his colleagues saw as harmful content or face regulation: ‘We’re going to make it swift, we’re going to make it strong, and we’re going to hold them very accountable.’ New York Rep. Jerrold Nadler added: ‘Let’s see what happens by just pressuring them.’” Glenn Decl. Ex. 14, at 2-3; Doc. 10-1, at 218-19.

**B. Public Threats from President Biden and His Aides Pressuring Platforms to Censor.**

19. Then-candidate and now-President Biden has led this charge. He has tripled down on these threats of adverse official action from his colleagues and allies in senior federal-government positions. His threats of adverse government action have been among the most vociferous, and among the most clearly linked to calls for more aggressive censorship of disfavored speakers and speech by social-media companies.

20. For example, on January 17, 2020, then-candidate Biden stated, in an interview with the New York Times editorial board, that Section 230 of the CDA should be “revoked” because social-media companies like Facebook did not do enough to censor supposedly false information in the form of political ads criticizing him—*i.e.*, core political speech. He stated: “The idea that it’s a tech company is that Section 230 should be revoked, immediately should be revoked, number one. For Zuckerberg and other platforms.” He also stated, “And it should be revoked. It should be revoked because it is not merely an internet company. It is propagating falsehoods they know to be false.... There is no editorial impact at all on Facebook. None. None whatsoever. It’s irresponsible. It’s totally irresponsible.” Glenn Decl. Ex. 19, at 27; Doc. 10-1, at 275.

21. Candidate Biden also threatened that Facebook CEO Mark Zuckerberg should be subject to civil liability and even *criminal prosecution* for not censoring such core political speech: “He should be submitted to civil liability and his company to civil liability.... Whether he engaged in something and amounted to collusion that in fact caused harm that would in fact be equal to a criminal offense, that’s a different issue. That’s possible. That’s possible it could happen.” *Id.* In other words, Biden’s message—not long before he became President of the United States—was that if Facebook did not censor political ads against him, Zuckerberg should go to prison. These two threats echoed the same threats made by numerous political allies of the President since 2019, cited above.

22. During the presidential campaign, now-Vice President Harris made similar threats against social-media firms to pressure them to engage in more aggressive censorship of speakers, content, and viewpoints she disfavors. For example, in addition to the statements cited above, she stated in 2019: “We will hold social media platforms responsible for the hate infiltrating their platforms, because they have a responsibility to help fight against this threat to our democracy. And if you profit off of hate—if you act as a megaphone for misinformation or cyberwarfare, if you don’t police your platforms—we are going to hold you accountable as a community.” Glenn Decl. Ex. 20, at 1; Doc. 10-1, at 284.

23. In or around June 2020, the Biden campaign published an open letter and online petition (ironically, on Facebook) calling for Facebook to engage in more aggressive censorship of core political speech and viewpoints that then-Candidate Biden disfavored. The open letter complained that Facebook “continues to allow Donald Trump to say anything — and to pay to ensure that his wild claims reach millions of voters. Super PACs and other dark money groups are following his example. Trump and his allies have used Facebook to spread fear and misleading information about voting.... We call for Facebook to proactively stem the tide of false information by no longer amplifying untrustworthy content and promptly fact-checking election-related material that goes viral. We call for Facebook to stop allowing politicians to hide behind paid misinformation in the hope that the truth will catch up only after Election Day. There should be a two-week pre-election period during which **all** political advertisements must be fact-checked before they are permitted to run on Facebook. ... Anything less will render Facebook a tool of misinformation that corrodes our democracy.” Glenn Decl. Ex. 23, at 1; Doc. 10-1, at 299.

24. The online petition demanded that Facebook “[p]romote real news, not fake news,” “[q]uickly remove viral misinformation,” and “[e]nforce voter suppression rules against

everyone—even the President [Trump].” Glenn Decl. Ex. 24, at 2; Doc. 10-1, at 304. The petition complained that Facebook “continues to amplify misinformation and lets candidates pay to target and confuse voters with lies.” *Id.* at 304. It demanded that Facebook “promote authoritative and trustworthy sources of election information, rather than rants of bad actors and conspiracy theorists,” “promptly remove false, viral information,” and “prevent political candidates and PACs from using paid advertising to spread lies and misinformation – especially within two weeks of election day.” *Id.* at 305.

25. On September 28, 2020, the Biden-Harris campaign sent a letter to Facebook accusing it of propagating a “storm of disinformation” by failing to censor the Trump campaign’s political speech, including social-media political ads. Glenn Decl. Ex. 25, at 3; Doc. 10-1, at 312. The letter accused Facebook of allowing “hyper-partisan” and “fantastical” speech to reach millions of people, and it demanded “more aggressive” censorship of Trump. *Id.*

26. On December 2, 2020—during the presidential transition—Biden’s former chief of staff and top technical advisor, Bruce Reed, publicly stated that “it’s long past time to hold the social media companies accountable for what’s published on their platforms.” Glenn Decl. Ex. 26, at 1; Doc. 10-1, at 314-15. This comment specifically referred to the amendment or repeal of Section 230 of the Communications Decency Act. *See id.* He also wrote: “Washington would be better off throwing out Section 230 and starting over.” *Id.*

27. On July 16, 2021, President Biden stated that social-media companies are “killing people” by not censoring enough misinformation. Waldo Ex. 14, at 1.

28. On January 3, 2022, an audio clip of President Biden played on Alyssa Milano’s podcast stated: “The unvaccinated are responsible for their own choices, but those choices had been shulled [sic] by dangerous misinformation on cable TV and social media. You know, these companies ...

are making money by ped[dling] lies and allowing misinformation that can kill their own customers and their own supporters. It's wrong. It's immoral. I call on the purveyors of these lies and misinformation to stop it. Stop it now.” Waldo Ex. 39, at 5 (Audio Tr. 4).

29. In September of 2022, the White House convened the “United We Stand” summit at which the President put social media companies on notice that Section 230 protections were at risk. “Tech platforms currently have special legal protections under Section 230 of the Communications Decency Act that broadly shield them from liability. This immunity extends beyond what the First Amendment requires and what newspapers and other media receive. It also effectively permits hate-fueled content mobilizing users to violence to be amplified on large tech platforms. President Biden has long urged fundamental reforms to Section 230, and ...he reiterates his call for Congress to fundamentally reform Section 230.” Jones Decl., Ex. E, at 9.

30. President Biden also stated in the same document: “Americans deserve to know how the algorithms that drive large tech platforms may amplify divisions and contribute to hate-fueled violence, among other critical harms. Consistent with those same principles for accountability, President Biden supports *requiring* platform transparency sufficient to allow the public and researchers to understand how and why such decisions are made, their potential effects on users, and the very real dangers these decisions may pose.” *Id.* (emphasis added).

## **II. The White House’s Public and Private Pressure Campaign on Platforms.**

31. Many White House officials are involved in communicating with social-media platforms about misinformation, disinformation, and censorship. In response to a third-party subpoena, Facebook/Meta identified at least the following White House officials as engaged in such communications: Special Assistant to the President Laura Rosenberger, White House Partnerships Manager Aisha Shah, White House Counsel Dana Remus, and White House officials

Andy Slavitt, Rob Flaherty, and Clarke Humphrey. Doc. 84, ¶ 379. Defendants' discovery reveals many others. *See infra*.

32. In response to a third-party subpoena, YouTube identified White House officials Benjamin Wakana and Rob Flaherty as engaged in such communications, and Defendants' discovery reveals others. Doc. 84, ¶ 380. Defendants' discovery reveals others. *See infra*.

33. In response to a third-party subpoena, Twitter has disclosed the following White House officials as engaged in such communications: Deputy Assistant to the President and Director of Digital Strategy Rob Flaherty, White House Senior Advisor Andrew Slavitt, NSC staffer Katy E. Colas, Deputy Assistant to the President Joshua Geltzer, White House Digital Director Clarke Humphrey, Deputy Director of the Office of Digital Strategy Tericka Lambert, Press Secretary for the First Lady Michael LaRosa, NSC Director of Counterterrorism John Picarelli, Chief of Staff for the Office of Digital Strategy Hoor Qureshi, Director of Strategic Communications and Engagement Courtney Rowe, White House Associate Counsel Michael Posada, Associate Director for Communications Marissa Sanchez-Velasco, Deputy Director of Digital Strategy Christian Tom, and Strategic Director of Digital Communications Benjamin Wakana. Jones Decl., Ex. F, at 1. Defendants' discovery has revealed others. *See infra*.

**A. Pressure in Private from Rob Flaherty, Andy Slavitt, and White House Officials.**

34. The Biden White House's demands for censorship began almost immediately upon taking office. On January 23, 2021, three days after Inauguration Day, at 1:04 a.m., Clarke Humphrey of the White House emailed Twitter, copying Rob Flaherty, with the subject line: "Flagging Hank Aaron misinfo." Doc. 174-1, at 1. The email stated: "Hey folks – Wanted to flag the below tweet and am wondering if we can get moving on the process for having it removed ASAP." *Id.* Humphrey then linked to a Tweet by anti-vaccine activist Robert F. Kennedy Jr., who

is also a principal target of the Virality Project and a member of the so-called “Disinformation Dozen.” *Id.* Humphrey added: “And then if we can keep an eye out for tweets that fall in this same ~genre that would be great.” *Id.*

35. “Flagging Hank Aaron misinfo” refers to the claim by anti-vaccine speakers that COVID-19 vaccines may have contributed to baseball legend Hank Aaron’s death. *See, e.g.*, <https://www.usatoday.com/story/news/factcheck/2021/01/26/fact-check-hank-aaron-death-unlikely-result-covid-19-vaccine/6699577002/>.

36. Twitter responded to Humphrey within 4 minutes, at 1:08 a.m. on January 23, 2021, stating: “Thanks. We recently escalated this.” Doc. 174-1, at 2.

37. The White House’s demands for censorship continued relentlessly, and their tone was arrogant, demanding, and peremptory. On Saturday night, February 6, 2021, at 9:45 p.m., Rob Flaherty emailed Twitter to demand the immediate removal of a parody or impostor account linked to Finnegan Biden, Hunter Biden’s adult daughter. Doc. 174-1, at 4. He stated: “Please remove this account immediately.” *Id.* He also stated: “I have tried using your form three times and it won’t work—it is also ridiculous that I need to upload my id to a form [to] prove that I am an authorized representative of Finnegan Biden.” *Id.*

38. Two minutes later, at 9:47 p.m., Twitter responded, “Thanks for sending this over. We’ll escalate for further review from here.” *Id.* Flaherty shot back, the same minute, “Cannot stress the degree to which this needs to be resolved immediately.” *Id.* Forty-five minutes later, at 10:32 p.m., Twitter responded, “Update for you – account is now suspended.” *Id.* at 3-4.

39. The next day, Sunday, Feb. 7, 2021, Twitter emailed Flaherty and described steps he could take to “streamline the process” for the White House’s demands for Twitter censorship. *Id.* at 3. Twitter offered to enroll White House officials in Twitter’s Partner Support Portal for

expedited review of flagging content for censorship, recommending that Flaherty “**Designate a list of authorized White House staff for Twitter's Partner Support Portal.**” *Id.* (bold in original). Twitter stated: “We sent over instructions about this on January 28th and also discussed this with Christian [Tom] during our call on February 4th. This is the same system we had in place for the previous two administrations for their support issues, *as well as the transition and campaign teams.* Once you assign and we enroll these authorized reporters, whenever they submit a ticket through the Help Center it will be prioritized automatically, without having to contact our team, and you won't need to add your personal information. To enroll your designated reporters to the Partner Support Portal, we simply need the list of @usernames (up to 10) that are registered with a White House email address.” *Id.* at 3 (italics added; underlines omitted).

40. Twitter noted that it had been recently bombarded with such requests for censorship from the White House: “we would prefer to have a streamlined process strictly with your team as the internal liaison. That is the most efficient and effective way to ensure we are prioritizing requests. In a given day last week for example, we had more than four different people within the White House reaching out for issues.” *Id.* at 3.

41. The next day, Monday, February 8, 2021, Facebook emailed Rob Flaherty, Courtney Rowe, and Clarke Humphrey of the White House to explain how it had recently expanded its COVID-19 censorship policies. Doc. 174-1, at 7-8. Facebook stated: “We wanted to make sure you saw our announcements today about running the largest worldwide campaign to promote authoritative COVID-19 vaccine information and expanding our efforts to remove false claims on Facebook and Instagram about COVID-19, COVID-19 vaccines and vaccines in general during the pandemic.” *Id.*

42. Under the heading “**Combating Vaccine Misinformation**,” Facebook provided a detailed list of expanded censorship policies: “We are expanding our efforts to remove false claims on Facebook and Instagram about COVID-19, COVID-19 vaccines and vaccines in general during the pandemic. Since December [*i.e.* during the Biden transition], we've removed false claims about COVID-19 vaccines that have been debunked by public health experts. ... [W]e are expanding the list of false claims we will remove to include additional debunked claims about the coronavirus and vaccines. ... Groups, Pages and accounts on Facebook and Instagram that repeatedly share these debunked claims may be removed altogether. We are also requiring some admins for groups with admins or members who have violated our COVID-19 policies to temporarily approve all posts within their group. .... On Instagram, in addition to surfacing authoritative results in Search, in the coming weeks we're making it harder to find accounts in search that discourage people from getting vaccinated....” *Id.* at 7-8 (bold in original).

43. This was not nearly enough for the White House. Within 19 minutes of receiving this email, Flaherty responded, pressing Facebook for more information about how strict the new policies are. *Id.* at 7. Quoting Facebook’s email in italics, he wrote: “This line, of course, stands out: *that repeatedly share these debunked claims may be removed altogether*. Can you share more about your framework here? May, of course, is very different than ‘will.’ Is there a strike policy, ala Youtube? Does the severity of the claims matter?” *Id.* at 7. He also asked for specific data on the application of the censorship policies: “And as far as your removal of claims, do you have data on the actual number of claims - related posts you've removed? Do you have a sense of how many are being flagged versus how many are being removed? Are there actions (downranking, etc) that sit before removal? How are you handling things that are dubious, but not provably false?” *Id.*

44. The next day, February 9, 2021, Flaherty followed up with Facebook with a demand for more information and an accusation (to be repeated) that Facebook's failure to censor speech on its platforms causes "political violence": "All, 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.' I am seeing that you will no longer promote civic and health related groups, but I am wondering if the reforms here extend further? Are there other growth vectors you are controlling for?" *Id.* at 6. Flaherty suggested an oral meeting to discuss: "Happy to put time on the calendar to discuss further." *Id.*

45. Facebook responded on February 9, 2021, with a detailed answer to each of Flaherty's questions about the enforcement of its new policies. *Id.* at 5-6. Facebook also noted that "We are happy to discuss these and additional questions as per your recent note." *Id.* at 5. Among other things, Facebook reported that it would "suspend the entire Page, Group, or account" in case of repeat violations; that it "will begin enforcing this policy immediately," *id.* at 5; that for vaccine-skeptical content that does not violate Facebook's policies, Facebook will "reduce its distribution and add strong warning labels with more context, so fewer people see the post," *id.* at 6; and that Facebook was working to censor content that does not violate its policies in other ways by "prevent[ing] posts discouraging vaccines from going viral on our platforms; address[ing] content that experts believe dissuades people from getting the vaccine, but does not violate our misinformation policies, through the use of information labels; and prevent[ing] recommendations for Groups, Pages, and Instagram accounts that repeatedly push content discouraging vaccines," *id.* at 6.

46. Facebook advised Flaherty that it was relying on advice of "public health authorities" to determine its censorship policies: "In consultation with leading health

organizations, we continuously expand the list of false claims that we remove about COVID-19 and vaccines during the pandemic. We remove claims *public health authorities* tell us have been debunked or are unsupported by evidence.” *Id.* at 6 (emphasis added).

47. Facebook also promised Flaherty that it would aggressively enforce the new censorship policies: “We will begin enforcing this policy immediately, with a particular focus on Pages, Groups and accounts that violate these rules, and we’ll continue to expand our enforcement over the coming weeks.” *Id.* at 5.

48. Facebook then followed up to “see when you would like to have a meeting arranged to speak to our misinformation team reps about the latest updates. They also have a more detailed misinformation analysis prepared based on the discussions/questions from the previous meetings during the transition time period.” *Id.* at 5.

49. This email makes clear that Flaherty, as part of the Biden transition team, had already engaged in “previous meetings” and “discussions/questions” with Facebook about censorship of COVID-19 misinformation on its platforms during the Presidential transition period from November 2020 to January 2021. *Id.*

50. On February 24, 2021, Facebook emailed Rob Flaherty with the subject “Misinfo Themes,” stating: “Following up on your request for COVID-19 misinfo themes we are seeing. All the below claims violate our updated Covid and vaccine misinformation policies that we announced earlier this month, and we are removing these claims from our platforms,” and she identified “Vaccine Toxicity,” “False Claims About Side Effects of Vaccines,” “Comparing the Covid Vaccine to the Flu Vaccine,” and “Downplaying Severity of COVID-19.” Jones Decl. Ex. G, at 1-2. Flaherty responded by inquiring for details about Facebook’s actual enforcement practices and for a report on misinformation that was not censored: “Can you give us a sense of

volume on these, and some metrics around the scale of removal for each? Can you also give us a sense of misinformation that might be falling outside your removal policies? Goes without saying, just because it's on your list for removal hasn't historically meant that it was removed, so I want to get a sense of the state of play here!" *Id.* at 1. Facebook promised to discuss this at an upcoming oral meeting: "Hope to cover a lot of that on Monday ... Can definitely go into detail on content that doesn't violate like below but could contribute to vaccine hesitancy." *Id.*

51. On March 1, 2021, White House officials Rob Flaherty and Clarke Humphrey, along with Joshua Peck of HHS, participated in a meeting with Twitter about misinformation. Jones Decl., Ex. H, at 1. The same day, after the meeting, Twitter emailed these officials and assured the White House that it would increase censorship of "misleading information" on Twitter: "Thanks again for meeting with us today. As we discussed, we are building on our continued efforts to remove the most harmful COVID-19 misleading information from the service .... We have also introduced a strike system that determines when further enforcement is necessary. ... As we said, we are committed to working with stakeholders in the public, private and non-profit sectors to address the reliability of covid information online and look forward to continued dialogue about joint efforts." *Id.* at 1.

52. From at least May 28, 2021 to July 10, 2021, a senior Meta executive repeatedly copied Slavitt on his emails to Surgeon General Murthy in which he assured the Surgeon General and the White House that Meta was engaging in censorship of COVID-19 misinformation according to the White House's demands. Doc. 71-4. Among other things, the Meta executive insisted that "We've expanded penalties for individual Facebook accounts that share misinformation." *Id.* at 9.

53. On March 12, 2021, referring to previous oral communications with the White House and HHS, Facebook emailed Flaherty “[f]ollowing up on our commitment to share our survey data on vaccine uptake.” Doc. 174-1, at 9. Facebook provided the White House with a detailed report and summary on the topic, and noted that the information had evidently been requested by or on behalf of “White House / HHS” officials: “Hopefully, this format works for the various teams and audiences within the White House / HHS that may find this data valuable.” *Id.*

54. On March 15, 2021, at 3:20 a.m., Flaherty sent an email to Facebook acknowledging, “[g]ood insights here,” but then immediately pivoted to demand more and different data, linking a recent Washington Post article accusing Facebook of allowing the spread of information about vaccine hesitancy and QAnon, stating: “I’m more interested in the data that was outlined in the Washington Post (<https://www.washingtonpost.com/technology/2021/03/14/facebook-vaccine-hesistancy-qanon>) And what interventions you are testing/their effectiveness.” *Id.* at 9. This would become a standard tactic of the White House – linking to articles critical of Facebook in the press, and then demanding more information or actions based on those articles.

55. The day before, Sunday, March 14, 2021, at 11:13 p.m., Flaherty had emailed a link to the same article to Facebook (“<https://www.washingtonpost.com/technology/2021/03/14/facebook-vaccine-hesistancy-qanon>”), copying White House COVID-19 official Andrew Slavitt, with no more text in the email and the subject line: “You are hiding the ball.” *Id.* at 12.

56. The next morning, Facebook responded by stating, “there is a misunderstanding on what this story is covering with respect to research that’s happening – I will call to clear up. Certainly not hiding the ball.” *Id.* at 11-12.

57. Flaherty responded in accusatory fashion, referring to a series of at least three previous oral conversations in which the White House had demanded more information from Facebook about its censorship policies. *Id.* at 11. Flaherty made clear that the White House was seeking more aggressive action on “borderline” content—*i.e.*, content that *does not clearly violate Facebook’s own censorship policies* but the White House demands action against anyway. Flaherty wrote: “I don’t think this is a misunderstanding ... I’ve been asking you guys pretty directly, over a series of conversations, for a clear accounting of the biggest issues you are seeing on your platform when it comes to vaccine hesitancy, and the degree to which borderline content--as you define it-- is playing a role.” *Id.* at 11. Flaherty also referred to a series of meetings, including one-on-one meetings with Facebook (“1:1”): “I’ve also been asking for what actions you have been taking to mitigate it as part of your ‘lockdown’ - which in our first conversation, was said to be in response to concerns over borderline content, in our 1:1 convo you said was not out of any kind of concern over borderline content, and in our third conversation never even came up.” *Id.*

58. Flaherty followed with a series of accusations that Facebook was deceiving and prevaricating with the White House about its “borderline” (*i.e. not violative*) content: “You said you would commit to us that you’d level with us. I am seeing in the press that you have data on the impact of borderline content, and its overlap with various communities. I have asked for this point blank, and got, instead, an overview of how the algorithm works, with a pivot to a conversation about profile frames, and a 45-minute meeting that seemed to provide you with more insights than it provided us.” *Id.* He accused Facebook of being the “top driver[] of vaccine hesitancy,” demanded action against “borderline” content, and stated that the White House wanted to be directly involved in those efforts: “I am not trying to play ‘gotcha’ with you. We are gravely

concerned that your service is one of the top drivers of vaccine hesitancy- period. I will also be the first to acknowledge that borderline content offers no easy solutions. But we want to know that you're trying, we want to know how we can help, and we want to know that you're not playing a shell game with us when we ask you what is going on. This would all be a lot easier if you would just be straight with us.” *Id.*

59. Facebook responded on March 15, respectfully disputing the Washington Post’s reporting, but then saying to Flaherty: “We obviously have work to do to gain your trust. You mention that you are not trying to play ‘gotcha’ with us—I appreciate the approach you are taking to continued discussions. We are also working to get you useful information that's on the level. That's my job and I take it seriously--I'll continue to do it to the best of my ability, and I'll expect you to hold me accountable.” *Id.* at 10-11.

60. The same day, March 15, 2021, Andrew Slavitt (who was copied on these exchanges between Facebook and Flaherty) weighed in, once again accusing Facebook of dishonesty in a series of oral meetings: “It would [be] nice to establish trust. I do feel like relative to others, interactions with Facebook are not straightforward and the problems are worse – like you are trying to meet a minimum hurdle instead of trying to solve the problem and we have to ask you precise questions and even then we get highly scrubbed party line answers. We have urgency and don't sense it from you all. 100% of the questions I asked have never been answered and weeks have gone by.” *Id.* at 10.

61. Slavitt then made an ominous statement threatening unspecified Executive action against Facebook in retaliation for Facebook’s perceived lack of cooperation with the White House’s demands on censorship of “borderline” (*non-violative*) content: “*Internally we have been considering our options on what to do about it.*” *Id.* at 10 (emphasis added).

62. On March 16, 2021, Facebook responded to Slavitt, again disputing the Washington Post's reporting and respectfully explaining its position, but also promising to share information about vaccine hesitancy in "real time": "We are absolutely invested in getting you the specific information needed to successfully manage the vaccine roll out." *Id.* Facebook promised to increase information-sharing and proposed a detailed oral meeting on the topic: "But I understand your point regarding how we communicate, and that we need to share information with you in a way that prioritizes what we are seeing in as close to real time as possible. I'd like to set up a conversation with our research leads to walk your team through ongoing research we are currently conducting and our approach; and then we can prioritize sharing results as quickly as possible." *Id.* Facebook also offered to speak to Slavitt by phone at any time. *Id.*

63. On March 19, 2021, Facebook had an oral meeting with White House officials, including Flaherty and Slavitt. Doc. 174-1, at 15. On Sunday, Facebook sent a follow-up summary of the meeting to Andrew Slavitt ("Thanks for taking the time to connect on Friday"), which noted that the White House (1) demanded a "Consistent Product Team [Point of Contact]" at Facebook, (2) demanded "Sharing Additional Data" from Facebook, (3) had asked about "Levers for Tackling Vaccine Hesitancy Content," and (4) asked about censorship policies for the Meta platform WhatsApp. *Id.*

64. In the follow-up email, Facebook noted that, in direct response to White House demands, it was censoring, removing, and reducing the spread of content that did not violate its policies: "You also asked us about our levers for reducing virality of vaccine hesitancy content. In 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. As you know, in addition to removing vaccine misinformation, we have been focused on reducing 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.* at 15 (emphases added).

65. Facebook also provided the White House with a detailed report on its censorship policies on WhatsApp: "WhatsApp's approach to misinformation focuses on limiting the virality of messages, preventing coordinated abuse, and empowering users to seek out reliable sources of information both in and out of the product. Our product includes features to limit the spread of viral content, such as forward limits and labels, privacy settings to help users decide who can add them to groups, and simple ways for users to block accounts and make reports to WhatsApp if they encounter problematic messages. Additional limitations we placed in April 2020 on forwarding of messages that have been forwarded many times reduced these kinds of messages by over 70%." *Id.*

66. On March 22, 2021, Flaherty responded to Facebook, demanding much more detailed information and action about "sensationalized" content on its platforms. *Id.* at 14. Flaherty noted that White House officials were demanding a plan from Facebook to censor non-violative content, *i.e.*, "looking out for your game plan on tackling vaccine hesitancy spread on your platform." *Id.*

67. In this email, Flaherty badgered Facebook with a series of detailed requests for information about this issue of censoring vaccine-skeptical content that does not violate Facebook's content-moderation policies, such as truthful but "sensational" content: "Again, as I've said, what we are looking for is the universe and scale of the problem. You noted that there is a level below sensational stories that get down-ranked, which took the form of general skepticism.

... [T]he problem does not sit in ‘microchips’-land, and ... it seems plausible that the things that drive the most actual hesitancy sit in ‘sensational’ and ‘skeptical.’” *Id.* Flaherty demanded more information and greater censorship of such non-violative “sensational” and “skeptical” content: “If you're down ranking sensational stuff—great—but I want to know how effective you've seen that be from a market research perspective. And then, what interventions are being taken on ‘skepticism?’ ... [W]hat are you trying here, and again, how effective have you seen it be. And *critically*, what amount of content is falling into all of these buckets? Is there wider scale of skepticism than sensationalism? I assume given the Carnegie data and the studies I've seen in the press that you have this. ... As I've said: this is not to play gotcha. It is to get a sense of what you are doing to manage this.” *Id.* (italics in original).

68. Flaherty also badgered Facebook for more information on Meta’s censorship policies on the WhatsApp platform, pushing for greater censorship there: “On whatsapp, which I may seem like I'm playing gotcha, but I guess I'm confused about how you're measuring reduction of harm. If you can't see the message, I'm genuinely curious—how do you know what kinds of messages you've cut down on? Assuming you've got a good mousetrap here, that's the kind of info we're looking for above: what interventions you've taken, and what you've found to work and not work? And how effective are you seeing the good information on Whatapp be? Are you doing cross platform campaign work to try to reduce people's exposure on whatsapp?” *Id.* at 14.

69. Flaherty concluded with an accusation of past dishonesty against Facebook and proposed frequent oral meetings to address the White House’s issues: “You've given us a commitment to honest, transparent conversations about this. We're looking for that, and hoping we can be partners here, even if it hasn't worked so far. I know Andy [Slavitt] is willing to get on

the phone with [a Facebook official] a couple of times per week if its necessary to get all of this.”

*Id.*

70. Flaherty’s statement that the White House is “hoping we can be partners here, even if it hasn’t worked so far,” reinforced Slavitt’s previous implied threat that the White House would take some unspecified action against Facebook if it did not cooperate with the White House’s demands on censorship of vaccine-hesitant content, especially *non-violative* content, on Facebook’s platforms. *Id.*

71. Facebook then agreed with Flaherty and Slavitt to schedule a meeting that Wednesday at 4:00 pm to discuss these issues. *Id.* at 13.

72. On April 9, 2021, Facebook sent Flaherty an email to respond to a long series of detailed questions from Flaherty about how the Meta platform WhatsApp was censoring COVID-19 misinformation. Doc. 174-1, at 17-21. All Flaherty’s questions were designed to probe and pressure Facebook toward more aggressive censorship. *See id.* Facebook began by “noting some of the key differences between a private messaging app like WhatsApp, and social media like Facebook and Instagram. Approximately 90 percent of the messages sent on WhatsApp are one-to-one, and the majority of group chats include fewer than ten people. WhatsApp does not promote content, and users do not build audiences or discover new people as they would on social media.” *Id.* at 18. Flaherty responded to this: “Very aware. [Smiley face].” In other words, the White House was demanding information about speech on a *private* messaging app used for one-to-one private communication, and demanding greater censorship of speech on that app—and it was “very aware” that it was doing so. *Id.*

73. Facebook noted that “WhatsApp seeks to control the spread of misinformation and inform users through deliberate, content-agnostic product interventions -- things like labeling and

limiting message forwards.” *Id.* at 18. Facebook noted that the message-forwarding limits are “intended” to censor COVID misinformation, and that they actually reduced such speech by 70 percent, and Facebook admitted that these are “somewhat blunt tools” that prevent its users from sending many other forms of speech as well: “The forward limits ... are intended to reduce their spread. As mentioned in my earlier note, when WhatsApp rolled out the limitation for highly forwarded messages to one chat at a time in April 2020, this resulted in a 70% reduction of those messages globally. Of course, not all forwards are misinformation, so these are by nature somewhat blunt tools, but they are important ones -- and ones that many other messaging services don't provide.” *Id.*

74. After presenting Facebook with a series of questions (presented in bold and in red type in the email, *see id.* at 18-20), Flaherty summed up by demanding insight into Facebook’s internal information: “I guess I have the same question here as I do on Facebook on Instagram. Do you guys think you have this under control? You're obviously going to say yes to that, so I guess the real question is, as ever: how are you measuring success? Reduction in forwarding? Measured impact across Facebook properties?” *Id.* at 20.

75. Facebook responded by emphasizing that it was “reducing viral activity on our platform” through message-forward limits and other speech-blocking techniques as well: “On WhatsApp, reduction in forwards is just one of the signals that we use to measure how well we are doing in reducing viral activity on our platform. We also ban accounts that engage in mass marketing or scam behaviors - including those that seek to exploit COVID-19 misinformation. Our efforts in this space are more comprehensive than anything that our peers in private messaging or SMS do, and we are constantly innovating to stay ahead of future challenges.” *Id.* at 20.

76. Facebook also offered to meet with the White House “Monday or anytime next week” to discuss its censorship efforts, to which Flaherty responded, “Hoor should be trying to land a time.” *Id.* at 17.

77. Flaherty responded to Facebook’s long, detailed account of its censorship efforts on WhatsApp by expressing dissatisfaction with the response and demanding ever-more detailed information, stating that he “couldn’t care less” about Facebook’s “product safari”: “Will say I’m really mostly interested in what effects the interventions and products you’ve tested have had on increasing vaccine interest within hesitant communities, and which ones have shown promise. Really couldn’t care less about products unless they’re having measurable impact. And while the product safari has been interesting, at 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.* I definitely have what I believe to be a non-comprehensive list of products you’re building but I still don’t have a good, empirical answer on how effective you’ve been at reducing the spread of vaccine-skeptical content and misinformation to vaccine fence sitters in the now-folded ‘lockdown.’” *Id.* at 17 (emphasis added).

78. Flaherty then accused Facebook of being responsible for the riot at the Capitol on January 6, 2021, by not censoring enough speech online, and suggested that Facebook would be similarly responsible for COVID-related deaths if it did not engage in more online censorship here: “In the electoral context, you tested and deployed an algorithmic shift that promoted quality news and information about the election. This was reported in the New York Times and also readily apparent to anyone with cursory social listening tools. 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. And then you turned it back off. I want some assurances, based in data, that you are not doing the same thing again here.” Id. (emphases added).*

79. Facebook responded by promising ever-more-detailed information to the White House’s demands: “Understood. I thought we were doing a better job [of] responding to this – and we are working to get the data that will more clearly show the universe of the Covid content that’s highest in distribution with a clear picture of what percentage of that content is vax hesitancy content, and how we are addressing it. I know [a Facebook official] told Andy [Slavitt] that would take a bit of time to nail down and we are working on that universe of data. I will make sure we’re more clearly responding to your questions below.” *Id.* at 17.

80. The meeting that Facebook offered with the White House on Monday, April 12 or thereafter occurred on Wednesday, April 14, because Flaherty emailed Facebook that day stating: “Since we’ve been on the phone...” *Id.* at 22.

81. In this Wednesday, April 14, 2021 email, with the subject line “tucker,” Flaherty noted that the White House was tracking COVID-related content in real time, and he demanded the censorship of currently-trending posts of content from two prominent Fox News hosts, Tucker Carlson and Tomi Lahren: “Since we’ve been on the phone – the top post about vaccines today is tucker Carlson saying they don’t work. Yesterday was Tomi Lehren [*sic*] saying she won’t take one. This is exactly why I want to know what ‘Reduction’ actually looks like – if ‘reduction’ means ‘pumping our most vaccine hesitant audience with tucker Carlson saying it doesn’t work’ then ... I’m not sure it’s reduction!” *Id.* at 22. Facebook responded: “Thanks—I saw the same thing when we hung up. Running this down now.” *Id.* In a separate email chain to Flaherty and Courtney Rowe the same day, Facebook also assured the White House, “running down the question on Tucker and working on getting you report by end of week.” *Id.* at 23.

82. Tucker Carlson has 1.2 million followers on his personal Facebook account and 3.8 million followers on his show's account, Jones Decl., Ex. I, at 1-2, so censoring Carlson's content would affect the free-speech rights of millions of people in a single stroke.

83. In the meantime, Facebook was offering to cooperate closely with the White House to "amplify" its preferred messages. On April 13, 2021, Facebook emailed Andy Slavitt about the temporary halt of the Johnson & Johnson vaccine, stating: "Re the J+J [*i.e.*, Johnson & Johnson] news, we're keen to amplify any messaging you want us to project about what this means for people – it obviously has the risk of exacerbating vaccine hesitancy, so we're keen to get ahead of the knock-on effect. Don't hesitate to tell me – or via your teams – how we can help to provide clarity/reassurance via Facebook." Doc. 174-1, at 31-32. Facebook then forwarded the same offer to Courtney Rowe and Rob Flaherty of the White House digital communications team. *Id.* at 31.

84. Flaherty responded the same day, April 13, with a series of detailed requests about how Facebook could amplify the White House's preferred messages, including: "Some kind of thing that puts the news in context if folks have seen it (like your current 'COVID news' panel) that has 3-4 pieces of info (eg: Adverse events are very rare – 6 cases out of nearly 7 million, the FDA and CDC are reviewing so it health care providers know how to treat any of the rare events, this does not affect pfzier or moderna, which vaccinate via a different mechanism)"; "CDC is working through an FAQ that we'd love to have amplified in whatever way possible – maybe through the COVID info panel"; and "[a] commitment from you guys to make sure that a favorable review reaches as many people as the pause, either through hard product interventions or algorithmic amplification." *Id.* at 30-31. Flaherty also block-quoted a White-House-approved message on the vaccine pause for Facebook to amplify. *Id.* at 31.

85. Flaherty then concluded by demanding that Facebook monitor any “misinformation” relating to the Johnson & Johnson vaccine pause, and asking Facebook to provide a detailed report to the White House within 24 hours of how it was doing so: “More broadly: we share [Facebook’s] concern about knock-on effects and are curious to get a read from your CMU data about what you're seeing and with whom. *Moreover, I want to make sure you have eyes on what might be spinning off the back end of this – that the news about J&J doesn't spin off misinformation. Would be great to get a 24 hour report-back on what behavior you're seeing.*” *Id.* at 31 (emphasis added).

86. The same day, April 13, 2021, Facebook responded with a detailed report on misinformation on its platforms about this issue. Doc. 174-1, at 24-30. Facebook noted that there was an oral meeting about misinformation with the White House scheduled the next day: “I'm looking forward to the meeting tomorrow [*i.e.*, Wednesday, April 14] and hoping we can spend some time responding to Rob's feedback from last week as well as further discussing the J&J news and how we can hopefully partner together.” *Id.* at 24.

87. Facebook also noted that it had recently had a telephone call with Courtney Rowe about how it was censoring misinformation, and had agreed to provide a detailed report on its relevant censorship enforcement policies: “Courtney – as we discussed, we also wanted to send over some examples of content we see on our platform that we remove (misinformation & harm) as well as content we take other actions on, but do not remove (vaccine hesitancy). I have included some examples at the bottom of this email and happy to setup time to talk through this more with you as well, if helpful.” *Id.* at 24. Facebook then provided a six-page report on censorship with explanations and screen shots of sample posts of content that it censors and does not censor. *Id.* at 24-30.

88. First, Facebook responded to Flaherty's request for government-message-amplification by agreeing to cooperate with the White House on those demands. *Id.* at 24. Regarding Flaherty's demand that Facebook monitor and report on "misinformation" related to the Johnson & Johnson vaccine pause, Facebook agreed to both monitor and report to the White House: "We will look to get you insights as soon as we have them. We are going to be watching to see how this plays out over the next couple of days. [A Facebook official] is joining [the call] tomorrow and plans to share a couple things we are seeing emerge from the CMU survey and what we are going to be watching over the next few days. Also, we are proactively monitoring and seeing what themes emerge from content on-platform and happy to share out when we have stuff collected." *Id.* at 24-25.

89. Facebook then provided a detailed report to Courtney Rowe's request for specific examples of posts that are censored on its platforms. First, as to "VACCINE HESITANCY" content, Facebook explained that this content does not violate Facebook's content-moderation policies, but Facebook assured the White House that Facebook still censors such non-violative content by suppressing it in news feeds and algorithms. *Id.* at 25. Facebook admitted that such content is often "true" and sometimes involves core political speech or advocacy (*e.g.*, "discussing choice to vaccinate in terms of personal and civil liberties"): "The following examples of content are those that *do not violate our Misinformation and Harm policy*, but may contribute to vaccine hesitancy or present a barrier to vaccination. This includes, for example, content that contains sensational or alarmist vaccine misrepresentation, disparaging others based on the choice to or to not vaccinate, *true but shocking claims or personal anecdotes*, or *discussing the choice to vaccinate in terms of personal and civil liberties* or concerns related to mistrust in institutions or individuals." *Id.* at 25 (emphases added).

90. Facebook assured the White House that it censors such true, political, non-violative content through “a spectrum of levers” that includes concealing the content from other users, deboosting the content, and preventing sharing through “friction”: “We utilize a spectrum of levers for this kind of content.... Actions may include reducing the posts’ distribution, not suggesting the posts to users, limiting their discoverability in Search, and applying Inform Labels and/or reshare friction to the posts.” *Id.* Facebook then provided the White House with a series of sample posts, all of which content originated from Children’s Health Defense, the anti-vaccine organization headed by Robert F. Kennedy Jr. (who would soon be identified as one of the so-called “Disinformation Dozen”). *Id.* at 25-27.

91. Next, under the heading “Examples of Content Removed for Violating our Misinformation & Harm Policy,” Facebook provided the White House with “examples of posts we have removed for violation of our Misinformation & Harm Policy.” *Id.* at 27. Facebook then provided a list of screen shots of posts it had removed from the platform entirely, again all of which originated from Children’s Health Defense, Robert F. Kennedy Jr.’s group. *Id.* at 28-30.

92. As noted below, Facebook’s explanation that it was removing violative posts by Children’s Health Defense and censoring even its posts that did not violate Facebook’s policies turned out to be not nearly enough to satisfy the White House.

93. Separately from Flaherty’s demands about Tucker Carlson, on April 14, 2021, Andy Slavitt also emailed a high-level Facebook executive—Facebook’s President of Global Affairs, former Deputy Prime Minister of the United Kingdom Nick Clegg—with a sarcastic message expressing the White House’s displeasure both with Facebook’s failure to censor Tucker Carlson and with Facebook’s perceived failure to allow the White House to micromanage its censorship policies: “Number one of Facebook. Sigh. Big reveal call with FB and WH today. No

progress since we spoke. Sigh.” Doc. 174-1, at 35. Clegg promptly responded to Slavitt with an apology and promise to immediately address the censorship of Tucker Carlson: “OK – sorry to hear about call today, will dig in now.” *Id.* The subject line of Slavitt’s email, reproduced in the “Re:” line of later messages, was “Tucker Carlson anti-vax message.” *Id.* at 34.

94. Late evening of the same day, April 14, 2021, at 10:51 p.m., Nick Clegg provided Slavitt with a detailed report about the Tucker Carlson post, explaining that Tucker Carlson’s content did not violate Facebook policies (due to the federal government’s own information about its accuracy) but assuring the White House that Facebook would censor it anyway. *Id.* at 34. Clegg denied that Carlson’s content was the top post on Facebook, but then stated, “Regardless of popularity, the Tucker Carlson video does not qualify for removal under our policies. Following the government’s decision yesterday, we are allowing claims that the Johnson and Johnson vaccine causes blood clots.... That said, the video is being labeled with a pointer to authoritative COVID information, it’s not being recommended to people, and it is being demoted.” *Id.* at 34.

95. Clegg also stated that Facebook was “v[ery] keen” to provide a more detailed report on its censorship practices in response to White House demands: “I’m v keen that we follow up as we’d agreed, and I can assure you the teams here are on it.” *Id.*

96. Brian Rice of Facebook then forwarded the same report on the Tucker Carlson post to Rob Flaherty. *Id.* (“Making sure you receive--”).

97. Less than twenty minutes later, at 11:29 p.m. on April 14, 2021, Flaherty responded to Rice with a sarcastic response badgering Facebook for a more detailed explanation of why it had not removed Tucker Carlson’s content outright, demanding greater censorship, and accusing Facebook of causing an “insurrection” by not censoring enough speech on its platforms: “I guess this is a good example of your rules in practice then – and a chance to dive in on questions as

they're applied. How was this [*i.e.* Tucker Carlson' post] not violative? The second half of the segment is raising conspiracy theories about the government hiding that all vaccines aren't effective. It's not about just J&J. What exactly is the rule for removal vs demoting? Moreover: you say reduced and demoted. What does that mean? There's 40,000 shares on the video. Who is seeing it now? How many? How effective is that? And we've gone a million rounds on this in other contexts so pardon what may seem like *deja vu* – but on what basis is ‘visit the covid-19 information center for vaccine resources’ the best thing to tag to a video that says the vaccine doesn't work?” Doc. 174-1, at 33. Flaherty concluded ominously by reiterating his accusation that Facebook had caused the January 6 riot by not censoring enough speech on its platforms: “Not for nothing but last time we did this dance, it ended in an insurrection.” *Id.* at 34.

98. Six minutes later, at 11:35 p.m. on April 14, Flaherty followed up with another email accusing Facebook of providing incorrect information through CrowdTangle and demanding an explanation: “And sorry – if this was not one of the most popular posts about the vaccine on Facebook today, then what good is crowdangle? [A Facebook official] said that Tomis [*i.e.*, Tomi Lahren's] video was the most popular yesterday based on your data, which reflected what CT [*i.e.*, CrowdTangle] was showing. Tuckers video was top on CT today. What is different about this video, then?” *Id.* at 33.

99. On Friday, April 16, Flaherty then sent an email expressing his displeasure with the timing of Facebook's response and demanding immediate answers, snapping at Rice: “These questions weren't rhetorical.” *Id.* at 33. Facebook apologized and promised an immediate response: “Hey Rob – understood and sorry for the delay. The team has been heads-down since our conversation to produce the report we discussed on Wednesday afternoon. We are aiming to

get you something tonight ahead of the weekend.” *Id.* Facebook then proposed another oral meeting: “schedule a call to discuss. Would that work?” *Id.*

100. On Tuesday, April 21, 2021, Facebook sent an additional response to the same email chain, indicating that there had been a phone call with Flaherty (“thanks for catching up earlier”) and providing another, more detailed report on its censorship of Tucker Carlson in response to each of Flaherty’s queries question-by-question. *Id.* at 36. Facebook again reported that Tucker Carlson’s content had not violated its policies, stating that “we reviewed this content in detail and it does not violate those policies,” but reported that Facebook had been censoring it anyway and would continue to censor it even though no fact-check had reported it false: “The video received 50% demotion for seven days while in the queue to be fact checked, and *will continue to be demoted even though it was not ultimately fact checked.*” *Id.* (emphasis added). These circumstances raise a compelling inference that Facebook continued to demote Tucker Carlson’ content, in violation of its own policies and practices, due to the White House’s pressure.

101. In the same time frame, the White House was exerting similar pressure on other major social-media platforms. It had meetings with YouTube and Twitter about misinformation on April 21, 2021 as well.

102. On April 21, Rob Flaherty, Andy Slavitt, and Kelsey Fitzpatrick of the White House, along with an official at HHS, participated in a meeting with several Twitter officials. Doc. 71-7, at 86. The meeting’s subject was “Twitter Vaccine Misinfo Briefing.” *Id.* The meeting invite noted: “White House Staff will be briefed by Twitter on vaccine misinfo. Twitter to cover trends seen generally around vaccine misinformation, *the tangible effects seen from recent policy changes*, what interventions are currently being implemented *in addition to previous policy*

*changes, and ways the White House (and our COVID experts) can partner in product work.” Id.* (emphases added).

103. The next day, April 22, Twitter employees noted in internal communications that the White House officials, during this meeting, had posed “one really tough question about why Alex Berenson hasn’t been kicked off the platform.” Jones Decl., Ex. J, at 2-3. The Twitter employee noted that the White House’s questions were “pointed” and “mercifully we had answers.” *Id.* Another internal Twitter communication noted that the White House “really wanted to know about Alex Berenson. Andy Slavitt suggested they had seen data viz that had showed he was the epicenter of disinfo that radiated outwards to the persuadable public.” *Id.*

104. Later, on July 16, 2021, Twitter suspended Alex Berenson for the first time. *Id.* On August 28, 2021, Twitter permanently deplatformed Berenson. *Id.*

105. On April 21, 2021, Flaherty, Andy Slavitt, Kelsey Fitzpatrick of the White House, and Jessica Scruggs of HHS had a similar meeting with YouTube, to which at least six YouTube officials were invited. Jones Decl., Ex. K, at 1. The calendar invite stated that the purpose of the meeting was: “White House staff to get briefed by YouTube on general trends seen around vaccine misinformation. As well as, the empirical effects of YouTube’s efforts to combat misinfo, what interventions YouTube is currently trying, and ways the White House (and or COVID experts) can partner in product work.” *Id.*

106. Just after midnight on April 22, 2021, Rob Flaherty emailed a list of Google officials about YouTube, copying Andy Slavitt, Clarke Humphrey, and Kelsey Fitzpatrick of the White House. Doc. 174-1, at 39. He began by referring to the oral meeting with Google/YouTube officials on April 21: “Thanks again for the conversation today.” *Id.* Flaherty also referred to an earlier, “first conversation,” indicating that there had been multiple meetings with YouTube. *Id.*

107. Flaherty then noted that the White House had asked YouTube (like Facebook) to monitor and report on the speech on its platforms, stating that the White House expected a report from them: “We’ll look out for the top trends that you’ve seen in terms of misinformation around the vaccine.” *Id.*

108. Flaherty then provided a “recap” of their oral conversation, stating that concern about misinformation on YouTube was “shared at the highest (and I mean highest) levels of the [White House]”: “To recap: ... we remain concerned that Youtube is ‘funneling’ people into hesitance and intensifying people’s hesitancy.... we want to be sure that you have a handle on vaccine hesitancy generally and are working toward making the problem better. *This is a concern that is shared at the highest (and I mean highest) levels of the WH*, so we’d like to continue a good-faith dialogue about what is going on under the hood here. I’m the on the hook for reporting out.” *Id.* (emphasis added).

109. Citing an article “highlighting the Youtube misinformation that is spreading through the Vietnamese community,” Flaherty stated: “Clearly, more work to be done here. Would love to get some insights from you on how you are tackling this problem across all languages.” *Id.*

110. Flaherty then stated, “A couple of other things it would be good to have from you all,” and provided a five-bullet list of detailed demands for YouTube’s internal data about the spread of misinformation on its platform, including: “the top trends that you’re seeing in terms of misinformation/hesitance inducing content,” and “[a] deeper dive on reduction and its effectiveness,” among others. *Id.*

111. Flaherty indicated that the White House was coordinating with the Stanford Internet Observatory, which was then operating the Virality Project, discussed in detail below, noting in

the first bullet point: “Stanford has mentioned that it's recently Vaccine Passports and J&J pause-related stuff, but I'm not sure if that reflects what you' re seeing.” *Id.* This reference raises the inference that the White House’s “COVID experts” (“our COVID experts”) mentioned in the calendar invite for the meeting, Jones Decl., Ex. K, at 1, are, in fact, “Stanford” personnel associated with the Virality Project, and that the White House was working with “Stanford” to “partner with” platforms “on product work.”

112. As with Facebook, many of Flaherty’s demands related to so-called “borderline” content, *i.e.*, often-truthful content that does not violate platform policies but that the White House disfavors. *See* Doc. 174-1, at 39. Among other things, he praised YouTube for reducing distribution of such content: “I believe you said you reduced watch time by 70% on ‘borderline’ content, which is impressive.” *Id.* But then, again, he followed up with a long series of demands for more information: “How does that track with vaccine-related content specifically...? What has the comparative reduction in watch time on ‘borderline’ vaccine topics been after your interventions? And what has the increase in watch time been on authoritative information?... Related to the second bullet: to what extent have your ranking interventions been effective there? And, perhaps more critically, to what degree is content from people who have been given a ‘strike’ still being recommended and shown in prominent search positions? ... [H]ow did you arrive on info-panels as the best intervention? And to what extent are people clicking through after exposure to vaccine-hesitant content? ... What are the general vectors by which people see the ‘borderline’ content – or really just vaccine-skeptical content? Is it largely through recommendations? Search?” *Id.* Notably, Flaherty’s “most critical[.]” question implied that YouTube should be censoring more content from disfavored *speakers*, *i.e.*, those who have been given a “strike” for previous anti-vaccine content. *Id.*

113. Flaherty emphasized that the White House wanted to make sure YouTube’s “work extends to the broader problem” of people viewing vaccine-hesitant content. *Id.* at 39-40. And he proposed regular meetings to push YouTube to disclose its “internal data” to the White House: “We’ve worked with a number of platform partners to track down similar information based on internal data, including partners of similar scale. I am feeling a bit like I don’t have a full sense of the picture here. We speak with other platforms on a semi-regular basis. We’d love to get in this habit with you. Perhaps bi-weekly? Looking forward to more conversation.” *Id.* at 40.

114. On April 23, 2021, Flaherty sent Facebook an email that included a document entitled “Facebook COVID-19 Vaccine Misinformation Brief” prepared by an unidentified third party. Jones Decl., Ex. L, at 1. The “Brief” had two major headings with several bullet points under each: “Facebook plays a major role in the spread of COVID vaccine misinformation,” and “Facebook’s policy and enforcement gaps enable misinformation’s spread.” *Id.* The “Brief” recommended much more aggressive censorship of Facebook’s platforms, calling for “progressively severe penalties ... and comprehensive enforcement for pages, accounts, and groups that repeatedly post COVID vaccine misinformation,” and stating that “[b]ans for COVID-19 misinformation should be cross-platform and enforced at the entity-level, not the account level.” *Id.* It called for Facebook to stop distributing even non-violative anti-vaccine content “in News Feed or in group recommendations” to “significantly reduce the reach of low-quality domains,” and it stated that “[v]accine misinformation monitoring and enforcement must adjust as disinformers evade enforcement...” *Id.* at 1-2. And it called for specific censorship of disfavored speakers: “Warning screens before linking to domains known to promote vaccine misinformation would dissuade users from following links to of-platform misinformation and hurt the vaccine-misinformation business model Facebook enables.” *Id.* at 2.

115. Reproducing this pro-censorship “Brief” in the text of his email to Facebook, Flaherty wrote: “Here’s the crux of their recs. Don’t read this as White House endorsement of these suggestions (or, also, as the upper bound of what our thoughts may be). But – spirit of transparency – this is circulating around the building and informing thinking.” *Id.* at 1.

116. On May 1, 2021, Nick Clegg of Facebook sent an email to Andy Slavitt indicating that the White House had recently met with Facebook to “share research work” and make more demands, stating: “Thanks to your team for sharing the research work with us...” *Id.* at 41. At the beginning of the email, Clegg apologized to the White House for not catching and censoring three pieces of vaccine content that went viral, even though the content did not violate Facebook’s policies, and promising to censor such non-violative content more aggressively in the future: “I wanted to send you a quick note on the three pieces of vaccine content that were seen by a high number of people before we demoted them. Although they don’t violate our community standards, we should have demoted them before they went viral and this has exposed gaps in our operational and technical process.” *Id.* at 42.

117. Clegg then promised to be more vigilant and censor such non-violative content to prevent it from going viral in the future, and offered to report back to the White House in detail about its efforts to do so: “The teams have spent the last 24 hrs analysing these gaps and are making a number of changes starting next week, including setting up more dedicated monitoring for Covid vaccine content on the cusp of going viral, applying stronger demotions to a broader set of content, and setting up daily review and analysis so that we have a better real-time view of what is being seen by lots of people. I will be checking on this closely to make sure that these additional steps show results - the stronger demotions in particular should deliver real impact. Please let me know if you’d like to discuss any of this in more detail.” *Id.*

118. Clegg then listed in bold the demands that the White House had made in its recent meeting, with a detailed response to each. *Id.* at 42. First, the White House had demanded that Facebook address “**Non-English mis/disinformation circulating without moderation,**” and Facebook promised to take steps to do so. *Id.* (bold in original).

119. Second, the White House had commanded Facebook: “**Do not distribute or amplify vaccine hesitancy, and Facebook should end group recommendations for groups with a history of COVID-19 or vaccine misinformation.**” *Id.* (bold in original). Facebook assured the White House that it was taking strong steps to censor such content, and promised to increase its efforts to do so in the future: “Much of the research you shared called on us to ensure that our systems don't amplify vaccine hesitancy content and this is top of mind for us. In addition to the changes I mentioned above, we have already removed all health groups from our recommendation feature on Facebook, and on Instagram we filter vaccine-related accounts from our ‘accounts you may follow feature’. We also remove accounts that may discourage vaccination from search features. We currently enforce on hash tags we know are shared to promote vaccine hesitancy content and are working to improve our automated systems here.” *Id.*

120. Third, the White House had demanded that Facebook “**Monitor[] events that host anti-vaccine and COVID disinformation.**” *Id.* (bold in original). Facebook promised to monitor social-media “events” on its platforms more closely and take more aggressive action to censor them: “we are working to improve automatic detection for events hosting anti-vaccine and COVID content. Our viral monitoring efforts will also help us detect events that are gaining views on Facebook, and we do remove events coordinating in-person gatherings that involve or encourage people who have COVID-19 to join.” *Id.*

121. Fourth, the White House had demanded censorship of the so-called “Disinformation Dozen” in the private meeting with Facebook, raising the concern that “**12 accounts are responsible for 73% of vaccine misinformation.**” *Id.* (bold in original). Facebook responded that it was scrutinizing those speakers and censoring them whenever it could, but that most if their content did not violate Facebook’s policies: “we continue to review accounts associated with the 12 individuals identified in the CCDH ‘Disinformation Dozen’ report, but many of those either do not violate our policies or have ceased posting violating content. Our ‘Dedicated Vaccine Discouraging Entity’ policy is designed to remove groups and pages that are dedicated to sharing vaccine discouraging content and we continue to review and enforce on these where we become aware of them.” *Id.*

122. Clegg then noted that he realized the White House would not be satisfied with these answers and was demanding greater censorship: “I realise that our position on this continues to be a particular concern for you.” *Id.* Clegg then suggested that too much censorship might be counterproductive and might drive vaccine hesitancy: “Among experts we have consulted, there is a general sense that deleting more expressions of vaccine hesitancy might be more counterproductive to the goal of vaccine uptake because it could prevent hesitant people from talking through their concerns and potentially reinforce the notion that there's a cover-up.” *Id.* Brian Rice also forwarded Nick Clegg’s email to Rob Flaherty. *Id.* at 41.

**B. Public Pressure and Threats From Press Secretary Jennifer Psaki.**

123. The White House was evidently quite unhappy with this response and the results of its pressure campaign behind closed doors. A few days later, the White House took its pressure campaign public. On May 5, 2021, Jen Psaki publicly reminded Facebook and the other platforms of the threat of legal consequences hanging over its head if it did not censor misinformation more

aggressively. At the May 5, 2021 White House Press Briefing, Jen Psaki stated about social-media censorship: “The President’s view is that the major platforms have a responsibility related to the health and safety of all Americans to stop amplifying untrustworthy content, disinformation, and misinformation, especially related to COVID-19, vaccinations, and elections. And we’ve seen that over the past several months, broadly speaking.” Glenn Decl. Ex. 29, at 15, Doc. 10-1, at 353.

124. Psaki also stated that President Biden “also supports better privacy protections and a robust anti-trust program. So his view is that there’s more that needs to be done to ensure that this type of misinformation; disinformation; damaging, sometimes life-threatening information is not going out to the American public.” *Id.* She thus linked the threat of a “robust anti-trust program” to the White House’s demand that “more ... needs to be done” by “the major platforms” to prevent “misinformation” and “disinformation” from “going out to the American public,” *i.e.*, its demand for censorship. *Id.*

125. The next day, May 6, 2021, Flaherty privately responded to Facebook’s most recent email, badgering Facebook again for more explanations about why it was not censoring more aggressively. Regarding Nick Clegg’s apology for not catching and censoring three viral posts earlier, Flaherty linked to one and noted: “For one, it’s still up and seems to have gotten pretty far. And it’s got 365k shares with four comments. We’ve talked about this in a different context, but how does something like that happen? The top post, the one from the Wisconsin news station, has 2.1 million comments.” Doc. 174-1, at 41.

126. Flaherty also demanded more information about Facebook’s efforts to demote “borderline” content: “Won’t come as a shock to you that we’re particularly interested in your demotion efforts, which I don’t think we have a good handle on (and, based on the below, it doesn’t

seem like you do either). Not to sound like a broken record, but how much content is being demoted, and how effective are you at mitigating reach, and how quickly?” *Id.*

127. Flaherty then criticized Facebook’s censorship efforts for vaccine-related posts in Facebook groups related to other topics: “Also, health groups: sure. But it seems more likely that anti-vax stuff is moving in groups that are not about health but are ... mom centric, or other spaces. Strikes me as the issue here is less from single-use anti-vaccine accounts and more about people who ... do other things and are also vaccine hesitant.” *Id.* (ellipses in original).

128. Flaherty tied this criticism to his criticism of Facebook’s failure to censor the “Disinformation Dozen”: “Seems like your ‘dedicated vaccine hesitancy’ policy isn’t stopping the disinfo dozen - they’re being deemed as not dedicated – so it feels like that problem likely carries over to groups.” *Id.*

129. On May 10, 2021, Facebook sent an email to Rob Flaherty and Courtney Rowe of the White House digital team, touting its efforts to promote vaccination on its platforms. Doc. 174-1, at 46. Among other things, Facebook reported that “Since January, we’ve provided more than \$30 million in ad credits to help governments, NGOs and other organizations reach people with COVID-19 vaccine information and other important messages.” *Id.*

130. The next day, May 11, 2021, Flaherty responded with a one-line, snarky email stating: “Hard to take any of this seriously when you’re actively promoting anti-vaccine pages in search.” *Id.* He included a link to a news report about this topic on Twitter. *Id.*

131. The next day, May 12, 2021, Facebook responded, assuring Flaherty that it had censored the accounts mentioned in the news reports: “Thanks Rob - both of the accounts featured in the tweet have been removed from Instagram entirely.... We’re looking into what happened.” *Id.* at 45.

132. Facebook then assured Flaherty it was working on processes to suppress disfavored speech from search results on its platforms and remove anti-vaccine accounts: “We are continuing to develop technology to improve the quality of search results at scale across Instagram - this is a continual process built on new technology to address adversarial accounts.... We also remove accounts that may discourage vaccination from search by developing and using this new technology to find accounts on Instagram that discourage vaccines, and remove these accounts from search altogether. We've also removed accounts that primarily discourage vaccination from appearing where we recommend new accounts to follow, such as accounts you may like, and suggested accounts.” *Id.*

133. Facebook acknowledged that its censorship efforts were not enough and promised the White House they would increase them: “We clearly still have work to do to [sic], but wanted to ensure you were aware of the authoritative resources we're pointing people to first as we continue investing in removing accounts from search that may discourage vaccination.” *Id.*

134. The same day, May 12, 2021, Flaherty responded sarcastically, indicating that promoting pro-vaccine speech was not enough for the White House, which demanded the removal or deboosting of anti-vaccine speech: “Sure. They're first connected to authoritative information, but then you, as of last night, were presenting an anti-vaccine account with less than 1000 followers alongside, at level, with those pinned accounts!” *Id.* at 45.

135. Flaherty then accused Facebook of not doing enough to censor anti-vaccine content in search results and dissembling to deceive the White House: “[R]emoving bad information from search’ is one of the easy, low-bar things you guys do to make people like me think you're taking action. If you're not getting *that* right, it raises even more questions about the higher bar stuff.” *Id.* at 45. Flaherty continued, accusing Facebook of dishonesty: “You say in your note that you

remove accounts that discourage vaccination from appearing in recommendations (even though you're using 'primarily' to give yourself wiggle room). You also said you don't promote those accounts in search. Not sure what else there is to say." *Id.*

136. Flaherty then compared Facebook unfavorably to other platforms to pressure them to suppress anti-vaccine content in search results: "Youtube, for their warts, has done pretty well at promoting authoritative info in search results while keeping the bad stuff off of those surfaces. Pinterest doesn't even show you any results other than official information when you search for 'vaccines.' I don't know why you guys can't figure this out." *Id.*

137. On May 28, 2021, a senior executive of Meta sent an email to Slavitt and Murthy reporting that Facebook had expanded its censorship policies, evidently to satisfy federal officials' demands made at a recent oral meeting. The email stated that a "key point" was that "We're expanding penalties for individual Facebook accounts that share misinformation." Doc. 71-4, at 9.

### **C. Flaherty's Profane Attack: "Are You Guys F\*\*king Serious?"**

138. At some time prior to July 15, 2021, the White House's Facebook account experienced an issue that slowed its growth in followers. Doc. 174-1, at 56. On July 15, 2021, Facebook emailed a White House staffer and reported that "the technical issues that had been affecting follower growth on @potus have been resolved.... you should start to see your numbers trend back upwards.... Thanks for your patience as we investigated this." *Id.* The White House staffer asked Facebook, "Could you tell me more about the technical issues affecting audience growth?" *Id.* at 55. Facebook responded, "from what we understand it was an internal technical issue that we can't get into, but it's now resolved and should not happen again." *Id.* The White House staffer then simply added Rob Flaherty to the email chain without further comment. *Id.*

139. The same minute he was added to the email chain, 3:29 p.m. on July 15, 2021, Flaherty exploded at Facebook: “Are you guys fucking serious? I want an answer on what happened here and I want it today.” *Id.* at 55.

140. Facebook immediately raced to placate Flaherty, assuring him that the problem was from a “bug in our recommendation surface” that had been resolved two months earlier. *Id.* at 55. Facebook followed up with a longer explanation stating that the President’s account had been affected because Facebook “take[s] aggressive steps to reduce the spread of vaccine hesitancy and vaccine misinformation on our platforms and we deploy technology to do so. As part of our efforts on Instagram, we have measures to help ensure we don’t recommend people follow accounts that promote vaccine hesitancy at scale. For two weeks in April (April 14-28) this measure was impacted by over-enforcement on a signal we used ....” *Id.* at 54. In other words, the White House’s Instagram account had been inadvertently swept into the net of censorship that it had insisted that Facebook impose on private speakers’ accounts. Evidently the White House is not amused when its own accounts are subject to the same treatment that it demands the platforms impose on thousands of ordinary Americans whose viewpoint the White House disfavors.

**D. President Biden on Social-Media Platforms: “They’re Killing People.”**

141. That same day, July 15, 2021, the White House held a joint press conference with Jen Psaki and Surgeon General Murthy. Dr. Murthy participated in the White House press conference with White House Press Secretary Jennifer Psaki to announce the Surgeon General’s Health Advisory on Misinformation. Waldo Ex. 10. Psaki announced of Dr. Murthy that “[t]oday, he published an advisory on health misinformation as an urgent public health crisis.” *Id.* at 1.

142. Among other things, Dr. Murthy stated that “Modern technology companies have enabled misinformation to poison our information environment with little accountability to their users.” *Id.* at 2.

143. Dr. Murthy announced: “we expect more from our technology companies. We’re asking them to operate with greater transparency and accountability. We’re asking them to monitor misinformation more closely. We’re asking them to consistently take action against misinformation super-spreaders on their platforms.” *Id.* at 3.

144. At the July 15 press conference, Dr. Murthy also demanded that the platforms do “much, much more” and “take aggressive action” against misinformation. Waldo Ex. 10, at 5.

145. Dr. Murthy also stated that platforms “have to do more to reduce the misinformation that’s out there ....” *Id.* at 6.

146. At the same press conference on July 15, 2021, Jennifer Psaki stated: “we 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.” Waldo Ex. 10, at 10.

147. Psaki stated: “We’ve increased disinformation research and tracking within the Surgeon General’s office. We’re flagging problematic posts for Facebook that spread disinformation.” *Id.* at 10.

148. Regarding the Administration’s “asks” to social-media platforms, Psaki stated: “There are also proposed changes that we have made to social media platforms, including Facebook, and those specifically are four key steps: One, that they measure and publicly share the impact of misinformation on their platform. Facebook should provide, publicly and transparently, data on the reach of COVID-19 — COVID vaccine misinformation. Not just engagement, but the reach of the misinformation and the audience that it’s reaching.” *Id.* at 11.

149. Psaki also stated: “Second, that we have recommended — proposed that they create a robust enforcement strategy that bridges their properties and provides transparency about the rules. So, about — I think this was a question asked before — there’s about 12 people who are producing 65 percent of anti-vaccine misinformation on social media platforms. All of them remain active on Facebook, despite some even being banned on other platforms, including Facebook — ones that Facebook owns.” Waldo Ex. 10, at 11.

150. Psaki stated: “Third, it’s important to take faster action against harmful posts. As you all know, information travels quite quickly on social media platforms; sometimes it’s not accurate. And Facebook needs to move more quickly to remove harmful, violative posts — posts that will be within their policies for removal often remain up for days. That’s too long. The information spreads too quickly.” *Id.* at 11.

151. And Psaki stated, publicly criticizing Facebook: “Finally, we have proposed they promote quality information sources in their feed algorithm. Facebook has repeatedly shown that they have the levers to promote quality information. We’ve seen them effectively do this in their algorithm over low-quality information and they’ve chosen not to use it in this case. And that’s certainly an area that would have an impact.” Waldo Ex. 10, at 11.

152. Psaki concluded: “So, these are certainly the proposals. We engage with them regularly and they certainly understand what our asks are.” *Id.* at 11.

153. The next day, July 16, 2021, President Biden stated of Facebook and other platforms that “they’re killing people” by failing to censor enough misinformation: “Mr. Biden was asked what his message was to social media platforms when it came to Covid-19 disinformation. ‘They’re killing people,’ he said. ‘Look, the only pandemic we have is among the

unvaccinated, and that — and they’re killing people.” Glenn Decl. Ex. 33, at 1; Doc. 10-1, at 436.

154. President Biden’s statement came after “weeks” of pressuring Facebook to give federal officials access to Facebook’s internal data: “White House officials ... singled out social media companies for allowing false information to proliferate. That came after weeks of failed attempts to get Facebook to turn over information detailing what mechanisms were in place to combat misinformation about the vaccine, according to a person familiar with the matter.” *Id.*

155. Surgeon General Murthy had been directly involved in those meetings with Facebook, including “tense” meetings and a meeting where he “angrily” demanded that Facebook do more to censor misinformation. *Id.* at 437.

156. When the President stated, “They’re killing people,” Psaki reinforced the same message: “‘Our point is that there is information that is leading to people not taking the vaccine, and people are dying as a result,’ Jen Psaki, the White House press secretary, said before Mr. Biden made his comments. ‘And we have responsibility as a public health matter to raise that issue.’” *Id.* at 436.

157. That same day, July 16, 2021, at a White House press conference, Psaki stated that “we’re in regular touch with social media platforms ... about areas where we have concern. ... [W]e 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 and traditional media. And we work to engage with them to better understand the enforcement of social media platform policies.” Glenn Decl. Ex. 34, at 6; Doc. 10-1, at 444.

158. Psaki then described a “false narrative that remains active ... flowing on the internet quite a bit, in other places as well,” and stated, “we want to know that the social media

platforms are taking steps to address it. That is inaccurate, false information... And that is an example of the kind of information that we are flagging or raising.” Glenn Decl. Ex. 34, at 7; Doc. 10-1, at 445.

159. Psaki also demanded additional “steps” “for Facebook or other platforms,” including “to measure and publicly share the impact of misinformation on their platform and the audience it’s reaching, also with the public.” *Id.*

160. She called on the platforms “to create robust enforcement strategies that bridge their properties and provide transparency about rules.” *Id.* She stated that platforms should coordinate on censoring disfavored speakers: “You shouldn’t be banned from one platform and not others if you — for providing misinformation out there.” *Id.*

161. Psaki also stated that the platforms should be “[t]aking faster action against harmful posts. As you all know, information travels quite quickly. If it’s up there for days and days and days when people see it, you know, there’s — it’s hard to put that back in a box.” Glenn Decl. Ex. 34, at 8; Doc. 10-1, at 446.

162. Psaki was asked whether the censorship Facebook was already doing, which included “remov[ing] 18 million pieces of COVID misinformation” and “connect[ing] more than 2 billion people to reliable information,” was “sufficient,” and she responded, “Clearly not, because we’re talking about additional steps that should be taken.” *Id.*

163. “[A] few hours after Biden’s comment” that social-media platforms are “killing people” by not censoring misinformation, “Twitter suspended [Alex Berenson’s] account for the first time.” Jones Decl., Ex. J, at 3. Later, on August 28, 2021, Twitter permanently deplatformed Berenson. *Id.*

164. Four days later, July 20, 2021, the White House explicitly threatened to amend or repeal the liability protections of § 230 of the Communications Decency Act if social-media companies did not increase censorship of disfavored speakers and viewpoints. Glenn Decl. Ex. 35; Doc. 10-1, at 474-75 - *'They Should Be Held Accountable': White House Reviews Platforms' Misinformation Liability*, USA TODAY (July 20, 2021), at <https://www.usatoday.com/story/news/politics/2021/07/20/white-house-reviews-section-230-protections-covid-misinformation/8024210002/>. The White House communications director, Kate Bedingfield, announced that “[t]he White House is assessing whether social media platforms are legally liable for misinformation spread on their platforms.” *Id.* “We’re reviewing that, and certainly, they should be held accountable,” she said. *Id.*

165. The White House communications director “specified the White House is examining how misinformation fits into the liability protections granted by Section 230 of the Communications Decency Act, which shields online platforms from being responsible for what is posted by third parties on their sites.” *Id.*

166. Media reported that, in connection with this threat, “Relations are tense between the Biden administration and social media platforms, specifically Facebook, over the spread of misinformation online.” *Id.*; *see also, e.g.*, Glenn Decl. Ex. 36; Doc. 10-1, at 477-81: *White House says social media networks should be held accountable for spreading misinformation*, CNBC.com (July 20, 2021), at <https://www.cnbc.com/2021/07/20/white-house-social-networks-should-be-held-accountable-for-spreading-misinfo.html>.

167. When “asked ... whether these companies should be held liable for publishing false information that causes people harm, Kate Bedingfield said the administration is reviewing policies. That could include amending the Communications Decency Act, or Section 230 of the

act. ‘We’re reviewing that and certainly they should be held accountable,’ Bedingfield said. ‘And I think you heard the president speak very aggressively about this. He understands that this is an important piece of the ecosystem.’” *Id.* at 478.

168. The same day, Tuesday, July 20, 2021, Clarke Humphrey of the White House communications office emailed Facebook asking for the removal of an Instagram account associated with Dr. Fauci, saying it “is not actually one of ours.” Fauci Ex. 57, at 1-2. Facebook responded one minute later, stating, “Yep, on it!” Fauci Ex. 57, at 1. The next day, Facebook responded again, stating, “This account has been removed. Thank you for flagging!” *Id.*

#### **E. The Social-Media Platforms Are Cowed into Collusion on Censorship.**

169. The threats and public pressure on July 15 and 16—including the President’s comment, “they’re killing people”—got immediate results, as Facebook scrambled to assuage the White House’s wrath and accede to all its censorship demands.

170. After this series of public statements, responding to “White House pressure,” Facebook censored the accounts of the 12 specific disfavored speakers whom Psaki accused of spreading health misinformation. Glenn Decl. Ex. 37; Doc. 10-1, at 483-85: *Facebook takes action against ‘disinformation dozen’ after White House pressure*, CNN.com (Aug. 18, 2021), at <https://www.cnn.com/2021/08/18/tech/facebook-disinformation-dozen/index.html>. Psaki had “hammered the platform in July for allowing the people identified in the report to remain on its platform.” *Id.* at 483. After they were singled out for censorship by the White House, Facebook “removed over three dozen Pages, groups and Facebook or Instagram accounts linked to these 12 people, including at least one linked to each of the 12 people, for violating our policies.” *Id.*

171. Other platforms responded to the pressure as well, as Twitter suspended Alex Berenson within a few hours of President Biden's July 16 comments and deplatformed him Berenson on August 28, 2021. Jones Decl., Ex. J, at 3.

172. On July 17, 2021, another Facebook official sent an email to Anita B. Dunn, the political strategist and Senior Advisor to the President in the White House, begging for assistance in getting back into the White House's good graces. Doc. 174-1, at 49. The Facebook official, who evidently had a prior relationship with Dunn, wrote: "Would love to connect with you on the President's comments on Covid misinfo and our work there. Really could use your advice and counsel on how we get back to a good place here. ... As I hope you know, we've been doing a significant amount of work to ... fight the misinfo ... Obviously, yesterday things were pretty heated, and I'd love to find a way to get back to pushing together on this - we are 100% on the same team here in fighting this and I could really use your advice." *Id.* Dunn looped in Rob Flaherty to schedule a call. *Id.* at 48. Facebook then wrote: "Thanks Anita, and thanks Rob. I appreciate the willingness to discuss. We'd love to find a way to get things back to a productive conversation." *Id.* Facebook also noted, with a similarly conciliatory tone: "We had a conversation with the Surgeon General's office yesterday to discuss the advisory in more detail and hope to continue to work to address concerns." *Id.*

173. The next Monday, July 19, 2021, YouTube emailed Flaherty to announce "a few new ways in which we are making it easier for people to find authoritative information on health topics on YouTube." *Id.* at 51-2. On July 20, 2021, Flaherty responded, linking to a Tweet of "borderline" content and stating, "I'm curious: Saw this tweet. [Linking the Tweet]. I think we had a pretty extensive back and forth about the degree to which you all are recommending anti-

vaccination content. You were pretty emphatic that you are not. This seems to indicate that you are. What is going on here?” *Id.* at 51.

174. YouTube responded by assuring Flaherty that it “reduce[s]” the recommendation of anti-vaccine speech even when it does not violate YouTube’s policies: “it is important to keep in mind that borderline content accounts for a fraction of 1% of what is watched on YouTube in the United States. We use machine learning to reduce the recommendations of this type of content, including potentially harmful misinformation. In January 2019, we announced changes to our recommendations systems to limit the spread of this type of content which resulted in a 70% drop in watchtime on non-subscribed recommended content in the U.S. and our goal is to have views of nonsubscribed, recommended borderline content below 0.5%.” *Id.* at 51.

175. This was not enough for Flaherty, who demanded more information: “I see that’s your goal - what is the actual number right now?” *Id.* at 50. YouTube responded that it would check for more information, and stated: “Per our COVID-19 medical misinformation policy, we will remove any content that contradicts local health authorities’ or the World Health Organization’s (WHO) medical information about COVID-19. To date, approximately 89% of videos removed for violations of this policy were removed with 100 views or less. With regards to the specific videos you referenced, the content was not in violation of our community guidelines.” *Id.* at 50.

176. Flaherty responded, expressing surprise that YouTube was not censoring the disfavored content: “So this actually gets at a good question - the content [that the Tweet] points out isn’t defined as ‘borderline’ and therefore isn’t subject to recommendation limitations?” *Id.*

177. YouTube, like Facebook before it, assured Flaherty that it would “limit the visibility” and “reduce the spread” such content, even though it does not violate YouTube’s

policies: “the content was not in violation of our policies and therefore not subject to removal. But for all content on YouTube, we apply our 4R framework we have previously described to raise authoritative voices while reducing visibility on borderline content. External evaluators use these guidelines which are then used to inform our machine learning systems that limits the spread of borderline content.” *Id.* at 50.

178. On October 28, 2021, the same day as a Washington Post article about Facebook employee Frances Haugen’s allegations about misinformation on Facebook, Rob Flaherty emailed Brian Rice of Facebook a hyperlink to the article. The only text in the email was the subject line, which stated: “not even sure what to say at this point.” Waldo Ex. 35, at 1-2; *see also infra*.

179. On November 4, 2021, Meta reported to Rowe, Flaherty, and other White House officials that “we updated our misinformation policies for COVID-19 vaccines to make clear that they apply to claims about children....” Doc. 71-3, at 15.

180. On November 30, 2021, Christian Tom of the White House emailed Twitter stating, “Would you mind looking at this video and helping us with next steps to put a label or remove it?” Doc. 174-1, at 65. He included a link to a Tweet of an unflattering, comedic video of First Lady Jill Biden reading to children, which had been clearly edited to make it sound as if she was profanely heckled while reading to them. *Id.* The subject line of the message was “Doctored video on Twitter of the First Lady.” *Id.* Twitter responded within six minutes: “Happy to escalate with the team for further review from here.” *Id.*

181. That evening, Twitter emailed back, stating, “Update for you - The team was able to create this event page for more context and details.” *Id.* at 64. The “event page” explained the context of the parody video but did not censor it; it alerted users that the video had been edited for “comedic” effect. *See A video of first lady Jill Biden reading to children was manipulated to*

*include profanity, according to fact-checkers,* TWITTER (Nov. 30, 2021), <https://twitter.com/i/events/1465769009073123330>.

182. Christian Tom promptly emailed back, asking that Twitter actually censor the comedic video, not just provide an event page explaining that it was comedic: “Will you apply the ‘Manipulated Media’ disclaimer to the video asset itself?” Doc. 174-1, at 64.

183. The next morning, December 1, 2021, Tom emailed Twitter again, arguing that Twitter should apply a label to the video under its content-moderation policies: “Just wanted to follow-up here. It looks like from the rubric that this fits the first two criteria, which means it is ‘likely’ to be labeled:” and linking Twitter’s “manipulated media” policy. *Id.* at 63-4.

184. Twitter wrote back the same morning, explaining that the comic, parody video of Jill Biden was not subject to labeling under its policy because it was not likely to cause harm, but noting again that Twitter had created a special page to explain that the video was edited: “After escalating this to our team, the Tweet and video referenced will not be labeled under our synthetic and manipulated media policy. Although it has been significantly altered, the team has not found it to cause harm or impact public safety. The team was able to create this Twitter Moment (here) and event page for more context and details.” *Id.* at 63.

185. The same day, Christian Tom emailed back, disputing Twitter’s interpretation of its own content-moderation policy and looping in Michael DeRosa, the First Lady’s press secretary. *Id.* Michael DeRosa then emailed as well, disputing and demanding information about Twitter’s application of its own policy. *Id.* at 62. Tom and DeRosa continued to press Twitter for further explanation and action on December 9, 13, and 17. *Id.* at 60-61. Twitter provided another, more detailed explanation of its decision on December 17. *Id.* at 59-60. Tom emailed back the

same day, again disputing Twitter's application of its own policy and pressing Twitter again on the issue. *Id.* at 58-59. He added Rob Flaherty to the email chain for the first time. *Id.* at 58.

186. Nine minutes later, on December 17, 2021, Flaherty wrote to Twitter, angrily accusing Twitter of dishonestly misapplying its own policies: "New to the thread here, but this all reads to me like you all are bending over backwards to say that this isn't causing confusion on public issues. If the AP deems it confusing enough to write a fact check, and you deem it confusing enough to create an event for it, how on earth is it not confusing enough for it to at least have a label? Total Calvinball." *Id.* at 58. ("Calvinball" refers to a game in the cartoon "Calvin and Hobbes" where the participants make up the rules of the game as they go along.)

187. A senior-level Twitter executive then emailed Flaherty proposing to resolve the matter by phone. *Id.* After that phone conversation, it appears that the Tweet that prompted the exchange is no longer available. *See id.* at 65 (linking to [https://twitter.com/ArtValley818\\_/status/1465442266810486787?s=20](https://twitter.com/ArtValley818_/status/1465442266810486787?s=20), which is no longer available).

#### **F. White House Pressure and Collusion Continue Throughout 2022.**

188. During January 2022, Facebook reported to Rowe, Manning, Flaherty, and Slavitt that it has "labeled and demoted" "vaccine humor posts whose content could discourage vaccination." It also reported to the White House that it "labeled and demoted" posts "suggesting natural immunity to COVID-19 infection is superior to immunity by the COVID-19 vaccine." Doc. 71-3, at 10-11.

189. Twitter emailed back within an hour and offered to discuss, to which Flaherty responded: "Happy to talk through it but if your product is appending misinformation to our tweets that seems like a pretty fundamental issue." *Id.*

190. Separately, Jesse Lee of the White House emailed Twitter in response to the same report, accusing Twitter of “calling the President a liar” and offering to talk by phone to resolve the complaint: “this note is factually inaccurate. This is a very technical question but you don't have it right, and you are in effect calling the President a liar when his tweet is actually accurate. I'm happy to discuss this with whoever is the right person,” and providing his cell phone number. *Id.* at 69. Twitter then reached out by phone to resolve it. *Id.*

191. On September 18, 2021, regarding a story in the Wall Street Journal about COVID-19 “misinformation” circulating on Facebook, Flaherty demanded that Meta provide an explanation “as we have long asked for, [of] how big the problem is, what solutions you’re implementing, and how effective they’ve been.” Doc. 71-3, at 24.

192. On February 1, 2022, Psaki was asked at a White House press conference whether the Administration was satisfied with Spotify’s decision to affix advisory warnings to Joe Rogan’s immensely popular podcast, which featured speakers that contradicted the Administration’s messaging about COVID-19 and vaccines, or whether the government “think[s] that companies like Spotify should go further than just, you know, putting a label on” disfavored viewpoints and speakers. Psaki responded by demanding that Spotify and other platforms “do[] more” to block disfavored speech: “[O]ur hope is that all major tech platforms ... be vigilant to ensure the American people have access to accurate information on something as significant as COVID-19.... So, this disclaimer – it’s a positive step. But we want every platform to continue *doing more* to call out ... mis- and disinformation while also uplifting accurate information.” Glenn Decl. Ex. 38, at 15-16; Doc. 10-1, at 501-2 (emphasis added). She stated that Spotify’s advisory warnings are “a good step, it’s a positive step, but *there’s more that can be done.*” *Id.* at 502 (emphasis added).

193. On April 25, 2022, Psaki was asked at a White House press briefing to respond to the news that Elon Musk would acquire Twitter, and asked “does the White House have any concern that this new agreement might have President Trump back on the platform?” Glenn Decl. Ex. 40; Doc. 10-1, at 528.

194. Psaki responded by reiterating the threats of adverse legal consequences to Twitter and other social media platforms, specifically referencing antitrust enforcement and Section 230 repeal: “No matter who owns or runs Twitter, the President has long been concerned about the power of large social media platforms ... [and] has long argued that tech platforms must be held accountable for the harms they cause. He has been a strong supporter of fundamental reforms to achieve that goal, including reforms to Section 230, enacting antitrust reforms, requiring more transparency, and more. And he’s encouraged that there’s bipartisan interest in Congress.” *Id.* at 528-29.

195. At the same press briefing, Psaki was asked: “Are you concerned about the kind of purveyors of election misinformation, disinformation, health falsehoods, sort of, having more of an opportunity to speak there on Twitter?” She responded by specifically linking the legal threats to the social-media platforms’ failure to more aggressively censor free speech: “I would say our concerns are not new. We’ve long talked about and the President has long talked about his concerns about the power of social media platforms, including Twitter and others, to spread misinformation, disinformation; the need for these platforms to be held accountable.” *Id.* at 534.

196. Psaki was then asked a question that noted that “the Surgeon General has said that misinformation about COVID amounts to a public health crisis,” and then queried, “would the White House be interested in working with Twitter like it has in the past to continue to combat this

kind of misinformation? Or are we in a different part of the pandemic where that kind of partnership is no longer necessary?” *Id.* at 549.

197. Psaki responded by reaffirming that senior officials within the White House and/or the Administration are continuing to coordinate directly with social-media platforms to censor disfavored speakers and content on social media, and directly linking these efforts to the repeated threat of adverse legal action: “we engage regularly with all social media platforms about steps that can be taken that has continued, and I’m sure it will continue. But there are also reforms that we think Congress could take and we would support taking, including reforming Section 230, enacting antitrust reforms, requiring more transparency. And the President is encouraged by the bipartisan support for — or engagement in those efforts.” *Id.*

198. On June 13, 2022, Flaherty demanded that Meta continue to produce periodic “COVID-19 insights reports” to track so-called “misinformation” regarding COVID-19 on Meta’s social-media platforms, expressing the specific concern that COVID vaccines for children under 5 would soon be authorized. Doc. 71-3, at 6.

199. Meta got the message. It agreed to continue sending its censorship-tracking reports, and on June 22, 2022, Meta assured Flaherty that it was expanding its censorship of COVID-19 “misinformation” to ensure that speech critical or skeptical of COVID-19 vaccines for children under 5 years old—a highly controversial topic—would be censored. Doc. 71-3, at 5.

**G. Pressure to Expand the Topics of Social-Media Censorship.**

200. Since this lawsuit was filed, Defendants have expanded their social-media censorship activities and pressured social-media platforms for censorship in new areas of online discourse, including areas such as climate change, gender, abortion, and economic policy.

201. For example, on June 14, 2022, White House National Climate Advisor Gina McCarthy spoke at an Axios event titled “A conversation on battling misinformation.” Jones Decl. Ex. M, at 1.

202. During the event, “McCarthy skewered Big Tech companies for ‘allowing’ disinformation and cheered Congress for ‘taking action’ to enact more censorship last Thursday.” *Id.* at 2. “Axios political reporter Alexi McCammond asked McCarthy how so-called ‘rampant mis-and-disinformation around climate change online and in other platforms’ has ‘made your job harder?’” *Id.* “McCarthy responded by slamming social media companies: ‘We have to get tighter, we have to get better at communicating, and frankly, *the tech companies have to stop allowing specific individuals over and over again to spread disinformation.*’” *Id.* (emphasis added). “She suggested further that ‘we have to be smarter than that and *we need the tech companies to really jump in.*’” *Id.* at 3 (emphasis added). “McCammond responded by asking: ‘Isn’t misinformation and disinfo around climate a threat to public health itself?’ McCarthy asserted that it ‘absolutely’ is: ‘Oh, absolutely.’” *Id.*

203. Like Psaki and others, McCarthy explicitly tied these demands for censorship of climate-change-related speech to threats of adverse legislation: “McCarthy also praised Congress directly for pushing social media companies to censor Americans: ‘We do see Congress taking action on these issues, we do see them trying to tackle the misinformation that’s out there, trying to hold companies accountable.’” *Id.* at 4.

204. On June 16, 2022, the White House announced a new task force to address, among other things, “gendered disinformation” and “disinformation campaigns targeting women and LGBTQI+ individuals who are public and political figures, government and civic leaders, activists, and journalists.” Jones Decl., Ex. N, at 1.

205. The June 16 Memorandum decries “online harassment and abuse”—vague terms that, on information and belief, are deliberately adopted to sweep in constitutionally protected speech. *Id.* In particular, the Memorandum defines “online harassment and abuse” to include “gendered disinformation,” a deliberately broad and open-ended term. *Id.* § 1. The Memorandum announces plans to target such “gendered disinformation” directed at public officials and public figures, including “women and LGBTQI+ political leaders, public figures, activists, and journalists.” *Id.* The Memorandum creates a Task Force co-chaired by the Assistant to the President for National Security Affairs, which includes the Secretary of Defense, the Attorney General, and the Secretary of Homeland Security, among others. *Id.*

206. The Task Force is charged with “developing programs and policies to address ... *disinformation campaigns* targeting women and LGBTQI+ individuals who are public and political figures, government and civic leaders, activists, and journalists in the United States and globally.” *Id.* § 4(a)(iv) (emphasis added). The Memorandum calls for the Task Force to consult and coordinate with “technology experts” and “industry stakeholders,” *i.e.*, social-media firms, to achieve “the objectives of this memorandum,” *id.* § 4(b). Those “objectives,” of course, include suppressing so-called “disinformation campaigns” against “public and political figures.” *Id.* § 4(a)(iv).

207. The Memorandum again threatens social-media platforms with adverse legal consequences if they do not censor aggressively enough to suit federal officials: “the Task Force shall ... submit periodic recommendations to the President on *policies, regulatory actions, and legislation on technology sector accountability* to address systemic harms to people affected by online harassment and abuse.” *Id.* § 5(c) (emphasis added).

208. Relatedly, on May 27, 2022, HHS Assistant Secretary Rachel Levine demanded that social-media platforms censor “misinformation” about “gender-affirming care.” Jones Decl., Ex. O, at 1. In a public address to health officials, Levine “spoke about the need for government to ‘address health information directly’ and specified that includes encouraging Big Tech to combat health misinformation ‘beyond COVID-19.’” *Id.* Levine stated: “So I’d like to just talk briefly about another area of substantial misinformation that is directly impacting health equity in our nation, and that is the health equity of sexual and gender minorities. There is substantial misinformation about gender-affirming care for transgender and gender diverse individuals... The positive value of gender-affirming care for youth and adults is not in scientific or medical dispute ... And we need to use our clinicians’ voice to collectively advocate for our tech companies to create a healthier, cleaner information environment.” *Id.* at 1-2.

209. On July 8, 2022, the President signed an Executive Order on protecting access to abortion. Jones Decl., Ex. P, at 1.

210. Section 4(b)(iv) of the order states: “The Secretary of Health and Human Services shall, in consultation with the Attorney General and the Chair of the FTC, consider options to address deceptive or fraudulent practices related to reproductive healthcare services, including online, and to protect access to accurate information.” *Id.* This is a plain reference to the online advertising practices of pro-life pregnancy resources centers, which the President’s political allies were then attacking. Jones Decl., Ex. Q, at 1-2.

211. On August 11, 2022, Flaherty emailed Twitter to dispute a note added by Twitter to one of President Biden’s tweets. Doc. 174-1, at 68. The subject line of Flaherty’s email was a link to a Tweet criticizing Twitter’s note: “Joe Weisenthal on Twitter: ‘Wow, this note that twitter added to Biden's tweet is pure gibberish. Imagine adding this, and thinking this is helpful to the

public's understanding in any way.” *Id.* Linking to a tweet about gas prices, Flaherty wrote: “Happy to connect you with some economists who can explain the basics to you guys.” *Id.* Flaherty copied Jesse Lee, Senior Advisor to the National Economic Council at the White House, on the email. *Id.*

### **III. The Pressure Campaign from Surgeon General Murthy and His Office.**

212. Throughout 2021 and 2022, Surgeon General Vivek Murthy and his Office engaged in a pressure campaign in parallel with, and often overlapping with, the White House’s pressure campaign on social-media platforms. Surgeon General Murthy and his staff were often included in the same meetings and communications with White House officials and social-media platforms, and joined White House officials pressuring them to increase censorship in public and in private.

#### **A. The Surgeon General: Using the “Bully Pulpit” to Pressure Platforms.**

213. Eric Waldo is the Senior Advisor to the Surgeon General of the United States, Vivek Murthy, and was formerly a Chief Engagement Officer in the Office of the Surgeon General (“OSG”). Waldo Dep. 11:15-12:2.

214. As “the engagement team leader” for OSG, Waldo was “the one in charge of maintaining the contacts and the relationships with representatives of social media platforms.” *Id.* at 51:11-17.

215. Dr. Murthy was directly involved in editing and approving the final work product of the Surgeon General’s Office, including the Surgeon General’s July 15, 2021 health advisory on misinformation and the Surgeon General’s March 3, 2022 RFI to social-media platforms. *Id.* at 14:20-22, 15:16-19, 16:9-10, 17:1-6, 187:24-188:3.

216. Calling for an “all-of-society approach” to misinformation was a pervasive theme of the Surgeon General’s communications, including the health advisory and the RFI. *Id.* at 19:25,

26:8, 88:9, 89:13, 101:2, 117:13, 122:15, 211:22, 246:25, 251:9, 332:22. This theme echoes the repeated call for an “all-of-society approach” in the Virality Project’s public report. *See infra*.

217. Before the Surgeon General’s health advisory on misinformation was published on July 15, 2021, OSG and Waldo “did pre-rollout calls with Twitter, Facebook, [and] Google/YouTube.” *Id.* at 20:7-11.

218. The Surgeon General uses his “bully pulpit” to call for censorship of health misinformation: “Dr. Murthy continued from a communications perspective to talk about health misinformation using his bully pulpit.” *Id.* at 25:23-25.

219. Waldo admits that the Surgeon General is directly advocating to social-media platforms to take stronger actions against health “misinformation”: “[T]he Surgeon General has the ability ... to talk to the relevant stakeholders and say we want you to be aware of this issue and that we think you have a role to play to improve the health outcomes, yes.” *Id.* 28:10-14. As part of this role, the Surgeon General “call[s] out social media platforms in the [health] advisory.” *Id.* at 28:18-19.

220. The Surgeon General’s “bully pulpit,” Waldo agrees, involves putting public pressure on social-media platforms: “I think the bully pulpit ... is really the fact that he commands attention, including being able to ... speak with the press, speak with the public, and ... we think of the Surgeon General as the nation’s doctor.” *Id.* at 29:9-15.

221. A goal of the Surgeon General’s use of the “bully pulpit” includes to “reduce the dissemination of health misinformation.” *Id.* at 30:5-10. This includes making “recommendations of specific steps the social media platforms are ... called out to take to reduce the spread of misinformation on the platforms.” *Id.* at 31:3-8.

222. OSG reinforces its public “message of calling out the social media platforms to take steps to reduce the spread of misinformation on their platforms” through private communications with platforms: “[W]hat we're saying publicly, we're also ... said that privately to them as well.” *Id.* at 32:5-8, 12-14. This includes during “rollout calls.” *Id.* at 32:19-20.

**B. Surgeon General Works in Tandem with the White House and Virality Project.**

223. On the day of the health misinformation advisory rollout, July 15, 2021, “Press Secretary ... Jen Psaki had already made remarks specifically about Facebook, and then,” the next day, “President Biden made his remarks that social media and Facebook were killing people.” *Id.* at 33:19-25. “Facebook ... was upset about how the rollout had gone.” *Id.* at 33:6-8. Waldo’s initial rollout call with Facebook, as a result, was affected by the Administration’s public attacks on Facebook: “I wouldn't call it the most productive call.” *Id.* at 34:4-6.

224. After this public pressure, Facebook’s senior executive, Nick Clegg, reached out to request “deescalat[ion]” and “work[ing] together” as a direct result of that public pressure on Facebook: “Then later, with our call, we had a call with Nick Clegg from Facebook, and at his request, and ... his intentions were to sort of I think deescalate and just find ways that we could work together, given how Facebook ... was treated in that rollout day.” *Id.* at 34:7-13.

225. In the call with Nick Clegg, Surgeon General Murthy reiterated his demand for Facebook to do more to censor “misinformation” on its platforms: “[O]n the call with Nick Clegg, the Surgeon General did ... reiterate the idea that, you know, as we described in the advisory, that we think there's more ... that Facebook and other social media companies can do, and ... we reiterated that.” *Id.* at 35:7-12.

226. Murthy also asked Clegg and Facebook specific questions about requiring Facebook to share data with outside researchers about the scope and reach of misinformation on

its platforms, again echoing the key recommendation of the Virality Project: “[T]he most specific questions were about understanding the data around the spread of misinformation and how we were measuring that, and ... how we could have external researchers validate the spread of misinformation and -- and helping us as a field understand the depth of the problem.” *Id.* at 35:20-36:2.

227. One such “external researcher” that OSG had in mind was “Renee DiResta, from the Stanford Internet Observatory,” a leading organization of the Virality Project, which hosted a “rollout event” for the advisory featuring Dr. Murthy on the day the advisory was announced. *Id.* at 36:19-23.

228. Waldo admits that there was “coordination” between OSG and Renee DiResta of the Virality Project on the launch of the Surgeon General’s health advisory: “I know there was coordination with [DiResta] with respect to the launch ... there was a panel, a public sort of virtual town hall that we hosted -- with the Sanford [sic] Internet Observatory that Dr. Murthy spoke at, and that was part of the launch day. So certainly there would have been coordination ... with her.” *Id.* at 38:1-7.

229. Kyla Fullenwider is the OSG’s key “subject matter expert” who “worked on the advisory” and had significant substantive input on both the Surgeon General’s July 15, 2021 health advisory on misinformation, and the Surgeon General’s March 3, 2022 RFI to social-media platforms on the spread of misinformation. *Id.* at 39:1-4, 59:16-23. Kyla Fullenwider is not a direct employee of the OSG, but works for a non-profit contractor named “US Digital Response,” Waldo Dep. 85:13-15.

230. Kyla Fullenwider “did a follow-up call with Renee DiResta” about the health advisory. *Id.* at 38:25-39:4.

231. After the launch of the health advisory, Waldo and Fullenwider “did a call” with Renee DiResta “that was more of a brainstorm around ... public-facing events that we could do to talk about this issue” of stopping health misinformation. *Id.* at 40:13-17.

232. Fullenwider and DiResta “most likely” discussed misinformation in these calls. *Id.* at 41:4-6.

233. Waldo and OSG also received a briefing from the Center for Countering Digital Hate about the so-called “Disinformation Dozen.” *Id.* at 43:1-48:1. CCDH gave “a presentation about the Disinformation Dozen and sort of how they were measuring ... that those were the folks primarily responsible for a lot of misinformation online.” *Id.* at 47:2-5.

234. Rafael Campos of OSG “helped create the event with ... the Stanford Internet Observatory for the launch,” and likely had communications with Stanford and Professor DiResta in the lead-up to the event. *Id.* at 48:12-14, 49:1-2.

235. The OSG anticipated that the social-media platforms would feel pressured by the advisory: “we didn't think they would be happy about this -- you know, the content of the advisory.” *Id.* at 54:24-55:1.

236. Waldo is aware of “at least one call ... that the Surgeon General [Murthy] had with Facebook during the transition,” i.e., between President Biden’s election and his assuming office. *Id.* at 55:8-10. The call involved a “Facebook individual”: “Dr. Murthy had mentioned that he had been on a call with that person [from Facebook] during the transition.” *Id.* at 79:11-18, 56:5-6. Waldo identified the individual as “a data person from the Facebook team.” *Id.* at 56:10. The purpose of that call was “again, about that issue of trying to understand the reach of the mis- and disinformation and understanding ... how far it was spreading.” *Id.* at 56:15-19.

237. “Data about misinformation” was “a topic of conversation” in that call, and the participants discussed “Facebook” being “un[]clear” or “unable to present ... the depth or reach of the misinformation, that they didn’t have that data.” *Id.* at 80:1-15.

238. DJ Patil may have participated in that transitional call. Patil was the “chief data scientist in the Obama administration, and he was a special government employee at the White House for part of the first year” of the Biden Administration. *Id.* at 81:6-13. Patil was also “on the call with Dr. Murthy and [Waldo] and Nick Clegg ... in his capacity as a White House official.” *Id.* at 81:24-82:3.

239. Waldo “connected [Patil] to another research data person ... a Facebook data person.” *Id.* at 82:13-16.

240. The purpose of this follow-up was to demand more information from Facebook about monitoring the spread of misinformation on its platforms: “[T]he problem was we were still in this piece of not understanding the reach and depth ... of the misinformation ... on Facebook. And ... this person was going to try to explain to [Patil] the data challenges in doing so.” *Id.* at 83:4-9.

241. Kyla Fullenwider is the “main” or key staffer for the OSG on misinformation and disinformation. *Id.* at 58:21-24. Ann Kim is listed on the OSG’s org chart, Waldo Ex. 2, as the person who “[d]irects mis- and dis-information engagement,” Waldo Ex. 2, but that is solely “because Kyla Fullenwider reported up to Ann Kim. And since Kyla, I think, was our main subject matter expert or continued to do work on mis- and disinformation, maybe that was why that was put under Anne's list of duties.” Waldo Dep. 58:20-24. Fullenwider, therefore, is the OSG’s “main subject matter expert” on “mis- and disinformation,” who “directs mis- and dis-information engagement” for the OSG. *Id.* at 58:13-59:7.

242. Fullenwider works for the nonprofit U.S. Digital Response, and is not directly employed by the OSG, though she was acting in an official capacity on behalf of OSG. Waldo Ex. 3, at 32; Waldo Dep. 85:10-86:8.

243. U.S. Digital Response is not a government agency but a non-profit organization: “U.S. Digital Response (USDR) is a nonprofit, nonpartisan organization that helps governments, nonprofits, and public entities respond quickly to critical public needs.” *About U.S. Digital Response*, U.S. Digital Response (last visited Feb. 17, 2023), <https://www.usdigitalresponse.org/about>.

244. Ann Kim has no direct involvement in mis- and disinformation. Waldo Dep. 58:25-59:3. But Kyla Fullenwider “was definitely working on mis- and disinformation.” *Id.* at 59:6-7. Fullenwider “was working with Daniel [Tartakovsky] on the design of ... the advisory. And then ... Kyla was continuing to help us think about were there additional ways we might engage.” *Id.* at 59:12-15. Further, “Kyla ... was the principal designer of options around follow-up with respect to data.” *Id.* at 59:16-18. And when “the Surgeon General's office put out an RFI around misinformation data” on March 3, 2022, “Kyla worked on that.” *Id.* at 59:18-22. Kyla “was the subject matter expert who was chiefly creating options for the Surgeon General ... to consider how we would continue to ... talk about mis- and disinformation with respect to data.” *Id.* at 60:6-10.

245. Kyla Fullenwider also participated in the “rollout calls” to the social-media platforms announcing the Surgeon General’s health advisory on misinformation. *Id.* at 62:24-63:4.

246. Waldo was also “on some e-mails and at least one call with Rob Flaherty” when he “would communicate with Facebook.” *Id.* at 64:9-11. This included a call with Rob Flaherty and

the OSG: “[B]efore our call with Nick Clegg, ... I had a call with Rob.” *Id.* at 65:1-2. By then, Flaherty had been “separately communicating with Facebook,” and he was “giving us a heads-up on his experiences ... in communicating with ... Facebook.” *Id.* at 65:4-9.

247. In August 2021, Waldo joined a call with Rob Flaherty and Brian Rice of Facebook, who was in charge of Facebook’s relationship with federal officials. *Id.* at 66:10-14, 124:24-125:2.

248. In that August 2021 call, “Brian Rice from Facebook had requested a call to give us an update on some sort of internal action they were doing. ... Facebook had either found something or removed something and was letting us know about it.” *Id.* at 66:16-23.

249. Andy Slavitt of the White House also communicated with Nick Clegg. *Id.* at 67:14-21. When Andy Slavitt left the White House, he offered Surgeon General Murthy as a direct contact for Nick Clegg. *Id.* at 68:4-7.

250. In addition, “Dr. Murthy has certainly had conversations with Dr. Fauci.” *Id.* at 69:21-22. Waldo claims that he does not know the nature of those conversations. *Id.* at 69:23-25. “Dr. Murthy would have directly communicated with Dr. Fauci, to my knowledge.” *Id.* at 70:13-15.

251. Waldo is “certain that Dr. Murthy has connected” with Dr. Francis Collins. *Id.* at 71:2-9.

252. Waldo was involved in collecting information to respond to Plaintiffs’ interrogatories on behalf of OSG. *Id.* at 73:19-74:11.

### **C. The Surgeon General Pressures Social-Media Platforms in Private.**

253. The first meeting with social-media platforms relating to misinformation that OSG identified in response to interrogatories was a brief introductory call with Nick Clegg on May 25, 2021: “On May 25, 2021, from 4:30 to 5:00 pm ET, Dr. Vivek Murthy from OSG and Andy Slavitt

from the White House met remotely with Nick Clegg from Facebook. The purpose of the call was to introduce Dr. Murthy to Mr. Clegg.” Waldo Ex. 3, at 32; *see also* Waldo Dep. 78:24-79:10. The next meeting disclosed was the first “rollout call” relating to the advisory on July 12, 2021. Waldo Ex. 3, at 32. As noted below, this interrogatory response failed to disclose several previous meetings between Dr. Murthy and Facebook.

254. OSG had pre-rollout calls with Twitter and YouTube on July 12 and July 14, 2021, and a rollout call with Facebook the day after the rollout on July 16, 2021. *Id.* at 32; Waldo Dep. 85:10-90:5.

255. Kyla Fullenwider handled the substantive communications with the social-media platforms in the rollout calls; Waldo’s role was to “connect them to our subject matter expert.” Waldo Dep. 86:24-25.

256. The July 16 call with Facebook was “the same day” that President Biden stated of Facebook that “They’re killing people” by not censoring enough misinformation. *Id.* at 90:24, 93:3-5.

257. At that July 16 call, Kyla Fullenwider “was able, at a high level, to walk over the ... recommendations section for ... technology companies,” which demand greater censorship of misinformation. *Id.* at 91:14-16.

258. The Facebook call “was definitely a slightly awkward call” because “President Biden made his comment about social media companies and Facebook killing people ... right before, or even potentially during the call,” and Waldo observed that “the Facebook team looked a little sad.” *Id.* at 92:24-93:6.

259. On July 23, 2021, Waldo, Dr. Murthy, and DJ Patil of the White House had a call with Nick Clegg and Brian Rice of Facebook. Waldo Ex. 3, at 32-33. Nick Clegg requested the

meeting “to deescalate” and “reset the tone” because the “Facebook team were feeling ... that they had been uniquely called out.” Waldo Dep. 95:4-13.

260. After the meeting, Nick Clegg “did share definitely over e-mail more information about what they were doing to reduce mis- and disinformation, COVID mis- and disinformation on the platform.” *Id.* at 96:13-17.

261. There was also “a follow-up e-mail sometime the next couple of weeks where ... Nick or Brian shared ... here's additional work we're doing, here's how we're responding to the advisory.” *Id.* at 97:7-11.

262. This follow-up email provided “a catalog of ... both removal of misinformation and other steps to tamp down mis- and disinformation.” *Id.* at 97:16-22.

263. Waldo believes that these were “new steps that they had taken in the week or so since ... they felt uniquely called out on July 15th and 16th.” *Id.* at 97:23-98:3. The email was in response to a request from OSG “asking for, can you let us know, like, what you're doing in addition” to combat misinformation, “and so this was responding to that.” *Id.* at 98:5-7.

264. On the July 23 call with Facebook, “Dr. Murthy raised the issue of wanting to have a better understanding of the reach of the mis- and disinformation on ... the social media platform.” *Id.* at 98:19-22.

265. Waldo likens the problem of mis- and disinformation on social media to “eating, like, a piece of uranium,” and compares misinformation to “cancer.” *Id.* at 99:1-101:8.

266. The OSG’s health advisory advances the view that the spread of misinformation is “very harmful.” *Id.* at 101:24-102:7.

267. Waldo agrees that the health advisory “provides specific examples to technology companies what they could do more of to reduce the spread of health mis- and disinformation.” *Id.* at 104:16-18.

268. Waldo uses the word “poison” to describe health misinformation, as did Dr. Murthy in announcing the Health Advisory. *Id.* at 105:4; Waldo Ex. 10, at 2.

269. In the July 23, 2021 call with Nick Clegg, Dr. Murthy “didn’t retreat ... from the message of the advisory, which explicitly calls for social media platforms to do more to control the reach of misinformation on their platforms,” and “continued ... to discuss that message.” Waldo Dep. 107:21-108:5.

270. In addition, in that call, the OSG asked Facebook to report back on “what they were doing in response to the advisory, if they were taking any actions.” *Id.* at 109:2-4.

271. In addition, Patil was “also asking the data impact questions.” *Id.* at 109:24.

272. OSG perceived that OSG’s and the White House’s public statements criticizing Facebook put economic pressure on Facebook, and that Facebook was engaging with Dr. Murthy to “keep Dr. Murthy from saying ... any other things that might be viewed as bad for their business.” *Id.* at 113:13-15.

273. Waldo agrees that the events of July 15 and July 16 put unique pressure on Facebook: “when you add the press conference remarks plus President Biden’s remarks, it made it seem as though ... there was more attention on Facebook.” *Id.* at 116:2-5.

274. The OSG’s “subject matter experts” – Kyla Fullenwider, Daniel Tartakovsky, and DJ Patil of the White House – believed that misinformation “was a problem across multiple platforms.” *Id.* at 116:15-16.

275. On July 30, 2022, Waldo had a meeting with Google and YouTube representatives, in which the representatives reported to OSG on what actions they were taking that were consistent with or in response to the health advisory: “The topics discussed included YouTube/Google following up on the announcement of the OSG Advisory to share more of the work it was doing around health mis- and disinformation.” Waldo Ex. 3, at 33.

276. When the OSG’s health advisory issued, Twitter’s policy handle publicly endorsed the OSG’s call for greater censorship of health misinformation: “[T]he Twitter policy handle ... either retweeted or quote tweeted and said something like, we agree. ... [W]e do need an all-society approach, and here's what we're doing.” Waldo Dep. 122:11-16.

277. On August 10, 2021, Waldo and Rob Flaherty had a call with Facebook in which Facebook reported back to federal officials on its actions to remove misinformation, including the details of “an operation [Facebook] uncovered that is related to vaccine misinformation.” Waldo Ex. 3, at 33 (alteration in original). According to Waldo, “Brian Rice had requested a call with me and Rob [Flaherty] and, during the call, flagged that Facebook ... had done some sort of internal operation where ... they discovered some misinformation pieces happening and had taken some corrective action.” Waldo Dep. 124:13-21.

278. Brian Rice was Facebook’s “main ... staff level liaison” with the federal officials. *Id.* at 125:2-3.

279. Facebook emailed Waldo and Flaherty “a COVID report list that had ... some sort of report from Facebook on a biweekly basis.” *Id.* at 126:11-16.

280. On September 14, 2021, Waldo had another meeting with Google/YouTube representatives, “to discuss a new policy we [YouTube] are working on as well as provide an update on our overall efforts to combat harmful COVID-19 misinformation on the platform.”

Waldo Ex. 3, at 33. This was the “second update by [Google/YouTube] to [OSG] following the health advisory of stuff they're doing to combat harmful COVID-19 misinformation through YouTube.” Waldo Dep. 129:7-12.

281. On May 28, 2021, a few days after meeting with Andy Slavitt and Dr. Murthy for the first time (and almost two months before OSG issued the Health Advisory and had the related meetings with Waldo and others), Nick Clegg emailed Dr. Murthy and stated that, “[a]s promised,” he was sending a report of misinformation on Facebook. Waldo Ex. 4, at 1. Clegg also “highlighted a few policy updates we announced yesterday regarding repeat misinformation,” including “expand[ing] penalties for individual Facebook accounts that share misinformation,” “add[ing] more context about pages that repeatedly share false claims,” and “redesign[ing] notifications when they share content that a fact-checker later rates.” *Id.*

282. These “policy updates” about increasing censorship were announced on May 27, 2021, two days after Nick Clegg’s meeting with Dr. Murthy and Andy Slavitt on May 25, 2021. Waldo Dep. 138:2-7.

283. Clegg plainly indicated that there had been prior conversations in which Slavitt and Dr. Murthy had demanded “defensive work” to remove misinformation: “We’re . . . committed to addressing the defensive work around misinformation that you’ve called on us to address.” Waldo Ex. 4, at 2. These prior conversations were not disclosed in OSG’s responses to interrogatories, which noted the first meeting with Dr. Murthy was a mere introductory meeting with Clegg on May 25, 2021. Waldo Ex. 3, at 32.

284. On June 14, 2021, Nick Clegg emailed Dr. Murthy another (“the latest”) “Facebook bi-weekly covid content report,” which he indicated was “as promised/discussed,” and offered

“[a]s always” to “jump on a call at any point ... to delve into any further details as needed.” Waldo Ex. 5, at 1.

285. The “Facebook bi-weekly covid content report,” *id.*, contained a report of “the most engaged posts ... with respect to both accurate and inaccurate information.” Waldo Dep. 140:8-10. Rob Flaherty of the White House also received these reports. *Id.* at 140:21-24.

286. Waldo admits that Facebook sending these biweekly reports to Dr. Murthy and Flaherty “had preexisted” and “predates the meeting” on May 25, 2021 – further indicating that OSG failed to disclose key meetings between Dr. Murthy and social media platforms in its interrogatory responses. *Id.* at 142:10-11.

287. On July 6, 2021, Waldo emailed contacts at Twitter to set up the “rollout call” before the health advisory and stated: “As you know, one of the issues Dr. Murthy has been thinking about is how to help stop the spread of health misinformation as we continue to tackle COVID19 and beyond. I know you and your teams are working hard and thinking deeply about this issue. We’d love to chat over zoom to connect and discuss what’s on the horizon for our teams.” Waldo Ex. 6, at 2; Waldo Dep. 145:15-146:22.

288. On July 6, 2021, Waldo sent an identical email to Facebook. Waldo Ex. 7, at 3-4. The purpose of these emails was to set up calls to announce the Surgeon General’s forthcoming health advisory on misinformation. Waldo Dep. 149:11-16. Because of scheduling conflicts, the “rollout call” with Facebook was not scheduled until July 16, the day after the advisory was announced and the same day President Biden stated of Facebook that “they’re killing people.” *Id.* at 149:11-17.

289. On July 6, 2021, Waldo also sent an email to YouTube with a similar statement to set up a rollout call with YouTube. Waldo Ex. 8, at 3. Waldo's emails make clear that OSG's message and purpose was to "stop the spread of misinformation" on social-media platforms. *Id.*

290. In these calls, "we had Kyla [Fullenwider] on the call and giving them a high-level update that we're going to have this advisory come out and that we want them to take a look at it." Waldo Dep. 153:23-154:1.

291. On July 10, 2021, Nick Clegg emailed Dr. Murthy, attaching another bi-weekly Covid content report, and stated, "I understand ... that my team is meeting with yours next week to delve deeper into our [C]ovid misinformation efforts." Waldo Ex. 9, at 1. Waldo understands that this refers to the July 16 rollout meeting. Waldo Dep. 155:12-18.

292. In the July 16, 2021 meeting with Facebook, Kyla Fullenwider went over the advisory, and then "asked additional questions ... related to Facebook's efforts to combat health misinformation," including "some questions about, again, the research side.... [S]ome questions came up about CrowdTangle, if I recall correctly which was a ... data port for ... some ways to understand the Facebook, again, impact and research of the misinformation." *Id.* at 157:21-159:9.

**D. The Surgeon General's Public Pressure Campaign.**

293. On July 15, 2021, Dr. Murthy participated in a White House press conference with White House Press Secretary Jennifer Psaki to announce the Surgeon General's Health Advisory on Misinformation. Waldo Ex. 10. Psaki announced of Dr. Murthy that "[t]oday, he published an advisory on health misinformation as an urgent public health crisis." *Id.* at 1.

294. At the press conference, Dr. Murthy described misinformation as "one of the biggest obstacles that's preventing us from ending this pandemic," and stated: "Today, I issued a Surgeon General's Advisory on the dangers of health misinformation. Surgeon General

Advisories are reserved for urgent public health threats.... [T]oday we live in a world where misinformation poses an imminent and insidious threat to our nation's health." *Id.* at 2. He stated that "misinformation takes away our freedom to make informed decisions about our health and the health of our loved ones." *Id.* at 2.

295. Dr. Murthy's definition of "misinformation" incorporates the notion that the definition changes over time: "Health misinformation is false, inaccurate, or misleading information about health, according to the best evidence at the time." *Id.* at 2. Waldo agrees that this definition "contemplate[s] that what constitutes misinformation might change over time," and that "something that we now think is misinformation may later turn out to be accurate information ... [a]nd vice versa." Waldo Dep. 164:17-165:7.

296. Dr. Murthy stated that those who question mask mandates and decline vaccination are following misinformation: "During the COVID 19 pandemic, health misinformation has led people to resist wearing masks in high-risk settings. It's led them to turn down proven treatments and to choose not to get vaccinated. This has led to avoidable illnesses and death. Simply put, health [mis]information has cost us lives." Waldo Ex. 10, at 2.

297. Dr. Murthy placed specific blame on social-media platforms for the spread of misinformation: "Now, health misinformation didn't start with COVID-19. What's different now, though, is the speed and scale at which health misinformation is spreading. Modern technology companies have enabled misinformation to poison our information environment with little accountability to their users. They've allowed people who intentionally spread misinformation — what we call 'disinformation' — to have extraordinary reach." *Id.* at 2. Dr. Murthy described social-media companies as enabling the spread of "poison" in our "information environment." *Id.*

298. He blamed the platforms' algorithms and features for the spread as well: "They've designed product features, such as 'Like' buttons, that reward us for sharing emotionally charged content, not accurate content. And their algorithms tend to give us more of what we click on, pulling us deeper and deeper into a well of misinformation." *Id.*

299. Echoing the language of the Virality Project, Dr. Murthy stated, "we need an all-of-society approach to fight misinformation." *Id.* at 2.

300. Dr. Murthy announced: "we're saying we expect more from our technology companies. We're asking them to operate with greater transparency and accountability. We're asking them to monitor misinformation more closely. We're asking them to consistently take action against misinformation super-spreaders on their platforms." *Id.* at 3. Both the call for "transparency and accountability" and the request for increased monitoring and greater censorship of "super-spreaders" mirror the Virality Project report. *See infra.*

301. Both Dr. Murthy's public statements and his health advisory repeatedly use the word "accountable" and "accountability" to refer to the social-media platforms—again, echoing the Virality Project report. *See id.* at 2, 3, 5; Waldo Ex. 11, at 14, 16.

302. Waldo agrees that the word "accountable" carries with it the threat of consequences; he concedes that "accountability includes accepting the consequences for when you do something wrong ... or inappropriate." Waldo Dep. 171:4-8. Thus, the OSG's repeated reference to holding social-media platforms "accountable" entails an implied threat of adverse consequences if the platforms do not censor more health misinformation. *See id.*

303. The Surgeon General's use of the word "accountable" also echoes the repeated use of the word "accountable" by elected federal officials, including President Biden and his political allies, to threaten adverse legal consequences against social-media platforms if they do not increase

ensorship of disfavored speakers, speech, and viewpoints. *See, e.g.*, Jones Decl., Ex. R (quoting White House Communications Director Kate Bedingfield: “We’re reviewing [amending Section 230 of the Communications Decency Act], and certainly [the social media companies] should be held accountable. I think you’ve heard the president speak very aggressively about this.”).

304. Waldo agrees that Murthy’s comments entail that “there’s an obligation ... or certainly an imperative to do more. So ... not only stop but reduce or take some sort of mitigating efforts so that the misinformation and disinformation is not leading to poor health results for people.” Waldo Dep. 172:21-173:1.

305. Dr. Murthy’s call for greater “transparency” is a call for platforms to engage in the kind of data-sharing that Dr. Murthy, Rob Flaherty, DJ Patil, and Kyla Fullenwider, among others, demanded in private meetings with Facebook. *Id.* at 174:15-23. Again, this echoes the key recommendation of the Virality Project.

306. Waldo agrees that Dr. Murthy’s call for greater “accountability” includes a demand to “take more proactive steps to stop the spread of misinformation.” *Id.* at 176:1-4.

307. Dr. Murthy also demanded that the platforms do “much, much more” and “take aggressive action” against misinformation: “We know that the dramatic increase in the speed — speed and scale of spreading misinformation has, in part, been enabled by these platforms. So that’s why in this advisory today, we are asking them to step up. We know they have taken some steps to address misinformation, but much, much more has to be done. And we can’t wait longer for them to take aggressive action because it’s costing people their lives.” Waldo Ex. 10, at 5.

308. Dr. Murthy also stated that platforms “have to do more to reduce the misinformation that’s out there so that the true voices of experts can shine through.” *Id.* at 6.

309. After the advisory, OSG asked Facebook, Google/YouTube, and Twitter “as a follow-up what actions they might have taken in response to the advisory.” Waldo Dep. 181:15-21.

310. At the same press conference on July 15, 2021, Jennifer Psaki stated: “we 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.” Waldo Ex. 10, at 10.

311. Psaki stated: “We’ve increased disinformation research and tracking within the Surgeon General’s office. We’re flagging problematic posts for Facebook that spread disinformation.” *Id.*

312. “Regarding the Administration’s “asks” to social-media platforms, Psaki stated: “There are also proposed changes that we have made to social media platforms, including Facebook, and those specifically are four key steps: One, that they measure and publicly share the impact of misinformation on their platform. Facebook should provide, publicly and transparently, data on the reach of COVID-19 — COVID vaccine misinformation. Not just engagement, but the reach of the misinformation and the audience that it’s reaching.” *Id.* at 11. Again, this echoes the key recommendation of the Virality Project report. It also echoes Dr. Murthy’s call for “transparency” and the repeated private demands that Facebook give external researchers like Renee DiResta of the Virality Project access to its internal data. Waldo Dep. 191:17-21.

313. Psaki also stated: “Second, that we have recommended — proposed that they create a robust enforcement strategy that bridges their properties and provides transparency about the rules. So, about — I think this was a question asked before — there’s about 12 people who are producing 65 percent of anti-vaccine misinformation on social media platforms All of them remain

active on Facebook, despite some even being banned on other platforms, including Facebook — ones that Facebook owns.” Waldo Ex. 10, at 11.

314. Psaki stated: “Third, it’s important to take faster action against harmful posts. As you all know, information travels quite quickly on social media platforms; sometimes it’s not accurate. And Facebook needs to move more quickly to remove harmful, violative posts — posts that will be within their policies for removal often remain up for days. That’s too long. The information spreads too quickly.” *Id.*

315. Waldo agrees that the Surgeon General’s advisory calls for platforms to “move faster” and take “more aggressive” action against supposed misinformation. Waldo Dep. 194:20-21.

316. And Psaki stated, publicly criticizing Facebook: “Finally, we have proposed they promote quality information sources in their feed algorithm. Facebook has repeatedly shown that they have the levers to promote quality information. We’ve seen them effectively do this in their algorithm over low-quality information and they’ve chosen not to use it in this case. And that’s certainly an area that would have an impact.” Waldo Ex. 10, at 11.

317. Psaki concluded: “So, these are certainly the proposals. We engage with them regularly and they certainly understand what our asks are.” *Id.*

318. On the same day, July 15, 2021, Surgeon General Murthy issued his advisory, “Confronting Health Misinformation: The U.S. Surgeon General’s Advisory on Building a Healthy Information Environment.” Waldo Ex. 11, at 1 (the “Health Advisory”); Waldo Dep. 196:21-197:1.

319. The Health Advisory describes censorship of health misinformation as a “moral and civic imperative”: “Health misinformation is a serious threat to public health. ... Limiting the

spread of health misinformation is a moral and civic imperative that will require a whole-of-society effort.” Waldo Ex. 11, at 2. The “whole-of-society effort” echoes the language of the Virality Project.

320. The Health Advisory states: “Misinformation has caused confusion and led people to decline COVID-19 vaccines, reject public health measures such as masking and physical distancing, and use unproven treatments.” *Id.* at 4.

321. The Health Advisory specifically blames social-media platforms for the spread of misinformation: “In recent years, the rapidly changing information environment has made it easier for misinformation to spread at unprecedented speed and scale, especially on social media and online retail sites, as well as via search engines.” *Id.* at 5. According to the Advisory, “misinformation is often framed in a sensational and emotional manner that can connect viscerally, distort memory, align with cognitive biases, and heighten psychological responses such as anxiety. People can feel a sense of urgency to react to and share emotionally charged misinformation with others, enabling it to spread quickly and go ‘viral.’” *Id.*

322. In addition, the Advisory blames “product features” of platforms: “[P]roduct features built into technology platforms have contributed to the spread of misinformation. For example, social media platforms incentivize people to share content to get likes, comments, and other positive signals of engagement. These features help connect and inform people but reward engagement rather than accuracy, allowing emotionally charged misinformation to spread more easily than emotionally neutral content.” *Id.*

323. The Advisory also faults platforms’ “algorithms”: “algorithms that determine what users see online often prioritize content based on its popularity or similarity to previously seen

content. As a result, a user exposed to misinformation once could see more and more of it over time, further reinforcing one's misunderstanding." *Id.*

324. The Health Advisory specifically called for platforms to enact "policy changes" to reduce the spread of misinformation: "**Implement product design and policy changes on technology platforms** to slow the spread of misinformation." *Id.* at 7 (bold in original).

325. The Health Advisory also explicitly threatened future "legal and regulatory measures" to combat misinformation: "**Convene federal, state, local, territorial, tribal, private, nonprofit, and research partners** to explore the impact of health misinformation, identify best practices to prevent and address it, issue recommendations, and find common ground on difficult questions, including *appropriate legal and regulatory measures that address health misinformation ...*" *Id.* at 7 (bold in original, italics added).

326. Under the heading "What Technology Platforms Can Do," the Health Advisory called for platforms to take a series of steps to increase and enable greater social-media censorship of "misinformation," including the following: "[M]ake meaningful long-term investments to address misinformation, including product changes. Redesign recommendation algorithms to avoid amplifying misinformation, build in "frictions" ... to reduce the sharing of misinformation, and make it easier for users to report misinformation. Give researchers access to useful data to properly analyze the spread and impact of misinformation. Strengthen the monitoring of misinformation. ... [A]ddress misinformation in live streams, which are more difficult to moderate due to their temporary nature and use of audio and video. Prioritize early detection of misinformation 'super-spreaders' and repeat offenders. Impose clear consequences for accounts that repeatedly violate platform policies. Evaluate the effectiveness of internal policies and practices in addressing misinformation and be transparent with findings. Publish standardized

measures of how often users are exposed to misinformation and through what channels, what kinds of misinformation are most prevalent, and what share of misinformation is addressed in a timely manner. Communicate why certain content is flagged, removed, downranked, or left alone.” *Id.* at 12.

327. Waldo agrees that the Advisory calls for platforms to provide “a method for users to flag problematic posts so that they could be reviewed for content modulation, policy violations.” Waldo Dep. 200:25-201:5.

328. Waldo agrees that “clear consequences” for repeat violators include “things like issuing strikes against them, suspensions ... and sometimes permanent deplatforming.” *Id.* at 205:6-13.

329. In its conclusion, the Health Advisory states: “We need institutions to recognize that this issue is their moral and civic responsibility, too, and that they are accountable.” Waldo Ex. 11, at 16. Waldo agrees that the word “accountable” is repeated in the Surgeon General’s remarks and the Advisory itself. Waldo Dep. 206:3-11.

#### **F. The Surgeon General’s Collaboration with the Virality Project.**

330. Also on January 15, 2021, Surgeon General Murthy participated in a separate launch event hosted by Stanford Internet Observatory, which was then operating the Virality Project. Waldo Ex. 12, at 1; Waldo Dep. 206:12-207:9.

331. In his public comments with Stanford Internet Observatory, Dr. Murthy stated: “We’re asking technology companies to operate with greater transparency and accountability so that misinformation doesn’t continue to poison our sharing platforms, and we know the government can play an important role, too.” Waldo Ex. 12, at 8 (Audio Tr. 6). This reiterates the key words “poison” and “accountability.”

332. Waldo describes government's "important role" as including "bringing stakeholders ... together with urgency around a common vision for a healthy information environment ... the government can help bring together stakeholders ... what I would call the convening power of a bully pulpit." Waldo Dep. 209:15-22. This would include bringing social-media platforms around to the government's "common vision" for censorship. *Id.* at 209:24-210:8.

333. Dr. Murthy was asked, "do you believe a rapid response initiative like the Virality Project could be implemented at the federal level to combat health misinformation on a national scale from the top down?" and he answered that "having a federal organized effort to combat misinformation" is "a really, really interesting idea." Waldo Ex. 12, at 10 (Audio Tr. 8).

334. Dr. Murthy stated: "[T]echnology companies have a really important role. They must step up and play to slow the spread of misinformation on their sites wh[ether] that's by either sharing data with people and researchers about what interventions they're making and the impact that's having or whether it's by changing their algorithms and making other alterations to their platform to identify misinformation early and slow its spread and avoid sending more information of misinformation to people who are consuming it." *Id.* at 11 (Audio Tr. 9).

335. Waldo agrees that "the purpose of the data sharing is so that outside people come in and ... assess how well they're doing with their own internal policies to combat the spread of misinformation." Waldo Dep. 211:6-11.

336. Dr. Murthy expressly stated that he had been coordinating with Renee DiResta and the Virality Project and planned to continue to do so: "Well, thank you, Renee, for those kind words. ... I do want to say thank you to you personally because you have been a leader in this effort long before many people recognize[d] what was happening with COVID misinformation. You were there looking at the data, looking at the numbers, speaking out, raising the flags, saying

there's something here we've got to address and do so urgently. I have personally learned a lot from your work and from our conversations together, and so I just want to say thank you to you for everything you've done for being such a great partner for moderating our event today, and just for being a partner in the future, because I know we have lots and lots more that we've got to do together.” Waldo Ex. 12, at 12 (Audio Tr. 10).

337. Dr. Murthy also stated that his team had been “partnered with” the Stanford Internet Observatory over “many months”: “myself, my team, we're committed to working with you, Renee, with others ... who we've been ... partnered with over the last many months....” *Id.* at 13 (Audio Tr. 11).

#### **G. The Surgeon General’s “Angry” and “Tense” Meetings With Platforms.**

338. On July 16, 2021, the New York Times reported that President Biden publicly stated about Facebook, “They’re killing people” by allowing misinformation to spread on its platforms. Waldo Ex. 14, at 1.

339. The article reported that “this week, White House officials went further and singled out social media companies for allowing false information to proliferate. That came after weeks of failed attempts to get Facebook to turn over information detailing what mechanisms were in place to combat misinformation about the vaccine, according to a person familiar with the matter.” *Id.*

340. The same article reported that Jennifer Psaki stated, “We raised for them in our direct channels, of which every administration has always had with every social media platform, that we’re seeing this trend.” *Id.* at 2.

341. The article reported that there had been a series of “talks” between Surgeon General Murthy and Facebook “since January” of 2021—none of which were disclosed in OSG’s

interrogatory responses: “Since January, senior White House officials, including the surgeon general, Dr. Vivek Murthy, have been in talks with the social media company to stop the spread of false stories about vaccination side effects and other harms.” *Id.* at 2. In these “talks,” federal officials demanded Facebook’s internal data on misinformation on its platforms: “Despite repeated requests by the White House, Facebook has not shared even basic data on how much vaccine misinformation exists and if the company’s efforts to stop its spread are working, according to the person familiar with the talks.” *Id.* at 2.

342. “When administration officials presented data from CrowdTangle, a content tracking tool owned by Facebook, that showed vaccine misinformation was soaring, company officials dismissed its accuracy.” *Id.* at 2.

343. In one meeting, Dr. Murthy “angrily” demanded that Facebook censor misinformation instead of just promoting reliable information: “In another meeting with Dr. Murthy, ... Dr. Murthy angrily said that while the company [Facebook] promoted its efforts to encourage vaccination, it did not do enough to defend against bad information.” *Id.* at 2.

344. In another “tense” meeting in “late spring,” Dr. Murthy repeated similar demands: “In one tense meeting in the late spring, according to the person familiar with the matter, a Facebook official responded defensively, ‘How do you know if your efforts are working?’” *Id.* at 2.

345. Waldo agrees that this news report “does not accurately describe ... that introductory call between Nick Clegg, Andy Slavitt, and Dr. Murthy on May 25th of 2021,” which is the only meeting involving Dr. Murthy disclosed in OSG’s interrogatory responses. Waldo Dep. 219:17-21; 222:14-23. In those responses, OSG did not disclose Dr. Murthy’s “tense” and “angry” meetings with Facebook during the spring of 2021.

#### H. The Surgeon General Leverages Public Pressure to Increase Censorship.

346. On July 21, 2021, five days after the July 16 meeting where “the Facebook folks ... had sad faces,” *id.* at 226:15-16, Facebook emailed Waldo and Kyla Fullenwider, stating: “We wanted to follow up with you on a few questions you asked in the meeting focused on CrowdTangle, data on the online interventions, and Facebook’s borderline content policies,” Waldo Ex. 16, at 1. This referred to the July 16 meeting with Waldo and Fullenwider. Waldo Dep. 227:3-8.

347. In the email, Facebook reported back to OSG on “interventions that the team mentioned, some of which specifically create frictions in how people consume information.” Waldo Ex. 16, at 1. These include limiting forwarded WhatsApp messages, placing “warning labels on fact checked content,” and creating “friction when someone goes to share these posts on Facebook.” *Id.*

348. Facebook also reported to OSG a series of censorship policies and actions, including the following: “We remove COVID-19 content that contributes to the risk of imminent physical harms, including numerous false claims about the COVID-19 vaccine. We permanently ban pages, groups, and accounts that repeatedly break our rules on COVID-19 misinformation. We also reduce the reach of posts, pages, groups, and accounts that share other false claims that do not violate our policies but may present misleading or sensationalized information about COVID-19 and vaccines.” *Id.* at 1. Evidently, OSG’s inquiry at the July 16 meeting about “borderline content” related to the censorship of such content. *See id.* Waldo agrees that Fullenwider asked Facebook to report back about censorship at the July 16 meeting: “The response indicates that it’s about COVID policies including removal, banning and reducing the reach.” Waldo Dep. 232:9-11, 233:12-234:1.

349. On July 16, 2021, Nick Clegg emailed Dr. Murthy and stated, “Dear Vivek, Reaching out after what has transpired over the past few days following the publication of the misinformation advisory and culminating today in the President's remarks about us.” Waldo Ex. 17, at 1-2. He then stated, “I know our teams met today to better understand the scope of *what the White House expects of us on misinformation* going forward.” *Id.* at 2 (emphasis added). Facebook understood the purpose of the meetings was to understand the White House’s expectations on misinformation. *See id.*

350. Clegg indicated that there had been a history of prior discussions with Dr. Murthy and the White House in which federal officials demanded greater censorship—both more stringent policies and greater enforcement—which were not disclosed in OSG’s interrogatory responses: “Certainly we understand (and have understood for some time) that there is disagreement on some of the policies governing our approach and how they are being enforced.” *Id.* at 2. Clegg asked for a meeting with Dr. Murthy, who did not immediately respond. *Id.* at 1-2.

351. On July 18, 2021, having received no response to his email requesting a meeting, Clegg texted Dr. Murthy stating, “I imagine you and your team are feeling a little aggrieved – as is the FB team, it’s not great to be accused of killing people – but as I said by email I’m keen to find a way to deescalate and work together collaboratively. I am available to meet/speak whenever suits.” Waldo Ex. 18, at 1.

352. On July 19, Dr. Murthy responded by email and agreed to a meeting, which was scheduled for July 23, 2021. Waldo Ex. 17, at 1; Waldo Dep. 241:1-14.

353. At the July 23, 2021 meeting, “Dr. Murthy asked Mr. Clegg about ... the research questions about understanding the reach of the data in terms the impact of the ... health

misinformation. And ... DJ [Patil] had some questions about also on the data side and Nick [Clegg] offered to connect DJ with a data person from Facebook.” Waldo Dep. 242:8-16.

354. Later on June 23, 2021, after the meeting between Dr. Murthy and Nick Clegg, Clegg sent a follow-up email to Dr. Murthy stating: “Dear Vivek, if I may, thanks again for taking the time to meet earlier today..... I wanted to make sure you saw the steps we took just this past week to adjust policies on what we are removing with respect to misinformation as well as steps taken to further address the ‘disinfo dozen’....” Waldo Ex. 19, at 1.

355. Clegg’s reference to “just this past week” refers to the one-week period between this July 23 email and rollout of the Advisory on July 15 and the President’s comment “They’re killing people” on July 16. *Id.*; Waldo Dep. 244:14-19.

356. It is evident that Dr. Murthy and federal officials pressured Facebook for specific censorship actions in the July 23 meeting, because the same day as the meeting, Clegg reported back to them a series of new censorship actions and policies. First, Clegg reported enforcement actions against the “Disinfo Dozen” whom Jennifer Psaki had publicly demanded censorship: “We removed 17 additional Pages, Groups, and Instagram accounts tied to the disinfo dozen (so a total of 39 Profiles, Pages, Groups, and IG accounts deleted thus far, resulting in every member of the disinfo dozen having had at least one such entity removed).” Waldo Ex. 19, at 1. Clegg reported that Facebook was secretly censoring accounts associated with the Disinfo Dozen even if they had not violated Facebook’s policies: “We are also continuing to make 4 other Pages and Profiles, which have not yet met their removal thresholds, more difficult to find on our platform.” *Id.*

357. Clegg also reported that Facebook had amended its censorship policies to make them more restrictive: “We also expanded the group of false claims that we remove, to keep up with recent trends of misinformation that we are seeing.” *Id.*

358. Clegg also committed to “do more” to censor misinformation in response to federal officials’ demands: “We hear your call for us to do more and, as I said on the call, we’re committed to working toward our shared goal of helping America get on top of this pandemic.” *Id.* Dr. Murthy, evidently, demanded that Facebook “do more” against misinformation on its platforms in the July 23 phone call. *See id.*

359. Clegg further agreed to accede to federal officials’ demands that Facebook make its internal data on misinformation available to federal officials and researchers like Renee DiResta of the Virality Project: “We will reach out directly to DJ to schedule a deeper dive on how to best measure Covid related content and how to proceed with respect to the question around data.” *Id.* at 1-2.

360. Clegg also pledged to report back to Dr. Murthy repeatedly so that federal officials could monitor Facebook’s “progress” on censoring misinformation: “We’d also like to begin a regular cadence of meetings with your team so that we can continue to update you on our progress. You have identified 4 specific recommendations for improvement and we want to make sure to keep you informed of our work on each.” *Id.* at 2. Clegg also promised to continue sending federal officials regular updated reports on the spread of misinformation on Facebook’s platforms. *Id.*

361. Clegg concluded by promising that Facebook would “strive” to meet federal officials’ expectations on censorship: “we will strive to do all we can to meet our shared goals.” *Id.*; *see also* Waldo Dep. 245:6-247:4.

362. Waldo agrees that Clegg’s statement “We hear your call for us to do more” in the July 23 email is an accurate understanding of the Surgeon General’s message from the July 15 press conference, the Health Advisory, and the July 15 rollout at Stanford Internet Observatory: “Yes. I think, as we’ve established, the advisory and ... the remarks, and the event with the Stanford

Internet Observatory, Dr. Murthy is calling on ... social media companies to do more to address the problem of health mis- and disinformation.” Waldo Dep. 251:6-12.

363. After the July 23 email, Waldo connected Brian Rice of Facebook with DJ Patil to discuss data-sharing to monitor social-media misinformation between Facebook and federal officials. *Id.* at 252:9-19.

364. Additionally, on the July 23 call with Nick Clegg, the OSG specifically asked Facebook to report back on any additional steps they were taking in response to the Health Advisory to increase censorship of misinformation on their platforms. Waldo Ex. 21, at 1. On August 6, 2021, Waldo emailed Brian Rice and Nick Clegg of Facebook and stated, “I know on the call with Dr. Murthy he’d mentioned seeing if you were able to send an update of any new/additional steps you are taking with respect to health misinformation in light of the advisory.” *Id.* Waldo noted that “we are asking all platforms for this type of update.” *Id.* Waldo asked for a report from Facebook within two weeks: “Would you be able to send something over within two weeks?” *Id.*

365. In the same email, Waldo connected Facebook with DJ Patil of the White House “on next steps for connecting on data.” *Id.*

366. Facebook responded that it was planning “additional steps” to increase censorship of misinformation, and promised to report back to the Surgeon General in 2 weeks: “Our teams have been working on additional steps—we will have something back to you within two weeks outlining our approach.” *Id.* Facebook also followed up with Patil to schedule the meeting about using Facebook’s internal data to monitor speech on its platforms. *Id.*

367. Waldo admits that, during the July 23 call, “we asked for an update,” and that it was probably Dr. Murthy who asked for it. Waldo Dep. 256:20-23.

368. Waldo does not dispute that he asked “all platforms” to provide a similar “update” on new or additional steps to censor misinformation in light of the Advisory, and that “all platforms” means “Facebook, Twitter, Instagram, and YouTube, and Google.” *Id.* at 257:10-258:9.

369. On July 19, 2021, a few days after the President’s “They’re killing people” comments, Rob Flaherty of the White House emailed Dr. Murthy to put him in touch with an operative for the Democratic National Committee who works on misinformation and disinformation issues. Waldo Ex. 22, at 3. Flaherty wrote: “Vivek – wanted to link you with Jiore Craig, who’s been a critical leader of the DNC’s misinfo work for a long time, but also has been helping us think through mis/dis on the COVID side. I thought it would be great for you both to connect as OSG charts out next steps.” *Id.* Eric Waldo followed up to schedule a Zoom meeting on July 22 between Ms. Craig of the DNC and key members of the OSG’s staff. *Id.* at 1.

370. On August 18, 2021, Facebook again reported back to OSG about additional censorship actions against misinformation “superspreaders.” Waldo Ex. 24, at 1. Facebook stated, “Eric and DJ – flagging this post for you and for Surgeon General Murthy. This details how we are approaching content from the disinfo dozen.” *Id.* Facebook sent the same update to Rob Flaherty of the White House on the same day. *Id.* at 2.

371. The post was entitled, “How We’re Taking Action Against Vaccine Misinformation Superspreaders.” *Id.* at 1. The post detailed a long list of censorship actions taken against the “Disinfo Dozen,” including removing over three dozen pages, groups and accounts linked with them; imposing additional penalties on another two dozen pages, groups, and accounts linked with them; applying penalties to some of their website domains so that third parties posting their content will be deamplified; and removing the remaining violating content. *Id.* at 1.

372. As Waldo acknowledges, this was the “second report that Facebook has sent [OSG] after that July 23rd meeting where they're reporting back about actions taken against the Disinfo Dozen.” Waldo Dep. 268:12-16.

373. On August 20, 2021—two weeks after the August 6 email in which Waldo had requested a report within two weeks on Facebook’s new or additional steps to remove misinformation in light of the Health Advisory—Nick Clegg sent a long, detailed email to Dr. Murthy, Waldo, and DJ Patil, detailing Facebook’s additional censorship actions taken as a result of the Advisory. Waldo Ex. 25, at 1-3.

374. In the August 20 email, Clegg noted that Dr. Murthy had “asked for an update on existing and new steps that Facebook is taking.” *Id.* at 1. Clegg noted that Facebook was taking new steps in response to the pressure from the White House and Surgeon General since July 15 and 16: “In this update, we describe ... further policy work to enable stronger action against persistent distributors of vaccine misinformation.” *Id.*

375. In a lengthy section headed “Limiting Potentially Harmful Misinformation,” Clegg provided five bullet points and four sub-bullet points detailing expanded efforts of censorship by Facebook taken in response to the Advisory. *Id.* at 2. These included, among others, “expanding our COVID policies to further reduce the spread of potentially harmful content”; “increasing the strength of our demotions for COVID and vaccine-related content that third-party fact-checkers rate as ‘Partly False’ or ‘Missing Context’”; “making it easier to have Pages/Groups/Accounts demoted for sharing COVID and vaccine-related misinformation”; and “strengthening our existing demotion penalties for websites that are repeatedly fact-checked for COVID or vaccine misinformation content shared on our platform.” *Id.* at 2. Clegg also included a report of additional actions taken against the Disinfo Dozen. *Id.* Clegg also reported that Facebook

“continue[s] to experiment with signals that we can use ... to demote content that we predict will contain low quality information.” *Id.*

376. In another long section entitled “Increasing Transparency,” Clegg detailed a list of actions taken by Facebook to share data about the reach of misinformation on its platforms, per federal demands. *Id.* at 2-3; *see also* Waldo Dep. 269:20-277:8 (reviewing the content of the August 20 email in detail).

377. Waldo agrees that this email is “a report back to [OSG’s] request for report in two weeks related to actions they took in respect to the advisory.” Waldo Dep. 270:19-23.

378. Waldo responded to Clegg by stating that “we look forward to continuing to move forward together with urgency and solutions during these extraordinary times.” Waldo Ex. 25, at 1. The phrase “urgency and solutions” was intended to push Facebook to increase its anti-misinformation efforts: “I was hoping that Facebook would continue to move. Urgency means, you know, that they would take this seriously, and solutions means that they would also come with real solutions to the problems and not just pretend to solve problems.” Waldo Dep. 277:23-278:3.

379. Three days later, on August 23, 2021, Rob Flaherty of the White House emailed Facebook, asking for a report on how they intended “to promote” the FDA’s approval of the Pfizer vaccine and noting that the White House “[would] appreciate a push” of the vaccine information using specific “suggested language from [the White House].” Waldo Ex. 27, at 2. Facebook responded the same day with an additional report on new steps to remove vaccine misinformation: “We’re ... updating our misinformation policies to remove the specific claims that ‘there are no FDA-approved vaccines’ and ‘the Pfizer vaccine is not FDA-approved.’ We’ll also continue to look for claims that are no longer accurate given the approval today.” *Id.* at 1. Facebook forwarded

this report on increasing censorship to Waldo at OSG as well. *Id.*; *see also* Waldo Dep. 280:1-281:24.

380. On September 18, 2021, Facebook sent Eric Waldo and Rob Flaherty another bi-weekly report, and also noted that “I’m sure you also saw yesterday’s story in the WSJ about the spread of COVID-19 misinformation in comments on Facebook,” which Facebook disagreed with and offered to discuss. Waldo Ex. 30, at 1. Flaherty responded, “Happy to talk about it, Brian. Would be interested to see, as we have long asked for, how big the problem is, what solutions you’re implementing, and how effective they’ve been.” *Id.* Facebook promised, “we will circle back over the next few days to brief.” *Id.*

381. On September 29, 2021, Google emailed Eric Waldo to “share an update we recently made to YouTube’s policies pertaining to vaccine-related misinformation.” Google reported: “We just announced that we will be introducing a new policy that prohibits content that includes harmful misinformation about the safety, efficacy, or ingredients for currently administered vaccines...” Waldo Ex. 31, at 1.

382. On October 19, 2021, Rob Flaherty emailed Facebook, copying several White House officials and Eric Waldo, and asked Facebook to “connect on what the admin’s plans are for the 5-11 vaccine rollout.” Waldo Ex. 32, at 1. The “5-11 vaccine rollout” refers to the approval of vaccines for children ages 5 to 11 years old. Waldo Dep. 298:20-23.

383. Flaherty requested that Facebook report on its censorship plans for claims on social media about the authorization of vaccines for children ages 5 to 11: “We’d like to talk about what we’re seeing as the biggest headwinds we’re going to face, and discuss what you all are planning as we move into this next phase. We remain concerned about mis- and disinformation on feed and

groups, and the wide reach of hesitancy-inducing content across your platform.” Waldo Ex. 32, at 1.

384. Facebook responded, agreeing to the meeting: “we’d welcome the opportunity. Adding Felicia on our end to help coordinate.” Waldo Ex. 32, at 1.

385. Waldo states that he does not recall whether this meeting occurred or if he participated, but he agrees that the meeting probably occurred: “Probably. If they added schedulers, usually those meetings happen.” Waldo Dep. 300:14-23.

### **I. The Surgeon General and White House Hammer Facebook.**

386. On October 28, 2021, the Washington Post ran a story based on information from Frances Haugen reporting that “Facebook researchers had deep knowledge of how coronavirus and vaccine misinformation moved through the company’s apps, according to documents disclosed by Facebook whistleblower Frances Haugen.” Waldo Ex. 33, at 1.

387. In response to the article, on October 29, Surgeon General Murthy issued a series of Tweets from his official Twitter account demanding that Facebook increase censorship and give outside researchers access to its data. Waldo Ex. 33, at 1. In the Tweet thread, Dr. Murthy stated: “I was deeply disappointed to read this story. Health misinformation has harmed people’s health and cost lives. In the Surgeon General’s Advisory on Health Misinformation, I stated clearly that tech platforms have a responsibility to improve our health information ecosystem. What continues to be lacking from Facebook and other tech companies is transparency and accountability. Only the companies understand the full extent of misinformation’s spread and impact – yet they have not yet shared this data with independent researchers and the public. Without this critical data, it is much harder to design the right interventions or hold the platforms accountable. ... We must demand Facebook and the rest of the social media ecosystem take responsibility for stopping health

misinformation on their platforms. The time for excuses and half measures is long past. We need transparency and accountability now. The health of our country is at stake.” *Id.* Dr. Murthy repeated the mantras “transparency” and “accountability,” threatening that the federal government would “hold the platforms accountable” for misinformation. *Id.*

388. This Tweet thread reflects Dr. Murthy’s own words, as he “made the final and substantial edits” to the Tweets. Waldo Dep. 303:25-304:17.

389. Waldo agrees that the Twitter thread demands “transparency and accountability around health misinformation, especially vis-à-vis the social media organizations,” and “demands that Facebook and the other platforms do more” to “stop[] health misinformation.” *Id.* at 305:6-22. “Lots of work went into” crafting that message, according to Waldo. *Id.* at 306:7-8.

390. On October 28, 2021, the same day as the Washington Post article, Rob Flaherty emailed Brian Rice of Facebook a hyperlink to the article. The only text in the email was the subject line, which stated: “not even sure what to say at this point.” Waldo Ex. 35, at 1-2.

391. Facebook responded to Flaherty by stating, “nothing in the story is inconsistent with what we briefed on,” and providing its account of the facts underlying the story. *Id.* at 1. Facebook then forwarded this response to Waldo and the OSG, noting that “I saw the Surgeon General’s reaction on Twitter,” and asking for “a longer conversation next week” about the issue. *Id.*

392. Waldo describes both the Surgeon General’s public Tweet threat, and Rob Flaherty’s private email to Facebook, as different ways of “hitting up Facebook” about the Frances Haugen article: “this was one of the most popular articles in all of news that week, so I’m not surprised that people who care a lot about this issue were certainly hitting up Facebook about it.” Waldo Dep. 307:13-22.

393. On October 28, 2021, Nick Clegg also emailed Dr. Murthy and asked for a meeting to discuss the “intense debate that’s been prompted by the documents disclosed by a former employee.” Waldo Ex. 36, at 2. Waldo responded on behalf of the OSG, stating that “we have seen the recent public reports around Facebook and misinformation. We are certainly concerned about what we are seeing, given our emphasis on health misinformation in our advisory and the ongoing conversations our teams have been having. As has been the case, you’ll continue to see us raising the issue of health misinformation in public and in private as a critical public health issue.” *Id.* at 1.

394. Regarding his reference to “in private,” Waldo admits that this refers to “closed-door meetings” with platforms like Facebook: “in the government, you’re not always just doing a panel that’s open press, you’re meeting with stakeholders ... in closed-door meetings....” Waldo Dep. 312:13-16. The Surgeon General’s Office was continuously pushing for action against health misinformation “in public and private” meetings with stakeholders: “talking about health mis- and disinformation was in our talking points of when we talked to stakeholders in public and private.” *Id.* at 313:8-11.

395. The next day, October 29, 2021, Facebook sent a long email to Rob Flaherty, Eric Waldo, and several other White House officials referring back to an October 25 meeting about vaccines for children ages 5-11. Waldo Ex. 37, at 3-4; Waldo Dep. 315:8-316:15. The email reported to the White House and OSG a “detailed description of [Facebook’s] plans” for the approval of vaccines for children. *Id.* at 4. The plans included immediately updating policies to censor claims relating to vaccination of children: “As discussed, soon as the EUA is issued, we will also be able to apply claims from our current misinfo policies for COVID-19 vaccines to include claims about child vaccinations.” *Id.*

396. Facebook also noted that it was relying directly on the CDC to decide what to censor: “We were able to make this change based on the conversation we had last week with the CDC.... There are several claims we will be able to remove as soon as the CDC debunks them.” *Id.*

397. Facebook then asked federal officials to provide a federal health authority to dictate what content would be censored on Facebook’s platforms: “We expect the approval of COVID vaccines for kids aged 5-11 will be another significant peak of new misinformation claims. Our policy allows us to take action against this content once those claims have been debunked and confirmed harmful by a public health authority. We’re committing to addressing these quickly; to do so effectively, we will need a channel to a health expert with whom we can discuss these claims in real time. Is this something we could partner on, and if so, would your team be able to connect us with a point person?” *Id.*

398. On November 4, 2021, Facebook followed up again to OSG and the White House with additional reports of censoring misinformation: “Last Friday, we updated our misinformation policies for COVID-19 vaccines to make clear they apply to claim about children,” identifying a list of specific claims. *Id.* at 1.

399. Facebook made clear that the CDC was serving as the “health expert” who was dictating what could be said on Facebook’s platforms “in real time”: “We’re grateful to our partners at the CDC for helping get these debunked in advance of the announcement, and we look forward to staying connected on emerging COVID misinformation trends.” *Id.* at 1, 3.

#### **J. The Surgeon General Threatens Regulation to Increase Censorship.**

400. On December 21, 2021, Dr. Murthy gave a podcast on the Omicron variant in which he again publicly threatened to hold the social-media platforms “accountable” for not censoring

misinformation: “number one, we have to track down where this misinformation is coming from and understand how to hold platforms accountable, new technology platforms that are driving so much of the misinformation spread.... [B]y allowing this misinformation to proliferate on their sites, they're subjecting people in the United States and around the world to extraordinary harm, and they're doing so with little accountability at this moment and really with very little transparency. That can't be allowed to continue because it's putting everyone's health at risk.” Waldo Ex. 38, at 4 (Audio Tr. 7).

401. Dr. Murthy demanded “aggressive action” from the platforms to censor speech: “I do think that part of what they have to do, the platforms is take aggressive action against people who are intentionally spreading misinformation.” *Id.*

402. Waldo agrees that this message is “consistent with his previous statements as well as the content within the advisory itself.” Waldo Dep. 321:22-24.

403. As Waldo concedes, Dr. Murthy’s threat to hold platforms “accountable” and his demand for “aggressive action” to censor misinformation “is consistent with the messaging we’ve reviewed all day today of the advisory, the rollout, the public statements” by OSG. *Id.* at 322:22-24.

404. On January 3, 2022, Dr. Murthy participated in Alyssa Milano’s podcast. Waldo Ex. 39, at 1. In the podcast, Dr. Murthy stated that the “sophistication with which this misinformation is spreading is truly unprecedented, and a lot of has been enabled by technology platforms in the social media which enable the spread, and ... the platforms need to do a lot more is step up, to be accountable for making their spaces safer.” *Id.* at 3 (Audio Tr. 2). He also stated, “finally, I just want to come back to the technology companies for a moment here, because unless those platforms step up and make their spaces safer and reduce the amount of misinformation on

their site, it's going to be pretty tough to get a full handle on this spread of misinformation.” *Id.* at 5 (Audio Tr. 4).

405. Immediately after these comments, the podcast broadcast public comments by President Biden, stating: “Joe Biden: The unvaccinated are responsible for their own choices, but those choices had been shulled [*sic*] by dangerous misinformation on cable TV and social media. You know, these companies ... are making money by ped[dling] lies and allowing misinformation that can kill their own customers and their own supporters. It's wrong. It's immoral. I call on the purveyors of these lies and misinformation to stop it. Stop it now.” *Id.*

406. Waldo agrees that this podcast is “aligned with ... the advisory and the other public statements we’ve seen so far.” Waldo Dep. 327:8-10.

407. Dr. Murthy also called for the platforms to “go after people who are superspreaders of misinformation on these sites,” which Waldo agrees is “entirely consistent ... with the messages that Dr. Murthy was sharing about health mis- and disinformation.” *Id.* at 329:23-330:18.

408. On February 14, 2021, Dr. Murthy participated in a panel discussion hosted by the Rockefeller Foundation. Waldo Ex. 41. Dr. Murthy stated, “what feels different in this moment compared to ten years ago or [twenty] years ago is this speed, scale, and sophistication with which this misinformation is spreading and much of it has been enabled, in fact, by technology platforms, and we talk to people about where they're encountering misinformation. It's off and on social media channels and other tech platforms. ... We need certainly technology companies to step up and do more, to help reduce this spread of misinformation, and to be transparent with the public about how much misinformation is being transacted on their sites and whether their methods of addressing it are working or not. We do not have enough transparency on that front and that is hindering us in our response of misinformation.” *Id.* a 6-7 (Audio Tr. 9-10).

409. Waldo agrees that this is “a consistent message with what we've seen in previous public statements, interviews, as well as the advisory itself.” Waldo Dep. 331:23-25.

410. In the same panel, Dr. Murthy stated that there is a role for government to set “safety standards” when it comes to misinformation, which directly suggests government regulation and foreshadowed the OSG’s forthcoming Request for Information (RFI): “And, of course, there's a role for government here as well to set safety standards, to push for transparency and accountability, particularly from platforms.” Waldo Ex. 41, at 8 (Audio Tr. 11). Dr. Murthy then immediately foreshadowed the OSG’s forthcoming Request for Information (RFI) as a step toward government “setting safety standards”: “There are steps we are working now that we will be -- you know, have more to say about it in the ... coming weeks and months ahead, to try to, in fact, gather even more information about the impact of health misinformation on health professionals of the public and also in the role that technology companies may be playing on that on that front.” *Id.* Less than a month later, the OSG issued a formal RFI for information about misinformation on social media platforms.

411. On March 3, 2021, the OSG issued a formal RFI in the Federal Register, seeking information from social-media platforms and others about the spread of misinformation on social media. Waldo Ex. 42 (87 Fed. Reg. 12712). The RFI is entitled, “Impact of Health Misinformation in the Digital Information Environment in the United States Throughout the COVID–19 Pandemic Request for Information (RFI).” *Id.* at 1.

412. “Kyla [Fullenwider] was the primary driver on the RFI from a content expert perspective.” Waldo Dep. 338:22-23. Though she was employed at U.S. Digital Response, “she was doing work on behalf of the Surgeon General.” *Id.* at 340:8-9. Kyla Fullenwider is also

responsible for receiving and reviewing the responses to the RFI. *Id.* at 362:6-10. “Kyla was the subject matter expert who was guiding this RFI process.” *Id.* at 362:15-17.

413. The RFI defines “technology platforms” very broadly, indicating that the Surgeon General is expanding its attempts to control the spread of so-called “misinformation”: “Technology platforms include the following: General search engines, content sharing platforms, social media platforms, e-commerce platforms, crowd sourced platforms, and instant messaging systems.” Waldo Ex. 42, at 2; *see also* Waldo Dep. 341:14-342:7.

414. Under the heading “Information About Technology Platforms,” the RFI seeks a long series of detailed information about misinformation on such platforms, including “Information about how widespread COVID–19 misinformation is on individual technology platforms,” Waldo Ex. 42, at 2; “any aggregate data and analysis on the prevalence of COVID–19 misinformation on individual platforms including exactly how many users saw or may have been exposed to instances of COVID–19 misinformation,” *id.* at 2-3; and “[a]ny aggregate data and analysis on how many users were exposed, were potentially exposed, or otherwise engaged with COVID–19 misinformation,” *id.* at 3.

415. The RFI also seeks detailed information about censorship policies and how they are enforced: “Information about COVID–19 misinformation policies on individual technology platforms,” and “[a]ny aggregate data and analysis of technology platform COVID–19 misinformation policies including implementation of those policies and evaluations of their effectiveness.” *Id.* at 3.

416. The RFI also seeks detailed information about disfavored *speakers* on social-media platforms, requesting “[i]nformation about sources of COVID–19 misinformation,” including “[i]nformation about the major sources of COVID–19 misinformation associated with exposure.”

*Id.* at 3. The RFI makes clear that “source” refers to *speakers* on platforms: “By source we mean both specific, public actors that are providing misinformation, as well as components of specific platforms that are driving exposure to information.” *Id.* at 3.

417. Especially in light of Dr. Murthy’s prior public statements about the government “setting safety standards” for misinformation, Waldo Ex. 41, at 8 (Audio Tr. 11), the RFI carries a clear implied threat of future regulation against the social-media and other technology platforms.

418. Contemporaneous media coverage portrayed the RFI as a “demand” for information from platforms. *See, e.g.*, Waldo Ex. 44, at 1 (Brad Dress, *Surgeon General Demands Data on COVID-19 Misinformation from Major Tech Firms*, The Hill (Mar. 3, 2022, 11:24 am)).

419. Max Lesko, the Surgeon General’s Chief of Staff, also sent the RFI to several major tech platforms with a formal letter requesting that they respond. Waldo Dep. 348:20-22. He sent nearly identical letters to Facebook, Google, LinkedIn, Twitter, YouTube, and Microsoft. Waldo Exs. 46, 47, 48, 49, 50, 51. Each letter was directed to the CEO of the platform over General Murthy’s signature. *Id.*

420. Each letter stated, “The proliferation of health misinformation during the pandemic has been both extensive and dangerous. . . . It is clear that we must do everything we can to address this threat.” *Id.* Each letter referred to the July 15, 2021 Health Advisory, noting that “a large proportion of health misinformation is spread through technology platforms,” and “my Advisory includes a call for technology companies to join this broader effort to create a safer, healthier information environment.” *Id.* Each letter advised the social-media platforms of the RFI, and formally “request[ed] that your company contribute to the RFI.... Specifically, I am requesting responses from companies about the extent and spread of COVID-19 misinformation on their

technology platforms, policies to address COVID-19 misinformation and their effectiveness, [and] sources of COVID-19 misinformation....” *Id.*

421. On May 3, 2022, Facebook notified the White House and OSG that it had “filed a response to the Surgeon General’s rfi on Covid misinformation and would be happy to discuss at the appropriate time.” Waldo Ex. 54, at 2. To date, the OSG has never made this or any other the responses to its RFI public.

422. Shortly after the RFI was issued, on March 11, 2022, GQ magazine published an interview with Dr. Murthy. Waldo Ex. 52. In this interview, Dr. Murthy stated, “we all have a responsibility to do everything we can to reduce the spread of misinformation... Whether you have one million followers on social media, or you’ve got 10 followers, we all have platforms and people in our lives who trust us.” *Id.* at 6. He called on platforms like Spotify (which was then being criticized for hosting Joe Rogan’s podcast) to censor health misinformation: “If you’re running a platform, whether it’s a Spotify or another social media platform, you’ve got to think about, how do I create a healthy information environment here? How do I create rules and a culture that promotes accurate information?” *Id.* He emphasized that “a platform has the ability, the opportunity, and the responsibility to create rules and a culture that supports the dissemination of accurate information and that reduces the spread of misinformation.” *Id.* at 7.

423. Echoing his prior comments about “setting safety standards” by government, Dr. Murthy compared censorship “rules” for misinformation to speed limits: “We have speed limits on the road because we know that sometimes if you drive too fast, that can have an impact on somebody else’s health and wellbeing. If we’re going to live together in a society, we’ve got to take steps and observe certain rules to help protect other people. That’s true here as well. Platforms

have an opportunity to help shape that environment in their own way. We all do. That's our responsibility at a time like this." *Id.*

**K. The White House and Surgeon General Continue Oversight of Censorship.**

424. On June 22, 2022, Facebook again emailed Waldo, Rob Flaherty, and other White House officials with an update on Facebook's increased censorship. Waldo Ex. 53, at 1. In the email, Facebook stated that it "[w]anted to ensure that you were aware of our policy updates following the early childhood vaccine approvals. As of today, all COVID-19 vaccine related misinformation and harm policies on Facebook and Instagram apply to people 6 months or older...." *Id.* Facebook indicated that it had again relied on the CDC to dictate what claims people can post on Facebook: "We expanded these policies in coordination with the CDC and ensured that we also included false claims that might be connected to children...." *Id.*

425. Throughout this period, at the federal officials' request, Facebook continued to send bi-weekly "Covid Insights Reports" reporting on COVID-19 related misinformation on its platforms to the White House and OSG. *See, e.g.*, Waldo Ex. 54, at 2-4. In the spring of 2022, Facebook repeatedly asked the federal officials if it could discontinue or reduce the frequency of these reports, which it had been sending for over a year. *Id.* at 2. Finally, on June 13, 2022, Facebook notified the White House and OSG that "we will plan to discontinue these unless we hear from you that this information continues to be valuable." *Id.* at 1. Rob Flaherty responded the same day, requesting that Facebook continue to send the reports and further asking Facebook to report on how it would handle misinformation for early-childhood (under age 5) vaccines: "It would be helpful to continue to get these as we start to ramp up under 5 vaccines. Obviously, that has a potential to be just as charged. Would love to get a sense of what you all are planning here."

*Id.* Facebook continued to send the reports as requested, including two reports on July 17, 2022, and promised to continue sending them. *Id.*

#### **IV. The CDC and the Census Bureau: BOLO and Authoritative Fact-Checking.**

426. In addition to the public and private pressure campaigns from the White House and the Surgeon General's Office, the CDC and the Census Bureau have engaged in a long censorship campaign together, enabled by the White House's pressure on platforms to cooperate with the federal government. Working closely with Census, the CDC flags supposed "misinformation" for censorship on platforms (sometimes using the acronym "BOLO," "Be On the Lookout"), and exercises full authority to dictate what health claims will be censored on social media platforms.

##### **A. The CDC's Regular Communication with Social Media Platforms.**

427. Carol Crawford is the division director for the division of Digital Media within the CDC Office of the Associate Director for Communication. Crawford Depo. 11:7-9.

428. According to Crawford, her "division provides leadership for CDC's web presence. We provide leadership for CDC's social media presence." *Id.* 11:14-16. Crawford is "the director of that work. I determine strategy, objectives, oversee work." *Id.* 11:21-22.

429. Before April 2022, Crawford was "the branch chief of the Digital Media Branch within the Division of Public Affairs, and most of the roles that our division currently performs, web and social media, were in that branch." *Id.* 15:3-6.

430. Crawford is "the main person that was the CDC point of contact to talk to Facebook, Twitter and the platforms since our job was to lead digital media." *Id.* 249:1-4.

431. Crawford has regular contact with social-media platforms, especially about COVID-19 issues: "We started regular contact with the [platforms] at the beginning of the COVID

outbreak to exchange information about COVID, and most of the contact since then has been around COVID or other high-priority things, but mostly COVID.” *Id.* 16:13-17.

432. Crawford had only “very occasional” contacts with the platforms before COVID-19, *id.* 17:8-9; but then she and the CDC “started talking to some of them in February and March of 2020,” at the beginning of the pandemic. *Id.* 18:5-6.

433. At this time, CDC leaders were asking Crawford’s group if they were in contact with the platforms: “there were a lot of people asking staff, or other staff, are we -- were we in contact with the groups, and do we have any arrangements.” *Id.* 18:19-23.

434. Crawford communicated with platforms by email, phone, and in meetings and calls. *Id.* 20:1-19. She “had points of contact at several of them, and we would have meetings when we needed to talk. So we arranged calls.” *Id.* 20:17-19.

**B. CDC’s and Census’s Pressure and Collusion With Facebook/Meta.**

435. On February 6, 2020, Facebook emailed State Department officials, noting that “Facebook has taken proactive as well as reactive steps to control information and misinformation related to Corona virus which includes ... removal of misinformation.” Crawford Ex. 2, at 4. The email was forwarded to Crawford, who reforwarded to her contacts at Facebook. *Id.* at 3. Facebook proposed to Crawford that “Facebook team would create a Coronavirus Page serving up content that exists on other organizations’ FB pages including the CDC,” and would direct users to “curated content from trusted sources.” *Id.* at 3.

436. On February 7, 2020, Crawford agreed to the proposals, and she also proposed that “There could be times we might want to address widespread myths like mask use or new issues.” *Id.* at 2. She discussed with Facebook the same day. *Id.* at 1.

437. On March 3, 2020, Facebook emailed Crawford and noted that Facebook intended to “support governments ... with their response efforts on COVID-19,” including the “goal” to “remove misinformation.” Crawford Ex. 3, at 1.

438. Crawford “talked pretty regularly” with Facebook “around this time,” *i.e.*, March 2020. 37:7-9.

439. Crawford recalls having discussions of misinformation with Facebook “in the fall of 2020.” Crawford Dep. 38:7-8. These included discussions of how to combat “growing” misinformation about COVID-19: “I can recall us generally saying things to the effect of ... misinformation is really growing, or ... what do you think we could be doing to address it? That kind of conversation.” *Id.* 38:11-15.

440. On January 25, 2021, Facebook emailed Crawford the first of an ongoing, biweekly series of CrowdTangle reports, which report on “top engaged COVID and vaccine-related content overall across Pages and Groups.” Crawford Ex. 6, at 2. The email emphasized in bold the anti-vaccine content listed in the report, including “Reports of healthcare workers refusing the vaccine,” “Posts about alleged vaccine-related deaths,” and “News and reports of severe vaccine side effects.” *Id.* Facebook indicated that it was sending this report in response to a prior conversation with Crawford in which such data was requested: “I am following up on our conversation several weeks ago about providing more detailed reporting from our CrowdTangle team.” *Id.*

441. Crawford responded that the report “looks wonderful and much appreciated.” *Id.* at 1. She said that she “will be extending our distribution list” for the report. *Id.* at 1. She also noted, “One group we’ll be adding” to the distribution list for the CrowdTangle reports “is the Census group who hopefully will soon start their project with us.” *Id.* And she stated, “the wide group of those looking at misinfo will want this.” *Id.*

442. CrowdTangle is “a social media listening tool for Meta properties ... [l]ike Instagram and Facebook.” Crawford Dep. 50:3-6. “[S]ocial media listening reports show themes ... of discussion on social media channels.” *Id.* 52:10-12. The CrowdTangle report is “a search of content on social media, and a summary of the higher volume conversations.” *Id.* 53:8-10. It is “a report of the most talked about topics on social media during this time period.” *Id.* 54:13-15.

443. The CrowdTangle reports that Facebook regularly emailed to CDC were only one of two forms of access to CrowdTangle. Since “March or April 2020,” Facebook had also allowed CDC to “directly log into CrowdTangle and run our own reports or searches.” *Id.* 77:9-13.

444. According to Crawford, the CrowdTangle reports “would help us understand what was being discussed on social media about COVID, which helps us look for gaps in information, confusion about facts, things that we might need to adjust our communication materials for.” *Id.* 57:24-58:3.

445. Crawford confirms that the CDC had privileged access to CrowdTangle from early 2020, and government officials used the non-public “social media listening tool” to monitor and track private speech about COVID-19 on social media: “we had access to go in directly to CrowdTangle and run in reports ... from early 2020. ... And I mentioned that our research team ... searched in it and looked in it to create their reports, and I believe other teams did too.” *Id.* 147:12-18.

446. The CDC also used other “social media and listening tools” to monitor Americans’ speech on social media: “we did searches in CrowdTangle, the same way we do searches in other social media and listening tools that we have to create, to understand what's being discussed in the environment, to update our communication material.” *Id.* 148:11-15.

447. The CDC's "listening tools" included "Meltwater reports," where "Meltwater is sort of like CrowdTangle but for all the platforms." *Id.* 154:13-16. But CrowdTangle is superior to Meltwater for monitoring Facebook and Instagram because it provides privileged access to some online speech: "CrowdTangle can see more on the Meta properties. So it's nicer if you're just looking at Meta properties. Meltwater gives you social media at large." *Id.* 154:24-155:2.

448. Related to the bolded categories of supposed misinformation in Facebook's CrowdTangle report, Crawford claims that she does not have specific recollection about the issues, but she admits that "I do recall generally discussing misinformation with Facebook around this time." *Id.* 58:11-13.

449. Crawford added Census Bureau officials to the distribution list for the CrowdTangle reports because "[t]hey were going to start working with the CDC regarding misinformation." *Id.* 58:19-20; *see also id.* 61:11-12 ("At some point I recall adding Census to the distr[ibution]").

450. From then on, Facebook regularly sent Crawford biweekly "CrowdTangle content insights report[s]." Crawford Ex. 7, at 1-4. With each report, Facebook would highlight in bold the high-engagement misinformation-related issues for the CDC from the two-week period. *Id.* In each email, Facebook would introduce these misinformation-related posts by noting something like, "However, posts falling into the following themes also garnered high engagement." *Id.*

451. The CrowdTangle reports survey content that is not publicly available, such as "personal Group posts." *Id.* at 2.

452. Crawford is "sure that general discussions" with Facebook addressed "that there was a lot of information on vaccines, which is one of the bolded words [in the CrowdTangle Reports], for example. I am sure that did occur." Crawford Dep. 64:19-22.

453. On January 27, 2021, Facebook sent Crawford a recurring invite to a “Facebook weekly sync with CDC (CDC to invite other agencies as needed).” Crawford Ex. 36, at 1. A large number of Facebook and CDC officials were included on the invite, including Liz Lagone, Facebook’s content-moderation officer who communicated with the CDC. *See Id.* The agenda for the recurring meeting included “Misinfo collab status.” *Id.* It also included “CDC needs/questions.” *Id.*

454. Crawford confirms that CDC frequently had weekly meetings with Facebook: “There were definitely times that we were talking weekly.” Crawford Dep. 226:20-21; *see also*, e.g., Crawford Ex. 39, at 1 (recurring calendar invite for a meeting with the same agenda and participants on May 6, 2021).

455. On March 10, 2021, Crawford sent Facebook an email seeking information about “Themes that have been removed for misinfo.” Crawford Ex. 44, at 3. She stated, “We mentioned this on the call last week and you said you’d be sending something as other had asked – is that available yet by chance?” *Id.* She clarified: “You mentioned that WH and HHS had asked so you’d get it to us,” and responded “Yes” to Facebook’s question, “Are you looking for types of COVID-19 misinfo we remove?” *Id.*

456. Facebook noted, that “[w]e are setting up a meeting with WH/HHS to discuss more likely later this week or early next. Perhaps a CDC rep could participate....” Crawford Ex. 44, at 2. Crawford noted, “They want to see what you guys proactively have removed that might not be in those [CrowdTangle] reports.... My guess is a short meeting with Lis Wilhelm[’s] vaccine confidence team is what is needed if FB is willing to do it.” Crawford Ex. 44, at 2.

457. In this exchange, CDC was “wondering if [Facebook] had info on the types of posts that were removed and the themes because they were worried that we could only see the live posts

and so we wouldn't know if there was also confusion about other areas that had been removed.” Crawford Dep. 258:6-11. CDC had “asked on the meeting if they had this data, like, because we wanted it. And I think she said, Oh, we did something like this for the White House or HHS.” *Id.* 260:6-9.

458. From this, Crawford understood that HHS and the White House were having similar meetings with Facebook: “I do think that they did have meetings with the agencies.” *Id.* 261:10-11.

459. On March 25, 2021, Crawford and other CDC officials met with Facebook. Ex. S, at 1. The day before the meeting, March 24, 2021, Facebook emailed Crawford and noted, “[a]s we discussed last week, we will present on COVID-19 misinformation on this session/meeting and have some of our team that is focused on that workstream provide a briefing on the current policies and approach as well as the current trends we are identifying.” *Id.* at 2. The official also noted that Facebook would have a “Misinformation Manager” and Liz Lagone, a content-moderation official for Facebook who “will be leading from our side on misinformation briefing for your team. They all work on our COVID-19 policies.” *Id.* at 1. Crawford responded, attaching a Powerpoint slide deck and stating, “This is a deck Census would like to discuss and we’d also like to fit in a discussion of topic types removed from Facebook.” *Id.* She also noted that two Census Bureau officials (Zack Schwartz and Jennifer Shopkorn) and two Census Bureau contractors (Sam Huxley and Christopher Lewitzke) would attend the meeting. *Id.*

460. The “deck Census would like to discuss” was attached to the email, *id.* at 3-16, and it contained an overview of “Misinformation Topics” including “concerns about infertility, misinformation about side effects, and claims about vaccines leading to deaths.” *Id.* at 4. “These topics were selected due to high volume, continued public discussion, and high-profile coverage,”

according to the slide deck. *Id.* For each topic, the deck included sample slides and a statement from the CDC debunking the supposedly erroneous claim. *Id.* at 6-14. The slides were clearly designed to convince Facebook that such content should be censored. For example, with respect to claims of infertility, the deck provided screen shots of six specific posts on Facebook and Instagram, summarized similar claims, and stated: “According to CDC there is no evidence that fertility problems are a side effect of any vaccine, including COVID-19 vaccines.” *Id.* at 6-8. It also noted that “Several of Facebook’s fact check partners have covered this claim.” *Id.* at 6. The deck provided a similar debunking treatment for claims about other side effects from COVID vaccines, *id.* at 9-11, and claims about vaccines leading to deaths, *id.* at 12-14—in each case, providing six sample posts from real Facebook users as examples of the type of claim, and providing information designed to ensure that the claim would be censored. *Id.*

461. On March 30, 2021, Facebook sent Crawford an email with the subject line, “This week’s meeting.” Crawford Ex. 8, at 3. Crawford confirms that she was engaging in weekly meetings with Facebook during this time period, as well as other time periods during the COVID-19 pandemic: “we were meeting weekly during parts, so I imagine we were.” Crawford Dep. 68:9-10.

462. The email indicates that CDC and Facebook were repeatedly discussing misinformation during these weekly meetings, as Facebook stated to Crawford: “I wanted to surface any misinfo questions your team may have for the team that I had briefing last time. They are available to attend again, but also want to make sure we are answering any of your team’s questions.” Crawford Ex. 8, at 3.

463. Crawford admits that these weekly meetings involved CDC meeting with Facebook’s *content-moderation* teams: “I do recall [Facebook] bringing in people from their Trust

and Safety or Misinformation teams ... to talk to us about misinformation at some weekly meetings.” Crawford Dep. 68:24-69:3.

464. Crawford admits that, in these meetings with Facebook content-moderation team, CDC inquired about how Facebook was censoring COVID-19 misinformation: “we had asked questions about what they were seeing in terms of misinformation and inquired about any activities they were undertaking. And I believe this was an offer to sort of get back to us on any of those questions.” *Id.* 69:9-13.

465. In response, Crawford noted that she was also communicating with Facebook through an alternative channel. Crawford Ex. 8, at 2 (“I added this part in yellow to our chain on turn.io”). She asked Facebook if they “have thoughts on how we can meet regularly with Census? ... am I correct that your team is going to consider how you might want to engage with the CDC/Census team routinely and get back to us?” *Id.* at 2-3. She noted to Facebook: “I know you all have experience with Census already.” *Id.* at 3.

466. At this time, CDC had recently executed an Interagency Agreement with the Census Bureau to assist the CDC in addressing misinformation: “We had entered an IAA with Census to help advise on misinformation.” Crawford Dep. 71:3-4. Pursuant to this agreement, the Census Bureau provided reports to the CDC on misinformation that the Census Bureau tracked on social media: “they provided reports on misinformation that they were seeing to us.” *Id.* 71:15-17. “Census did provide [CDC] with the key themes they were seeing around misinformation during the times that they were looking at it.” *Id.* 72:16-19.

467. An IAA is “an agreement between two agencies to conduct some kind of work between them.” *Id.* 109:23-24. Under this IAA, CDC was “only engaging” with Census “on COVID misinformation.” *Id.* 110:12-13. CDC was “learning about how [Census] operated a

general misinformation team.” *Id.* 110:13-14. The IAA “let [CDC] partner with Census to learn how they handled misinformation and help us with the COVID misinformation. ... They seemed to have more knowledge than we did.” *Id.* 111:3-6.

468. Facebook replied that “it would be great to have questions that may not have been answered from your team on misinfo. That team is very busy so it’s a good opportunity to di[g] deeper on that topic and especially if there are areas that are still unclear or the teams have concerns about.” Crawford Ex. 8, at 2.

469. Crawford responded that CDC “would like to have more info ... about what is being done on the amplification-side,” and that CDC “is still interested in more info on how you analyze the data on removals, etc.” *Id.* at 2. She also noted that Census Bureau was “hoping to go over the deck they had and discuss how to engage on a more regular basis.” *Id.*

470. Following up, Crawford noted that Census would like to discuss the following topics: “It looks like the posts from last week’s deck about infertility and side effects have all been removed. Were those re-evaluated by the moderation team or taken down for another reason?” *Id.* at 1. This remark plainly indicates that, in the last week of March 2021, the Census Bureau was sharing “decks” of posts about COVID-19 misinformation with Facebook, which Facebook then “removed,” and CDC was following up to inquire whether the censorship occurred because those posts were “re-evaluated by [Facebook’s] moderation team” because of Census’s flagging, or for another reason. Crawford testified that she “cut and pasted” the Census Bureau’s inquiries on these points. Crawford Dep. 76:10.

471. Crawford also asked Facebook to give the Census Bureau direct access to log in to Facebook’s CrowdTangle tool: “Can we add the Census Team to CrowdTangle?” Crawford Ex. 8, at 1. As Crawford noted, Facebook had “allowed [CDC] to directly log into CrowdTangle and

run our own reports or searches,” and she was asking Facebook to let Census “log in to CrowdTangle” as well. Crawford Dep. 77:4-14.

472. In the same email, Crawford inquired of Facebook, “One of the main themes we’re seeing and from the CrowdTangle report is local news coverage of deaths after receiving the vaccine. What’s the approach for adding labels to those stories?” Crawford Ex. 8, at 1. Thus, the CDC inquired of Facebook what its “approach” was to censoring local news stories about vaccine-related deaths. *Id.*

473. Crawford asked Facebook “[h]ow should we best engage regularly going forward on the Census/CDC reports.” Crawford Ex. 8, at 1. Crawford notes that Census had already been working with Facebook to address census-related misinformation: “we generally discussed, you know, how we should talk about misinformation because they had already been working with Census, on their own Census misinformation, and I wanted to know what was best for them for engaging on any topics that we might want to discuss.” Crawford Dep. 77:19-24.

474. Facebook answered that “[w]e are working on a proposal of how to set up a sharing partnership on the misinform[ation] items.” Crawford Ex. 8, at 1.

475. Crawford also had three-way meetings with Facebook, CDC, and Census about misinformation: “there were meetings where Census, myself and Facebook were on calls,” in which they “had general conversations about what were opportunities to address misinformation.” Crawford Dep. 83:6-12. In those conversations, specific topics like the removal of specific posts discussed in Exhibit 8 “were probably discussed,” but Crawford claims she does not “have specific memory of it.” *Id.* 83:12-14.

476. On April 13, 2021, Facebook followed up by emailing Crawford and proposing to enroll CDC and Census Bureau officials in a special misinformation reporting channel to

Facebook. Crawford Ex. 10, at 2. With a subject line “CV19 misinfo reporting channel,” Facebook wrote, “We’re working to get our COVID-19 misinfo channel up for CDC and Census colleagues,” and asked Crawford to confirm “if the below emails are correct for onboarding to the reporting channel and if there are others you’d like to include.” *Id.* Facebook provided nine emails, including five CDC officials and four Census officials or contractors, to “onboard” into the COVID-19 “misinfo reporting channel.” *Id.*

477. The officials who work for Reingold, including Christopher Lewitzke, “were contractors working with Census.” Crawford Dep. 101:10.

478. Crawford states that this email refers to the fact that Facebook “has a portal or reporting channel where you can report misinformation or threats or things from a specific log-in that I believe they only provide to ... federal agencies.” *Id.* 91:23-92:2. The portal allows federal officials to “log onto Facebook as an administrator, and it's something that they make available to you as a federal agency.” *Id.* 95:17-19. Crawford understands that this “wasn’t something that was generally available” to the public but was only provided to federal officials. *Id.* 96:15-16.

479. Crawford recalls that a CDC official logged into this portal and used it to report “two or three posts.” *Id.* 92:17.

480. On April 23, 2021, Crawford emailed Facebook and stated that the Wyoming Department of Health had “mentioned ... that the algorithms that Facebook and other social media networks are apparently using to screen out postings by sources of vaccine misinformation are also apparently screening out valid public health messaging, including WY Health communications.” Crawford Ex. 38, at 2. When she did not hear back, on April 28, she emailed Facebook again, “Anything you all can do to help on this?” *Id.* Facebook then responded and addressed the

problem. *Id.* at 1-2. The government is not amused when government-induced censorship sweeps in the government's own speech.

481. On May 6, 2021, Crawford emailed Facebook a table containing a list of 16 specific postings on Facebook and Instagram, with a link and the text of each post. Crawford Ex. 9, at 1-3. Crawford wrote, "As mentioned, here are two issues that we are seeing a great deal of misinfo on that we wanted to flag for you all ... These are just some example posts. ... Our census team is copied here, has much more info on it if needed." Crawford Ex. 9, at 1. Crawford copied Jennifer Shopkorn of the Census Bureau and Christopher Lewitzke, a Census Bureau contractor, on the email. *Id.*

482. Crawford "flag[ged]" these posts for Facebook "[b]ecause we had had conversations with Facebook about ways that we could address misinformation, and ... one suggestion ... that came up in that conversation was to let them know if we were seeing major themes that CDC had scientific information on, or had web content that would address." Crawford Dep. 87:15-21.

483. When Crawford would "flag" such content for Facebook and other platforms, she knew that they would evaluate and possibly censor the content under the content-moderation policies: "I do know that the platforms have a variety of ways to address misinformation. They might tag it as something that people should look more into. I think ... that they have the ability to control how often some of these things show up in peoples' feeds. And I do know that removing them is an option that they could consider." *Id.* 88:7-14.

484. CDC's "goal" in flagging misinformation for possible removal from Facebook "is to be sure that people have credible health information so that they can make the correct health decisions.... There were a lot of things circulating that were not accurate information about

COVID. And so we were trying to point out and make the credible information more available to users.” *Id.* 88:25-89:6.

485. CDC and Census used “the social [media] listening tools,” such as CrowdTangle, to identify misinformation that was “flagged” to Facebook for possible censorship. *Id.* 90:18-23. Regarding the table of 16 posts she “flagged” in her May 6, 2021 email, she stated, “these probably came from the social listening tools ... that can consolidate examples. And we provided some examples of what we meant.” *Id.* 90:18-23.

486. On May 10, 2021, Crawford emailed Facebook with the subject line, “COVID BOLO Misinformation meetings.” Crawford Ex. 40, at 3. She wrote: “We would like to establish COVID BOLO meetings on misinformation and invite all platforms to join the meetings. We are aiming for our first one on Friday at noon. ... Are there direct POCs on your end I should include on the invite? Happy to chat if better. THANKS!” *Id.*

487. On May 18, 2021, Facebook emailed Crawford noting that a Facebook official “has an agenda item” for the “CDC call this week.” Crawford Ex. 11, at 2. This official, according to Crawford, is a member of Facebook’s “Trust and Safety team, or the Misinformation team.” Crawford Dep. 103:9.

488. The Facebook official noted that Facebook’s “Content Policies ... determine what we may remove or reduce and inform.” Crawford Ex. 11, at 2. She noted that “we currently remove false claims about face masks,” and wanted to discuss “whether there is still a high risk of harm from mask misinformation,” as well as “false claims about the efficacy of social distancing or the existence of COVID-19.” *Id.*

489. Crawford admits that the CDC provided “scientific information” that Facebook would use to decide whether to “remove” or “reduce and inform,” *id.*, content under its policies:

“What we did provide was scientific information that I did assume that they might use to do those things,” *i.e.*, “remove or reduce and inform.” Crawford Dep. 105:17-19.

490. The next day, May 19, 2021, Facebook emailed Crawford and noted that, for the weekly call that week, “here are some of the COVID content items that [Facebook’s content-moderation official] will be flagging for you/CDC team.” Crawford Ex. 11, at 1. She then provided a list of twelve specific claims, including such claims as “COVID-19 has a 99.96% survival rate,” “COVID-19 vaccines cause bell’s palsy,” and “[p]eople who are receiving COVID-19 vaccines are subject to medical experiments.” Crawford Ex. 11, at 1-2.

491. Facebook raised these twelve claims to get CDC’s guidance on whether they violated Facebook’s policies: “They were wanting our feedback on whether these things were true or false statements that they were seeing. Did the CDC have science around this, did we have content on our website.” Crawford Dep. 106:10-13. CDC would respond to debunk such claims if it had information: “[I]f we knew, if we had something or we had science on these items, we would point to it or provide them an answer.” *Id.* 106:19-21.

492. In response, Crawford indicated that “Census team members” would join the call, and that she might not be able to address or debunk all 12 claims on the call, because “[t]here may be some facts we have to get back to the group on after the meeting.” Crawford Ex. 11, at 1.

493. On the call referred to in the email, CDC discussed with Facebook these twelve claims and who at CDC might be able to address their veracity. Crawford Dep. 106:23-107-3.

494. According to Crawford, “Sometimes in these meetings they would ask do we know if this is true or false, which is what they were doing [in Exhibit 11]. And then if we knew, the communicators knew the answer, we would provide it. If not, I would say, we would say, I’ll have to get back to you later, we’ll talk to our SMEs,” *i.e.* subject-matter experts. *Id.* 116:7-12.

495. Census Bureau officials would follow up to monitor whether Facebook was actually removing the content that federal officials had flagged as misinformation: “Census was at least periodically checking on things that they had flagged, or they had seen come up.” *Id.* 117:19-21.

496. After the meeting, on May 24, Facebook’s content-moderation official emailed Crawford, stating, “Thanks so much again for you and team’s help in debunking a few COVID-19 and vaccine misinformation claims for us.” Crawford Ex. 15, at 2. She then provided a list of the twelve claims with CDC’s input on each, noting “Debunked” for each claim that the CDC had debunked in the meeting. *Id.* at 2-3. Among other things, she noted that CDC “[d]ebunked” claims like “Face masks contain ... harmful particles,” and even plainly evaluative statements like “People who are receiving COVID-19 vaccines are subject to medical experiments.” *Id.* at 2-3.

497. On June 2, 2021, Crawford emailed the Facebook content-moderation official back with further input on the claims from CDC’s subject-matter experts. Crawford Ex. 16, at 2. She noted several times that CDC’s “web content to debunk is in clearance,” meaning that CDC was preparing web content that would debunk those claims. *Id.*

498. The next day, on June 3, 2021, the Facebook content-moderation official emailed Crawford to clarify that “web content to debunk is in clearance” means that “we should consider these debunked by the CDC now,” and Crawford answered that “Yes they are debunked and we will also have content on it soon.” Crawford Ex. 16, at 1. As Crawford stated, “We reported to Facebook that they were debunked at this time.” Crawford Dep. 135:2-3.

499. Crawford knew that Facebook would apply its content-moderation policies to claims that the CDC debunked: “I knew that they had options ... which is to inform people, to maybe reduce it in the algorithm, or to remove it.... [T]hey probably had other options, but I knew of at least those.” *Id.* 138:18-22.

500. On July 26, 2021, the same Facebook content-moderation official emailed Crawford, asking for CDC to debunk three more COVID-related claims. The subject line of the email was, “FB Misinformation Claims Help Debuning.” Crawford Ex. 17, at 1. Crawford understood that “Debuning” was “Debunking” misspelled. Crawford Dep. 139:1-2.

501. In this email, Facebook’s content moderator wrote to Crawford: “Our Misinformation Policy Team has identified some claims that we were hoping your team could **help us understand if they are false and can lead to harm?**” Crawford Ex. 17, at 1 (bold in original).

502. Facebook’s content-moderation policy called for it to remove claims that are false and can lead to harm. *See, e.g.*, Crawford Ex. 26, at 4 (Facebook’s content-moderation official, Liz Lagone, noting that “We remove ... posts on the grounds that the claim is false and that it is harmful,” where “harmful” includes cases where “if people believed it, it might make them less likely to get vaccinated.”). So it was clear that Facebook’s “Misinformation Policy Team” was asking CDC to advise whether these claims should be removed under Facebook’s content-moderation policy. Crawford admits that she understood that CDC’s guidance would “benefit” Facebook’s expansion and application of its censorship “policy” to these claims, acknowledging that Facebook was asking her about these claims “[b]ecause CDC would have credible health information about the claims or scientific information that would benefit their policy making.” Crawford Dep. 140:1-3.

503. The three claims included: “Spike protein in COVID-19 vaccines is dangerous/cytotoxic,” “Guillain-Barre Syndrome (GBS) is a possible side effect of the COVID vaccine,” and “Heart inflammation is a possible side effect of all COVID-19 vaccines.” Crawford Ex. 17, at 1.

504. Facebook also asked Crawford if “your team was aware of any global source of truth/database for vaccine adverse effects including possibly vaccine-related deaths.” Crawford Ex. 17, at 1.

505. Crawford responded, “Got it, let me get back to you shortly and thank you much for asking!” Crawford Ex. 17, at 1.

506. Crawford does not recall her specific response to this inquiry, but she admits that “generally” she referred them to the CDC’s subject-matter experts and responded to Facebook with the CDC’s view on the scientific questions, as she did with similar requests. Crawford Dep. 140:16-141:4.

507. On July 20, 2021, Facebook emailed Crawford another biweekly “CrowdTangle content insights report” on COVID-19. Crawford Ex. 18, at 1. One of the misinformation-trending topics that Facebook flagged in bold in the email was “**Door-to-Door Vaccines**,” which stated that “The highest interaction Page posts for this topic convey concern from political opponents about the Biden Administration’s strategy to ramp up vaccination efforts in communities with low vaccination rates by going ‘door-to-door’ to educate and encourage more Americans to get vaccinated.” *Id.* The same topic, in the same time frame, was emphasized in the Virality Project report as a prime example of viral vaccine-related “misinformation,” when in fact it involved only expressions of political opinion. Scully Ex. 2, at 39, 54-55.

508. The same email also noted posts “expressing skepticism about vaccinating children.” Crawford Ex. 18, at 1. Earlier CrowdTangle reports in the same email chain had flagged for the CDC highly engaged content about “**Vaccine Side Effects** ... especially for children and pregnant women,” “**Vaccine Refusal**,” and “**Vaccination Lawsuits** ... lawsuits over compulsory vaccination related to employment.” *Id.* at 2-3 (bold in original).

509. Facebook noted that the CrowdTangle reports were confidential and not to be disclosed further: “As always, please do not share.” *Id.* at 1.

510. Facebook continued to send biweekly CrowdTangle reports, which flagged in bold high-engagement topics such as “**Proof of Vaccination Requirement**,” “**COVID-19 and Unvaccinated Individuals**” (addressing “concerns that the recent uptick in hospitalizations and deaths is being driven up by unvaccinated individuals”), and “**COVID-19 Mandates**,” as well as “allowing people to return to ... religious services.” Crawford Ex. 19, at 1-3 (bolds in original).

511. On August 19, 2021, Facebook asked Crawford for a “VAERS Policy Consultation” meeting for the CDC to give Facebook guidance on how to address VAERS-related misinformation: “Our Health Policy folks would like to meet with your VAERS experts for a consultation meeting regarding VAERS and misinformation.” Crawford Ex. 20, at 1. Crawford responded, “I’m sure we can do this, and I’m glad you’re asking.” Crawford Ex. 20, at 1.

512. “VAERS” is the HHS’s Vaccine Adverse Event Reporting System, *see* <https://vaers.hhs.gov/>. At that time, the CDC was greatly concerned about VAERS-related “misinformation” on social-media, because users cited and discussed VAERS data and reports to raise concerns about the safety of vaccines in ways that the CDC thought misleading, as Crawford recounted: “the topic of VAERS was an area that was widely discussed on social media, and there was a lot of areas of confusion about what VAERS data was. There was myths about VAERS data, and there was misinformation about VAERS data. So it was always one of the things that rose to the top in terms of volume of discussion of people were very confused about VAERS.” Crawford Dep. 150:21-151:3. So it is not surprising that Crawford was “glad” Facebook was “asking” for a meeting in which the CDC would give Facebook guidance on how to censor “misinformation” about VAERS. Crawford Ex. 20, at 1.

513. Crawford also followed up with Facebook by providing written CDC-provided materials for Facebook to use in addressing VAERS-related “misinformation” on its platforms: “If of use, we just published a new video and I’ve attached some recent talking points that may also inform your efforts.” Crawford Ex. 20, at 1. Plainly, the “efforts” Crawford wished to “inform” were Facebook’s efforts to remove VAERS-related “misinformation” from its platforms.

514. The CDC also had a meeting with Facebook about VAERS-related misinformation: “We did have a session with the VAERS experts with Facebook.” Crawford Dep. 151:8-9. In the meeting, the CDC had “two experts for VAERS and a couple of their communication experts on the line with Facebook’s team,” which consisted of “their misinformation and policy type team” that the content-moderation official “was part of.” *Id.* 151:20-24. In the meeting, the CDC “offered the [subject-matter expert] just to answer their questions about what VAERS was and what it wasn’t. And my recollection is [Facebook] asked a lot of questions like ... who can report something on VAERS and things like that during the session.” *Id.* 152:1-6.

515. On September 1, 2021, Crawford emailed Facebook and stated: “BOLO for a small but growing area of misinfo. One of our lab alerts ... was misinterpreted and was shared via social media.” Crawford Ex. 21, at 1. (“BOLO” stands for “Be on the lookout.” Crawford Dep. 153:21.). She explained what the CDC viewed was misinformation, and then stated, “I’ve attached some example Facebook posts and another document with the facts around the issue.” Crawford Ex. 21, at 1.

516. Plainly, Crawford was flagging these posts and related posts for possible censorship under Facebook’s content-moderation policy. She admits that the CDC’s “BOLO” alerts were provided to “assist” the platforms with their enforcement decisions under their policies: “Similar to all the other BOLOs, we still thought it was good to point out if we had facts around something

that was widely circulating as a cause of misinformation to the platforms to assist them in whatever they were going to do with their policy or not do.” Crawford Dep. 153:23-154:3.

517. When asked what she “expected [Facebook] to do once they were on the lookout” for the supposed misinformation that the CDC had flagged, Crawford responded: “I knew that they had various options. They could have just used it to inform people. They could have considered it in their algorithm, I believe. I did understand that potentially removing posts was something that they might do.” Crawford Dep. 155:15-20. So she provided the information knowing it would happen and wanting it to happen.

518. On November 2, 2021, Facebook’s content-moderation official sent Crawford and other CDC officials an email stating, “thanks so much for confirming the ability for the claims in question last week having the risk of causing vaccine refusals.” Crawford Ex. 22, at 1. Again, that is one of the criteria Facebook used to justify removal of content from its platforms. Crawford Ex. 26, at 4 (“We remove ... posts on the grounds that the claim is false and that it is harmful because if people believed it, it might make them less likely to get vaccinated.”). The content-moderation official also stated, “thank you all so much for your input over the last week on our many questions about vaccine misinformation relative to the EUA.” Crawford Ex. 22, at 1. (“EUA” refers to the FDA’s “emergency use authorization to the Pfizer vaccine for children.” *Id.*)

519. The content-moderation official also stated: “I wanted to share that as a result of our work together, when the FDA gave emergency use authorization to the Pfizer vaccine for children last week, we immediately updated our policies globally to remove additional false claims about the COVID-19 vaccine for children (e.g. ‘the COVID vaccine is not safe for kids’).” Crawford Ex. 22, at 1. She also noted, “We also launched a new feature on Instagram, where accounts that repeatedly post content that violates our policies on COVID-19 or vaccine

misinformation may now lose the ability to be tagged or mentioned or may see pop-ups asking if they'd like to delete certain posts that may violate our policies." Crawford Ex. 22, at 1. Thus, Facebook noted that, "as a result of our work together" with the CDC, Facebook had updated its content-moderation policies to increase censorship of vaccine-related claims in significant ways. *Id.*

520. The content-moderation official went on to ask the CDC to debunk additional claims: "**we have identified a number of additional claims we would like to get your team's assessment on ... Would it at all be possible to get input by Monday, November 8<sup>th</sup>?**" Crawford Ex. 22, at 1 (bold and underline in original). She requested, "For each of the following new claims, which we've recently identified on the platform, **can you please tell us if: 1. The claim is false; and 2. If believed, could this contribute to vaccine refusals?**" *Id.* (bold in original). Again, these are the two precise criteria that Facebook relied on to remove content from its platforms. Crawford Ex. 26, at 4 ("We remove ... posts on the grounds that the claim is false and that it is harmful because if people believed it, it might make them less likely to get vaccinated."). She then included a new list of ten specific claims about the COVID-19 vaccines for the CDC to debunk. Crawford Ex. 22, at 1-2.

521. Crawford understood, again, that this request was made to "inform their policies," *i.e.*, inform Facebook's application of its content-moderation policies to these claims: "It was still my interpretation that she was asking to inform their policies." Crawford Dep. 159:7-8.

522. Crawford also admits that she was "happy" when the CDC's information to Facebook caused "less spread of misinformation" on Facebook and other platforms, *i.e.*, that she desired that outcome: "I'm happy that providing the scientific information led to less spread of misinformation." *Id.* 161:23-25.

523. Crawford also understood that Facebook was, in fact, removing content from its platforms based on the CDC's information: "I understand that she's removing claims ... that are not scientifically accurate." *Id.* 162:21-22.

524. Crawford responded to Facebook, "Thank you so much for the feedback on what you've been able to do. This is very good to know." Crawford Ex. 22, at 1. She also stated, regarding Facebook's request that the CDC debunk the ten new claims, that "I'm going to work on this one .... I hope we can do it by Monday, I will keep you posted." *Id.*

525. The following Monday, November 8, 2021, Crawford followed up with a response from the CDC addressing seven of the ten claims Facebook had asked CDC to evaluate. Crawford Ex. 23, at 1-2. The CDC rated six of the seven claims "**False.**" *Id.* (bold in original). Crawford also noted in the response email, without citing any support, that "It appears that any of these could potentially cause vaccine refusal." Crawford Ex. 23, at 1. Under Facebook's policies, a claim that is both false and could contribute to vaccine refusal was subject to removal. Crawford Ex. 26, at 4 ("We remove ... posts on the grounds that the claim is false and that it is harmful because if people believed it, it might make them less likely to get vaccinated.").

526. On February 3, 2022, Facebook's content-moderation official sent Crawford another email, stating that she "wanted to **share updates we made as a result of our work together**" and "**ask for your assessment on a few things.**" Crawford Ex. 26, at 1 (bold in original). She described the "updates" as follows: "On February 2<sup>nd</sup>, we launched several updates to our COVID-19 Misinformation and Harm Policy based on your [*i.e.* CDC's] inputs." *Id.* These "updates" included "[r]emoving claims that COVID-19 vaccines cause heart attacks," and "[t]aking steps to reduce the distribution of content that our systems predict likely violates our COVID-19 and vaccine misinformation policies, but has not yet been reviewed by a human; if at

any point this content is confirmed to violate the policy then it will be removed from the platform.”

Crawford Ex. 26, at 1. Crawford responded, “the update is very helpful, thank you for including that!” *Id.*

527. Facebook’s content-moderation official also included, under the heading “**NEW: For CDC Input**,” another request that “For each of the following new claims, **can you please tell us if: 1. The claim is false; and 2. If believed, could this claim contribute to vaccine refusals?**” Crawford Ex. 26, at 1 (bold and underline in original). She then provided a long, detailed list of claims and sub-claims about COVID-19 for CDC’s input. *Id.* at 2-4.

528. Among other things, Facebook asked the CDC to pre-refute claims based on events that had not occurred yet. Facebook asked Crawford to address “How FDA EUA authorization for children under 5 might impact our policies.” Crawford Ex. 26, at 1. Facebook noted, “We understand that the FDA is considering giving emergency use authorization for the COVID-19 vaccine for children under five in the coming weeks. We are considering how our existing policies on COVID-19 vaccines ... should apply to claims about children 6 months to 4 years once the vaccine is approved for use. Can you please assess for each claim whether it is false for children in this age range and if believed, likely to contribute to vaccine hesitancy or refusals? *Please let us know if it is easiest to set up a time to meet and discuss each one.*” Crawford Ex. 26, at 2 (italics in original). There followed a long, detailed list of claims about the vaccines, for which Facebook sought CDC’s input on their falsity as to children under 5. *Id.* at 2-3.

529. For this long list of claims, Crawford understood that Facebook would use the CDC’s input to “determine” Facebook’s censorship policy for such claims: “I know that they're using our scientific information to determine their policy.” Crawford Dep. 170:19-20.

530. Regarding Facebook's request for CDC's input on these many new claims, Crawford responded, "I will talk to the Vaccine program and see what we can do." Crawford Ex. 27, at 1. The next day, February 4, 2022, she followed up, stating, "I'm heading out today but do you have a minute to discuss this by chance? Call anytime," and provided her phone number. Crawford Ex. 27, at 1. Crawford also changed the subject line of the email to state, "Have 5 minutes to chat? [re]: Vaccine Misinformation Questions for CDC." *Id.*

**C. CDC's and Census's Pressure and Collusion with Google/YouTube.**

531. On March 18, 2021, Crawford emailed contacts at Google, stating: "As I believe we discussed previously, CDC is now working with Census to leverage some of their infrastructure to help identify and address COVID vaccine mis-info." Crawford Ex. 28, at 1. She went on, "As I understand it from the Census team ... when they were doing this for the Census project last year, they meet regularly with a Google/YouTube Trust team." *Id.* A "Trust team" is a content-moderation team. Crawford then asked, "Is it possible for us to start up regular meetings on this topic or maybe use our existing meeting time." *Id.* The subject line of this email was "COVID Misinfo Project." *Id.* Google and Crawford then set up a time to talk and discuss the project. *Id.*

532. Crawford states that this email refers to "the work of the IAA with Census to help consult and work with us on the COVID misinformation..." Crawford Dep. 175:6-8. Her reference to Census's infrastructure referred to "the fact that Christopher [Lewitzke, the Census contractor] ran those reports and looked for misinformation on those areas for us." *Id.* 175:11-13.

533. Crawford's reference to Census's previous project referred to their work on combating misinformation about the 2020 Census. *Id.* 175:18-19.

534. Crawford does not remember the specific call referenced in this email, but she admits that, “This was in 2021. So we had been meeting pretty regularly with Google by this time.” *Id.* 179:5-6.

535. On March 23, 2021, Crawford sent a calendar invite for a meeting on March 24 that included herself and five other CDC employees, four Census Bureau employees and contractors (including Zachary Schwartz, Christopher Lewitzke, and Jennifer Shopkorn), and six Google/YouTube officials. Jones Decl., Ex. T, at 1-2. The subject of the meeting was “COVID Misinformation: CDC/Census/Google.” *Id.* at 1. The invite stated: “CDC/Census to meet with Google regarding our misinformation efforts.” *Id.*

536. At the meeting, CDC and Census presented a slide deck similar to the one that Census prepared for the meeting with Facebook on March 25, 2021, discussed above. *See id.* 3-16. The slide deck was entitled, “COVID Vaccine Misinformation: Issue Overview.” *Id.* at 3. As with the Facebook slide decks, this one stated of “Misinformation Topics” that “[t]hese topics were selected due to high volume, continued public discussion, and high-profile coverage.” *Id.* at 4. It noted that these topics included “infertility, misinformation about side effects, and claims of vaccines leading to deaths.” *Id.*

537. For each topic, the slide deck included a description of a common claim, specific examples of videos on YouTube and social-media postings making the disfavored claim, and a putative refutation by the CDC. *Id.* at 6-14. For infertility, the slide deck stated that “[c]ommon claims about the COVID vaccine’s side effects include that it causes infertility in women and men, miscarriages, and stillbirth,” and it provide screen shots of specific videos on YouTube and social-media posts making this claim. *Id.* at 6-8. The deck asserted that “[a]ccording to CDC there is no evidence that fertility problems are a side effect of any vaccine, including COVID-19 vaccines.”

*Id.* at 6. Regarding supposed misinformation about side effects, the deck stated, “speculation and misinformation about side effects after taking the COVID vaccine have been prevalent on social media since the first vaccines were approved,” and it provided screen shots of an example video on YouTube and social-media posts making such claims, along with a putative refutation by the CDC. *Id.* at 9-11. Regarding the topic “Death from Vaccines,” the slide deck stated that “[v]accine-hesitant groups spreading misinformation and conspiracy theories about alleged vaccine-related deaths erode trust in the COVID-19 vaccine and the public health system,” and it provided a sample video on YouTube and social-media posts linking the vaccines to deaths, along with a putative refutation by the CDC: “According to CDC, VAERS has not detected patterns in cause of death that would indicate a safety problem with COVID-19 vaccines.” *Id.* at 12-14. As with the similar Facebook slide deck, the evident purpose of this presentation was to induce YouTube to censor these claims on its platform.

538. On March 25, 2021, Kate Galatas of the CDC emailed the group attending the meeting and stated: “Many thanks, again, for the time yesterday. This is such important shared work we are doing in the mis/dis information space, and we deeply appreciate your contributions. Please find attached the slide deck referenced during the meeting, and we ask that you treat it close hold and not for further distribution. We are looking forward to our future collaboration efforts!” *Id.* at 1.

539. On March 29, 2021, Crawford followed up with Google, inquiring “Are you all open to using our regular 4pm meetings to go over things with Census or what is preferred?” Crawford Ex. 29, at 2. Google responded: “We would like to follow up on our discussion with your colleague, Cynthia, on vaccine information a few months ago. Specifically, we plan to share a new list of common vaccine misinformation claims and would love it if Cynthia or other vaccine

experts could join.” *Id.* He also stated that “we can save a few minutes ... to discuss potential next steps regarding the Census...” *Id.* The subject line of this email was “Follow up on mis-info conversation.” *Id.*

540. Crawford recalls that Census was asking for regular meetings with platforms specifically focused on misinformation: the statement “is in reference to discussing how to engage on an ongoing basis about misinformation and the Census suggestion that we have regular meetings with them just on that topic.” Crawford Dep. 184:14-18. The exchange was “about how to engage more regularly about misinformation, or ... whatever Census had done with Google and YouTube, should we have a similar structure with CDC.” *Id.* 185:11-14.

541. Regarding the request for input on the “new list of common vaccine misinformation claims,” Crawford responded, “I’ve arranged for a few SMEs [subject-matter experts] to join the call, including Cynthia.” Crawford Ex. 29, at 2.

542. A few days later, on April 2, 2021, Google emailed Crawford stating, “Thanks again for your time this week. Attached are some of the claims we discussed for your reference.” Crawford Ex. 29, at 1.

543. Crawford’s reference to the “4pm meeting” refers to a regular biweekly meeting with Google, which still continues to the present day: “I still have a 4:00 p.m. meeting every other Monday with Google.” Crawford Dep. 180:6-7.

544. Crawford also has “similar regular meetings with ... Meta and Twitter.” *Id.* 180:11-16. She admits that she has ongoing meetings with Google and Facebook/Meta that continue to the present: “we had regular meetings with Google, and we had regular meetings with Meta.... you know, the frequency changed.... I mean, Google we meet every other week. Right now with Meta it's more ad hoc.” *Id.* 180:16-21.

545. Crawford also “had a regular meeting with Pinterest for a short period of time, and we had ... just more ad hoc meetings on occasion with Twitter.” *Id.* 180:23-181:1.

546. Crawford states that these meetings “were mostly about things other than misinformation; though misinformation was discussed in the meetings.” *Id.* 181:22-24.

547. On April 12, 2021, Google/YouTube followed up with an email to Crawford, stating, “For tomorrow’s call, would it be possible to include Cynthia or other COVID-19 treatment SMEs [subject-matter experts] to follow up on some additional questions?” Crawford Ex. 30, at 1. Crawford responded, “Can you give me an idea of what topics we’ll be covering? But yes, I’ll ask them to attend.” *Id.*

548. Crawford notes that it “wasn’t uncommon” for Google/YouTube to ask her to bring subject-matter experts to meetings to go over such topics. Crawford Dep. 188:19-22.

549. On May 10, 2021, Crawford emailed her Google contacts and invited them to attend in the BOLO meetings: “We would like to establish COVID BOLO meetings on misinformation and invite all platforms to join the meetings. We are aiming for our first one on Friday at noon. We have heard through the grapevine that [an official] at YouTube would want to join. Are there other POCs on your end I should include on the invite?” Crawford Ex. 40, at 1. The subject of the email was “COVID BOLO meetings on misinformation.” *Id.*

**D. CDC’s and Census’s “BOLO Meetings.”**

550. On May 11, 2021, Crawford followed up with an email stating, “We would like to invite digital platforms to attend a short ‘Be On The Lookout’ meeting on COVID. Please let us know if you have questions and feel free to forward this message to anyone in your organization that should attend.” Crawford Ex. 40, at 2. Google responded by asking that Crawford include

the YouTube official in the meeting, and Crawford noted that she “was going to ask about” him at the 4:00pm recurring meeting. *Id.*

551. Crawford testified that she wanted to include YouTube on the BOLO meetings because they hosted the most content: “people from YouTube would occasionally be on our regular meetings, depending on what we talked about. And because YouTube has the most content, like, hosting, ... they were a part of the BOLO meetings...” Crawford Dep. 244:21-245:1.

552. The Census officials “were arranging” the BOLO meetings, and “they drafted the slides” for the meetings. *Id.* 246:12-20.

553. Crawford ran the BOLO meetings. *Id.* 265:13. She “opened up the meeting, introduced myself, gave context for why we were doing the BOLO meeting in brief. And then I believe that Christopher [Lewitzke] went through the slide decks, and I occasionally piped in on them.” *Id.* 265:15-19.

554. The “slide decks” shown at the meetings were “similar to the table” of 16 Facebook posts that Crawford previously emailed to Facebook, but “they were more like this is a theme, and then there'd be maybe a little info about what the theme was and then maybe a couple of example posts. And then there would be a slide maybe with CDC links or information related to that theme.” *Id.* 266:1-6.

555. The first BOLO meeting was held on May 14, 2021. Jones Decl., Ex. U, at 1. The slide deck for that meeting was entitled “COVID Vaccine Misinformation: Hot Topics.” *Id.* at 2-10. It contained a list of five “Hot Topics” with an “ADVISORY” in red noting that platforms should “**Be On the Lookout**” for “**Potential Misinformation**” on each topic, and provided specific examples of social-media posts for each topic, “Associated Link(s) and Hashtag(s)” for each topic, and the CDC’s position on each topic (listed as “**The Facts**”). *Id.* at 4-8.

556. Crawford also emailed similar slide decks for BOLO meetings scheduled for May 28 and June 18, 2021, though the latter was canceled due to the new Juneteenth holiday. Jones Decl., Exs. V and W. In the cover email to the May 28 slides, Crawford requested secrecy: “Please do not share outside your trust and safety teams.” Jones Decl., Ex. V, at 1. Just like the May 14 BOLO slides, these slides contained lists of “Hot Topics” with an “ADVISORY” in red noting that platforms should “**Be On the Lookout**” for “**Potential Misinformation**” on each topic, and provided specific examples of social-media posts for each topic, “Associated Link(s) and Hashtag(s)” for each topic, and the CDC’s position on each topic (listed as “**The Facts**”). Jones Decl., Ex. V, at 4-6; *id.* Ex. W, at 4-6.

557. In conducting the BOLO meetings, Crawford described CDC’s goal as follows: “our goal is to be sure that credible information about COVID was out there. A lot of people seek information on platforms. We thought that by giving the platform scientific information it might help in our goals to being sure that credible information could be found.” Crawford Dep. 266:16-21. Of course, the BOLO meetings did not address identifying and promoting “credible information,” but flagging information that the CDC thinks is *not* credible for potential removal. Crawford effectively admits this; when asked if CDC’s goal includes that “incredible information would not be found,” she agreed that “I did want the credible information to be found in advance of the uncredible information.” *Id.* 266:22-267:4.

558. Crawford believes that the third BOLO meeting was cancelled because Juneteenth was declared a new federal holiday, and “that is why we didn’t end up having it and we sent the materials out via email.” *Id.* 248:17-22.

559. On October 28, 2021, Google emailed Crawford stating, “do you have time to connect early next week on anticipated guidance on vaccines for [children ages] 5-11? It would

be great to connect as the CDC plans communications on authoritative information for pediatric vaccines.” Crawford Ex. 42, at 2.

560. Crawford responded: “Yes, we can discuss pediatric vaccines early next week but let me give you some general info: ACIP is likely to vote on this on Nov 2. CDC is likely to start posting final information on Nov 3 (possibly late Nov 2), if that helps to know. There will be many updates so the changes might span over a few days. We are also looking ahead and misinformation and hope to have a BOLO type meeting later that week with platforms that are interested.” Crawford Ex. 42, at 1. (“ACIP” is the “Advisory Council for Immunization Practices.” 253:21-22.)

561. On June 29, 2022, Google/YouTube emailed Crawford and her deputy, stating: “The YouTube Policy team is requesting evidence-based input on the claims below. In the past, the CDC has reviewed COVID information claims and commented TRUE or FALSE + add any additional context needed.” Crawford Ex. 43, at 1. YouTube then presented two claims, relating to the safety and effectiveness of administering progesterone to reverse chemical abortion. *Id.* (“**CLAIM:** High doses of progesterone is a **safe** method of reversing chemical abortion ... **CLAIM:** High doses of progesterone is an **effective** method of reversing chemical abortion....”) (bold in original). Crawford responded, “I’ll check on this but I think I’ll probably end up needing to refer you to another agency. I’ll get back to you.” *Id.*

562. Regarding this exchange, Crawford notes that the CDC’s “focus is not solely on COVID. We’re focusing on other topics. I think [YouTube] thought that we might be able to help with this topic as well.” Crawford Dep. 256:5-8. Thus, Crawford admits that the CDC is continuing to engage with social-media platforms to provide information that will lead to the

ensorship of health-related claims on social media, and that it is willing to expand its focus to other health topics beyond COVID-19.

**E. CDC's and Census's Pressure and Collusion with Twitter.**

563. On April 8, 2021, Twitter emailed Crawford stating, "I'm looking forward to setting up regular chats; my team has asked for examples of problematic content so we can examine trends. All examples of misinformation are helpful...." Crawford Ex. 32, at 1. The subject line of this email was "Request for problem accounts." *Id.* Crawford responded, "Yes, we'll get that to you early next week." *Id.*

564. Crawford believes that Twitter sent this email in response to her inquiry, "Is there a good way that we should start engaging on misinformation?" 197:19-20.

565. Crawford responded on April 14, 2021, "The Census team put this spreadsheet together with four example areas," which included the topics, "Vaccines aren't FDA approved," "Fraudulent cures," "VAERS data taken out of context," and "Infertility." Crawford Ex. 33, at 1. The attachment was called, "Twitter CDC Examples 4-13-21.xlsx." *Id.* The spreadsheet contained a "list [of] things that [Census] saw that were being stated as misinformation." Crawford Dep. 203:24-204:1. "Infertility" referred to "people claiming that getting the vaccines led to infertility." *Id.* 204:17-18.

566. Crawford believes that Twitter "was asking for these examples in this email because he was wondering ... what would come up in BOLO meetings, or what we would be discussing." *Id.* 204:22-24.

567. On May 10, 2021, Crawford emailed Twitter, stating "We wanted to point out two issues we are seeing a great deal of misinfo about...." Crawford Ex. 34, at 4. She then provided

a list of “sample posts” that included 12 Tweets reproduced verbatim. She stated, “Our census team is copied here, has much more info on it if needed.” *Id.*

568. In the same email on May 10, 2021, Crawford wrote, “Also, we are standing up a BOLO COVID misinformation meeting and inviting all tech platforms. We are shooting for 12pm EST on Friday for our first meeting. I’ll include you on the invite....” Crawford Ex. 34, at 4.

569. Crawford agrees that she was “sending this to [Twitter] so that he would be on the lookout for those things appearing on Twitter.” Crawford Dep. 208:25-209:3.

570. Crawford notes that “the BOLO format ... was used previously,” *id.* 209:12-13, because Census had done “BOLO meetings ... for their own work,” *id.* 209:23-24. The platforms had done BOLO meetings for Census “in relation to the 2020 census.” *Id.* 210:5-9.

571. Regarding the BOLO meetings, Census officials “explained” to Crawford “how they did it.” *Id.* 210: 16. “In fact, they drafted the slide deck” for the CDC BOLO meetings with social-media platforms. *Id.* 210:16-17. Census “drafted it and showed me how they thought that we should do it, and that ... we would give examples, we would give the science, and then ... people could follow up separately.” *Id.* 210:18-22.

572. Crawford believes that regular meetings with Twitter were not set up, but that “I know they participated in the BOLO meetings.” *Id.* 198:15-16.

573. Regarding the BOLO meetings, Crawford remembers that two occurred and a third one was scheduled but cancelled due to a holiday, and “in lieu of a meeting” she sent “a Powerpoint.” *Id.* 198:24-199:1.

574. Twitter responded to Crawford’s May 10, 2021 email flagging 12 specific Twitter posts as examples of trending misinformation, stating: “Thanks for sharing this – agree these are important trends to note; a quick scan shows that at least some of these have been previously

reviewed and actioned.” Crawford Ex. 34, at 3. He then stated: “I will now ask the team to review the others.” *Id.*

575. Crawford understood that “asking the team to review the others” meant referring Crawford’s flagged posts and issues to Twitter’s content-moderation team for possible censorship: “I interpreted it as Twitter made decisions about the areas of misinformation based on whatever policy they had.” Crawford Dep. 211:17-19.

576. As with Facebook, Crawford understood that her flagging of posts would result in Twitter censoring at least some of these materials in different ways, including removing posts: “similar to Meta that they probably had multiple options. I am sure some were removed. I am sure some ... were flagged. I see flags all the time on the Twitter posts. I am sure some were just maybe ... maybe they weren't distributed as much on peoples' feeds.” *Id.* 212:10-16.

577. In the same email, Twitter offered to enroll CDC officials in its “Partner Support Portal” to provide expedited review of content flagged for censorship: “Carol, remind me: did you have a chance to enroll in our Partner Support Portal? In the future, that’s the best way to get a spreadsheet like this reviewed.” Crawford Ex. 34, at 3.

578. Crawford understood that Twitter’s Partner Support Portal was “similar to what I described for Meta. It's an offering where you log in and you can report misinformation or threats or problematic posted content in this portal, and it puts it in a system for review.” Crawford Dep. 212:3-7.

579. On May 10, 2021, Twitter noted to Crawford, “I’d be glad to enroll you in our Partner Support Portal, which allows you a special, expedited reporting flow in the Twitter Help Center. It worked very well with Census colleagues last year.” Crawford Ex. 34, at 3.

580. Crawford responded by asking for instructions on how to enroll in the Partner Support Portal, and Twitter offered to enroll any Twitter accounts she identified. Crawford Ex. 34, at 3. Crawford provided her personal Twitter account to enroll. *Id.*

581. Then, on May 24, Census Bureau contractor Christopher Lewitzke followed on the same email chain with Twitter, asking about “the partner support portal enrollment for CDC.” Crawford Ex. 34, at 2. Lewitzke indicated that they planned to report COVID misinformation to Twitter using existing Census accounts already enrolled in the portal, not CDC accounts, stating: “would there be any issues or complications stemming from flagging COVID misinformation on the portal using the existing census.gov accounts that have access? We’ll want to have at least some CDC accounts whitelisted, but that backup may be helpful short-term.” *Id.* He then stated: “Let us know any next steps we can take to make sure CDC is all set with the portal.” *Id.*

582. Crawford confirms that Census had used similar portals to report misinformation to platforms in the past: “I did know from discussions with them that one technique I think that they used was using portals ... for their work to report [mis]information.” Crawford Dep. 213:16-19.

583. Twitter emailed Crawford on May 27, 2021, noting that she should be fully enrolled. Crawford Ex. 34, at 1. A screen shot of the portal proclaims, in very large, bolded type, “**Report any issue to get priority service.**” *Id.* (bold in original, font greatly reduced).

584. Crawford believes that she attempted to use Twitter’s Partner Support Portal “every now and then,” but that she never solved technical issues that prevented her from reporting anything. Crawford Dep. 215:9-22.

585. Christopher Lewitzke is “a Census contractor.” *Id.* 217:5-6.

586. On September 2, 2021, Crawford emailed Twitter, stating, “A quick BOLO for a small but growing area of misinfo.” Crawford Ex. 35, at 1. To Twitter, she claimed that “one of our Lab alerts ... was misinterpreted and was shared via social media.” Crawford Ex. 35, at 1. She stated, “I’ve attached some example Twitter posts and another document with the facts around the issue.” *Id.* The subject line of the email was “BOLO: CDC lab alert & misinformation.” *Id.*

587. This report was very similar to the report Crawford provided Facebook the day before, September 1, 2021. Crawford Ex. 21, at 1. “The only difference is this email is going to Twitter.” Crawford Dep. 220:7-8.

588. By sending these emails to Facebook and Twitter flagging what the CDC believed was a misinterpretation of a CDC lab alert on social media, CDC intended to prevent the disfavored message from spreading on social media: “We saw this confusion about this alert brewing and more posts were going up with confusion, and we thought it would be a good idea to provide the platforms with the facts *before it became something bigger.*” *Id.* 220:13-17 (emphasis added). In other words, CDC wished to cause the disfavored viewpoint to be censored before it could be viewed or repeated by others—a quintessential prior restraint.

589. CDC specifically flagged this information to the platforms, knowing that they would evaluate it for potential censorship under their content-moderation policies: Crawford “knew their policy teams or their trust teams or misinfo teams ... would evaluate it.” *Id.* 220:21-23. And Crawford “knew that removal was one of the options that they had, yes.” *Id.* 220:25-221:1.

#### **F. CDC Endorses the States’ Theory of Standing.**

590. Crawford admits that government communicators have a strong interest in tracking what their constituents are saying on social media: “It’s helpful for communicators to know what is being discussed because it helps improve our communication materials.” *Id.* 53:10-12.

591. Crawford emphasized this point multiple times: “as I mentioned before, it does help ... for communicators to know what conversations occurs on social media because it helps us identify gaps in knowledge, or confusion, or things that we’re not communicating effectively that we need to adjust.” *Id.* 54:15-20.

592. CrowdTangle reports “would help us understand what was being discussed on social media about COVID, which helps us look for gaps in information, confusion about facts, things that we might need to adjust our communication materials for.” *Id.* 57:24-58:3.

593. Crawford specifically expressed the concern that, if content was censored or removed from social-media platforms, government communicators would not know what the citizens’ true concerns were: She “was wondering if they delete the info will we know those myths or information so we could update communication activity. So if they were deleting content would we know what the themes were.” *Id.* 75:14-18. Thus, Crawford was concerned that, if the platforms “were deleting content,” she might not know “what the themes were” of “myths or [mis]information,” which would prevent her from “updat[ing the CDC’s] communication activity” to address those myths and misinformation. *Id.* Accordingly, Crawford wanted to know, “would [CDC] be able to see in CrowdTangle or other reports ... what kind of themes were removed so we would still have the full picture of areas of confusion.” *Id.* 75:21-76:1.

594. Crawford inquired of Facebook “about the data that we could get so we had a full picture on confusion so that we could adjust communication materials, or ways that we were communicating” about COVID-19. *Id.* 81:10-13. In other words, Crawford wanted to know about

speech that was censored, as well as speech that was left up, on social-media platforms so CDC could get “a full picture” and “adjust communication materials” to address people’s actual concerns. *Id.*

595. The CDC “did searches in CrowdTangle, the same way we do searches in other social media and listening tools that we have to create, to understand what's being discussed in the environment, to update our communication material.” *Id.* 148:11-15.

**V. Dr. Fauci’s Campaigns to Censor Disfavored Viewpoints on Social Media.**

596. Dr. Fauci, cooperating frequently with NIH Director Dr. Francis Collins, engaged in a series of campaigns to discredit and procure the censorship of viewpoints he disfavored on social media, beginning at least in early 2020. Once he became Chief Medical Advisor in the Biden Administration in early 2021, his censorship efforts coordinated with and reinforced those of federal officials in the White House, the Office of the Surgeon General, the CDC, and elsewhere.

597. Until his recent retirement, Dr. Anthony S. Fauci was the director of the National Institute for Allergy and Infectious Diseases at the National Institutes of Health and the Chief Medical Advisor to President Biden. Fauci Dep. 10:8-16. At the time of his deposition, Dr. Fauci had been the director of NIAID for over 38 years. *Id.* at 10:25-11:1.

**A. Dr. Fauci’s Conspiracy and Campaign to Suppress the Lab-Leak Theory.**

598. First, in early months of 2020, Dr. Fauci worked closely with Dr. Francis Collins and Jeremy Farrar to orchestrate a campaign to discredit and suppress the opinion that SARS-CoV-2, the virus that causes COVID-19, leaked from a laboratory at the Wuhan Institute of Virology—an opinion that has recently been confirmed as likely true. Early in the pandemic, Dr. Fauci was aware that NIAID, under his direction, had funded dangerous gain-of-function research on coronaviruses at that laboratory, and he sought to discredit and suppress the lab-leak theory to

deflect the scandal and blame associated with potential responsibility for the deaths of millions in the ensuing pandemic. He engaged in a campaign of deception to discredit the theory, and as a result of his efforts, the lab-leak theory was heavily censored on social media.

599. On December 30, 2011, Dr. Fauci co-authored an op-ed with Dr. Francis S. Collins in the Washington Post entitled *A Flu Virus Risk Worth Taking*. Fauci Ex. 1, Fauci Dep. 13:13-20.

600. In this op-ed, Dr. Fauci and Dr. Collins advocated for creating potentially dangerous viruses in laboratories, writing that “important information and insights can come from generating a potentially dangerous virus in a laboratory.” Fauci Ex. 1, at 1. According to Fauci and Collins, “[u]nderstanding the biology of ... virus transmission has implications for outbreak prediction, prevention and treatment,” and “[i]dentifying threatening viruses can also facilitate the early stages of manufacturing vaccines that protect against such a virus in advance of an outbreak.” *Id.* at 2. They further argued that “identifying the molecular Achilles heel of these viruses can allow scientists to identify novel antiviral drug targets that could be used to prevent infection ... or better treat those who become infected.” *Id.*

601. Dr. Fauci and Dr. Collins acknowledged the significant risks associated with such research, writing that “[s]afeguarding against the potential accidental release or deliberate misuse of laboratory pathogens is imperative.” *Id.* But they believed that those risks were contained, writing that “engineered viruses ... are maintained in high-security laboratories.” They further state that “scientists, journal editors, and funding agencies involved are working together to ensure that access to specific information that could be used to create dangerous pathogens is limited to those with an established and legitimate need to know.” *Id.*

602. Thus, long before the COVID-19 pandemic, Dr. Fauci and Dr. Collins were highly visible, public advocates for laboratory experiments that involve “generating a potentially dangerous virus in a laboratory.” *Id.* at 1.

603. Such research of “generating a potentially dangerous virus in a laboratory” is commonly called “gain-of-function” research. Dr. Fauci testified that “[g]ain of function is a very potentially misleading terminology, and that was one of the reasons why several years ago outside groups, not the NIH ... did away with the terminology ‘gain of function’ because it can often be very confusing and misleading.” Fauci Dep. 16:3-10. But Dr. Fauci confirms that “the NIH” did not “d[o] away” with that terminology, *id.*, and Dr. Fauci’s own internal email uses the phrase “SARS Gain of Function” to describe the research on bat coronaviruses that was conducted by Dr. Shi Zhengli and others at the Wuhan Institute of Virology, partly funded by Dr. Fauci’s NIAID through the subgrants from the EcoHealth Alliance, discussed below, *see* Fauci Ex. 6, at 8.

604. On June 1, 2014, Dr. Fauci’s NIAID funded a grant to the EcoHealth Alliance for the five-year period June 1, 2014, to May 31, 2019. Fauci Ex. 2, at 2. The title of the project was “Understanding the Risk of Bat Coronavirus Emergence.” *Id.* at 1. The project’s Abstract stated, “This project will examine the risk of future coronavirus (CoV) emergence from wildlife using in-depth field investigations across the human-wildlife interface in China, molecular characterization of novel CoVs and host receptor binding domain genes, mathematical models of transmission and evolution, and in vitro and in vivo laboratory studies of host range.” *Id.*

605. The Abstract noted that one of the project’s “three specific aims” would be to “[t]est predictions of CoV inter-species transmission” by engaging in two forms of research to enhance the bat coronaviruses’ transmissibility to humans: “reverse genetics,” *i.e.*, genetic manipulation of the viruses to render them more transmissible; and “virus infection experiments”

using “humanized mice,” *i.e.*, repeatedly infecting humanized mice with bat coronaviruses to provoke mutations that render them more infectious to human cells (a process known as “serial passage,” *see* [https://en.wikipedia.org/wiki/Serial\\_passage](https://en.wikipedia.org/wiki/Serial_passage)). *Id.* at 1. Specifically, the Abstract stated: “Predictive models of host range (i.e., emergence potential) will be tested experimentally using *reverse genetics*, pseudovirus and receptor binding assays, and *virus infection experiments across a range of cell cultures* from different species and humanized mice.” *Id.* (emphases added).

606. Dr. Fauci attempted to argue that “reverse genetics” is so vague that it might not refer to gain-of-function research. *See* Fauci Dep. 23:18-20 (“I’m not really quite sure what they’re referring to. Reverse genetics can mean many things.”). But Dr. Fauci admits that “reverse genetics” means “[m]anipulation of a virus, recombination, things like that.” *Id.* at 23:19-21. In 2015, in an article reporting on research performed pursuant to this grant, Dr. Ralph Baric and Dr. Shi Zhengli wrote that they used “reverse genetics” to “generate[] and characterize[] a chimeric virus” that was more infectious and more virulent in humans. Fauci Ex. 4, at 1. Dr. Fauci’s own internal email describes that article as addressing “SARS Gain of Function.” Fauci Ex. 6, at 8.

607. Dr. Fauci admits that “EcoHealth has a subaward from their original grant that goes to Shi Zhengli at the Wuhan Institute of Virology.” Fauci Dep. 36:4-6. He agrees that EcoHealth and Shi Zhengli of the Wuhan Institute of Virology “work together on research that’s directly funded by NIAID.” Fauci Dep. 36:7-13.

608. Dr. Fauci also attests that Dr. Peter Daszak likely has access to the genetic sequences of chimeric viruses that Shi Zhengli created during her research funded by EcoHealth using NIAID funds: “I don’t know absolutely for sure, but I would imagine that if Peter Daszak is collaborating scientifically with Shi Zhengli, that it is likely, given the norms of scientific

collaboration, that he would have access to data,” and “they are collaborators, since he has a subaward to the Wuhan Institute that I believe goes to Dr. Shi.” Fauci Dep. 37:1-13. Daszak, therefore, is likely in possession of genetic evidence demonstrating whether SARS-CoV-2 originated from NIAID-funded research at the Wuhan Institute of Virology.

609. Dr. Fauci claimed that he had never seen this grant award before his deposition, and that he was only “vaguely” aware of NIAID’s funding of EcoHealth Alliance. *Id.* at 18:10-12 (“I’m vaguely familiar with the fact that EcoHealth Alliance has been doing research on trying to understand the bat coronavirus emergence.”); *id.* at 19:7-8 (“I have no recollection of the initiation of this grant.”). Dr. Fauci admits that “NIAID has funded EcoHealth Alliance,” 20:5-6, but he contends that he is completely unfamiliar with this project. *Id.* at 20:8-9 (“[T]his is the first time that I have seen this piece of paper.”). But this very grant project was flagged for Dr. Fauci in an email from his subordinate on January 27, 2020, at the beginning of the pandemic. Fauci Ex. 5. Given the public and Congressional scrutiny of this particular project and its relation to the origins of the COVID-19 pandemic, Dr. Fauci’s testimony on these points is not credible.

610. Peter Daszak is listed as the “Contact PI/Project Leader” for the grant award “Understanding the Risk of Bat Coronavirus Emergence.” Fauci Ex. 2, at 1. The “Awardee Organization” is the EcoHealth Alliance. *Id.*

611. Dr. Fauci claims that he is not acquainted with Peter Daszak and does not know how to pronounce Daszak’s name, Fauci Dep. 20:13 (“I’m not sure”), and that he “do[es]n’t even remember meeting him,” *id.* at 21:1-2, but that he has seen a photo of himself with Daszak at a public event as the only evidence that they have met. *Id.* at 21:2-8.

612. In fact, Dr. Fauci has exchanged cordial emails with Daszak on a first-name basis, and he participated in a podcast with him on February 9, 2020, in which they both sought to

discredit the lab-leak theory of COVID's origins. Fauci Ex. 15, 16, 30. Dr. Fauci's attempt to deny or downplay his acquaintance and familiarity with Daszak is not credible.

613. On October 17, 2014, the U.S. Government entered a "research funding pause" on gain-of-function research on coronaviruses, in a document entitled "U.S. Government Gain-of-Function Deliberative Process and Research Funding Pause on Selected Gain-of-Function Research Involving Influenza, MERS, and SARS Viruses." Fauci Ex. 3, at 1 (the "GoF Pause" or "Pause").

614. Contrary to Dr. Fauci's testimony that the "pause" was an occasion to jettison the term "gain-of-function," the Pause provided a simple and clear definition of "gain of function" research, defining "Gain-of-function studies" as "research that improves the ability of a pathogen to cause disease." Fauci Ex. 3, at 2. The research on bat coronaviruses described in Fauci Ex. 2 meets this simple definition.

615. The Pause applied to funding for all "research such as this until a new U.S. Government research policy could be adopted." Fauci Dep. 27:17-19; Fauci Ex. 3, at 2-3.

616. The Pause provided an exception in Footnote 1, which stated: "An exception from the research pause may be obtained if the head of the USG funding agency determines that the research is urgently necessary to protect the public health or national security." Fauci Ex. 3, at 2 n.1.

617. Dr. Fauci testified that he does not recall whether NIAID ever invoked that exception during the years that the Pause was in place (2014-2017). Fauci Dep. 28:22-29:3. He testified that authorization for funding under the exception would "not usually rise up to the office of the director, but is handled at the level of staff and deputy." *Id.* at 29:1-2. He testified that such approval for projects "urgently necessary to protect the public health or national security" could

have come from “any of a number of people. It could have been people at the program level. It could have been my deputy. It could have been program managers and division directors.” *Id.* at 30:16-19.

618. This testimony contradicts the plain language of the exception, which states that “*the head of the USG funding agency*” must “determine[] that the research is urgently necessary to protect the public health and national security” to allow continued funding for gain-of-function research on coronaviruses. Fauci Ex. 3, at 2 n.1. At all relevant times, Dr. Fauci was the “head of the USG funding agency,” *i.e.*, the Director of NIAID, and he was responsible for authorizing funding for gain-of-function research on the ground that it was “urgently necessary to protect the public health or national security.”

619. Dr. Fauci states that he does not recall whether NIAID ever authorized continued funding for Peter Daszak or EcoHealth Alliance pursuant to the exception to the Pause in footnote 1. Fauci Dep. 30:3-12.

620. In fact, Dr. Fauci testified that “I don’t recall” or “I do not recall” 174 times in his deposition, and testified that he could not recall or remember using variations on that phrase 212 times. *See* Fauci Dep. 22:21-352:17-18. This contrasts sharply with his public statements about the very same issues that, during his deposition, he professed near-complete loss of memory. *See, e.g.*, Jones Decl., Ex. X, at 1 (“I remember it very well”). It also contrasts sharply with his clear, specific recollection of unrelated events from the same time frame. *See, e.g.*, Fauci Dep. 353:20-354:16. Dr. Fauci’s repeated claims to not remember or not recall key events and people are not credible.

621. Dr. Fauci’s chief deputy is Dr. Hugh Auchincloss, who is the Principal Deputy Director of NIAID. *Id.* at 30:20-25.

622. In December 2015, during the research “Pause” on gain-of-function funding, Nature Medicine published an article entitled, “A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence.” Fauci Ex. 4, at 1. Dr. Ralph Baric of the University of North Carolina was listed as the corresponding author, and Dr. Shi Zhengli of the Wuhan Institute of Virology was listed as a co-author. *Id.* at 1 & n.8.

623. The 2015 Nature Medicine article clearly described gain-of-function research on bat coronaviruses. The Abstract states: “Here we examine the disease potential of a SARS-like virus, SHC014-CoV, which is currently circulating in Chinese horseshoe bat populations. Using the SARS-CoV reverse genetics system, we generated and characterized a chimeric virus expressing the spike of bat coronavirus SHC014 in a mouse-adapted SARS-CoV backbone.” Fauci Ex. 4, at 1. Notably, the article uses the same phrase as the EcoHealth grant, “reverse genetics,” to describe creating “a chimeric virus.” *Id.*

624. The article reports that the “chimeric virus” created from a “SARS-like” bat coronavirus had become highly transmissible in human tissue: it could “replicate efficiently in primary human airway cells and achieve *in vitro* titers equivalent to epidemic strains of SARS-CoV.” *Id.* It had also become more virulent: “Additionally, *in vivo* experiments demonstrate replication of the chimeric virus in mouse lung with notable pathogenesis.” *Id.* There were no available treatments for this lab-created “chimeric” virus: “Evaluation of available SARS-based immune-therapeutic and prophylactic modalities revealed poor efficacy; both monoclonal antibody and vaccine approaches failed to neutralize and protect from infection with CoVs using the novel spike protein.” *Id.*

625. The article noted that the authors had then “synthetically re-derived an infectious full-length SHC014 recombinant virus and demonstrate robust viral replication both *in vitro* and

in vivo.” *Id.* The article concluded that “[o]ur work suggests a potential risk of SARS-CoV re-emergence from viruses currently circulating in bat populations” – and this conclusion was based on creating a more transmissible (to humans) and more virulent (to humans) SARS-like coronavirus in a lab. *Id.*

626. The article acknowledged that NIAID was the principal funder of this research, and that it had received funding from the EcoHealth Alliance, Daszak’s group: “Research in this manuscript was supported by grants from the National Institute of Allergy & Infectious Disease and the National Institute of Aging of the US National Institutes of Health (NIH) ... and by USAID-EPT-PREDICT funding from EcoHealth Alliance.” *Id.* at 5.

627. The article also noted that the NIH had reviewed and approved the research under the GoF Pause: “Experiments with the full-length and chimeric SHC014 recombinant viruses were initiated and performed before the GOF research funding pause and have since been reviewed and approved for continued study by the NIH.” *Id.* “GOF” is short for “gain-of-function.”

628. Dr. Fauci testified that he first became aware of this Nature Medicine article “likely ... several months” after the outbreak of the COVID-19 pandemic, and that “it was brought to my attention in the context of questions that were raised by members of Congress about experiments that were funded by the NIAID.” Fauci Dep. 31:17-20, 32:7-9. In fact, Dr. Fauci attached this article to a confidential midnight email to his principal deputy, Hugh Auchincloss, on January 31, 2020, and directed Auchincloss to read it immediately and take unspecified actions on it on a Saturday morning. Fauci Ex. 6, at 8. Dr. Fauci’s testimony on this point is not credible.

629. Dr. Fauci testified that he does not believe he has ever met Dr. Ralph Baric, the corresponding author of the 2015 Nature Medicine article. Fauci Dep. 32:16-19 (“I know who he is, I doubt I’ve ever met him. I may have met him at one of the meetings where there are thousands

of scientists saying hi to each other...”); *see also id.* at 33:25-34:1. In fact, Dr. Fauci’s official calendar shows a one-on-one meeting with Dr. Ralph Baric on February 11, 2020, during the events described herein. Fauci Ex. 17, at 1. A contemporaneous Slack message on February 18, 2020 reports that Dr. Baric “sat in Fauci’s office talking about the outbreak and chimeras,” *i.e.*, lab-created chimeric viruses. Jones Decl., Ex. Y, at 1. And Dr. Fauci testified that Dr. Baric may be the source of the phrase “SARS Gain of Function” in the attachment to his midnight email to Hugh Auchincloss. Fauci Dep. 57:11-12. Dr. Fauci’s testimony on this point is not credible.

630. Dr. Fauci professed to be ignorant of the identity of Dr. Shi Zhengli, the notorious “Bat Woman” of the Wuhan Institute of Virology. When asked if he knows who she is, he stated, “I’m not a hundred percent certain. I get sometimes confused with Asian names.” *Id.* at 33:9-10, 18-19. Yet Dr. Shi Zhengli, the so-called “bat woman,” is world-renowned as the researcher who may have caused the COVID-19 pandemic, and has been so since the beginning of the pandemic, *see, e.g.*, Jones Decl., Ex. Z, at 1, and the name “Shi” is included in the title of the article that Dr. Fauci forwarded to Dr. Hugh Auchincloss after midnight on February 1, 2020. Fauci Ex. 6, at 8. Dr. Fauci’s testimony is not credible on this point.

631. Dr. Fauci testified that he first became aware of the outbreak of COVID-19 either December 31, 2019 or “the first couple days of 2022.” Fauci Dep. 34:8-11.

632. Dr. Fauci recounts that he first became aware of concerns that the SARS-CoV-2 virus that causes COVID-19 “might have been genetically engineered or originated in a laboratory” when “[t]here was a phone call in late January of 2020, I believe, from Jeremy Farrar. There was one other person on the phone. I believe it was [K]ristian [Andersen], who piped me in on a three-way call, saying that they looked at the virus and there was some concern about the

molecular configuration or makeup of the virus that made them think there was a possibility that there could have been a manipulation of the virus.” *Id.* at 34:12-35:1.

633. Dr. Fauci states that he does not believe that anyone ever raised the concern to him before that late January call, and he specifically attests that he does not recall Dr. Robert Redfield, then-Director of the CDC, raising the concern to him in mid-January 2020. *Id.* at 35:2-15. Dr. Fauci’s recollection conflicts with that of Dr. Redfield, who specifically recalls raising this issue to Dr. Fauci earlier in January 2020, and having his concerns fall on deaf ears: “Dr. Robert Redfield, a virologist and the director of the Centers for Disease Control and Prevention (CDC), had urged Fauci privately to vigorously investigate both the lab and natural hypotheses. He was then excluded from the ensuing discussions—learning only later that they’d even occurred. ‘Their goal was to have a single narrative,’ Redfield [said].” Jones Decl., Ex. AA, at 7.

634. “In mid-January of 2020, ... Redfield expressed his concerns in separate phone conversations with three scientific leaders: Fauci; Jeremy Farrar, the director of the U.K.’s Wellcome Trust; and Tedros Adhanom Ghebreyesus, director general of the World Health Organization (WHO). Redfield’s message, he says, was simple: ‘We had to take the lab-leak hypothesis with extreme seriousness.’” *Id.* at 23. Dr. Fauci disputes this account and states that this conversation did not happen: “To my recollection, no.” Fauci Dep. 35:9-12.

635. On January 27, 2020, Dr. Fauci and several other senior NIAID officials received an email from Greg Folkers, who is his “immediate chief of staff in my office group,” *id.* at 38:2-4; the email provided “Talking Points for NIAID Director Dr. Fauci.” Fauci Ex. 5. The email stated that “when talking about CoV ... we have on our team (Vincent and folks we fund, Peter Daszak, Ralph Baric, Ian Lipkin, etc.) probably the world’s experts on non-human coronaviruses. ... EcoHealth group (Peter Daszak et al) has for years been among the biggest players in

coronavirus work, also in collaboration Ralph Baric, Ian Lipkin, and others.” *Id.* at 1. It also flagged the ongoing NIAID grant to Daszak and its work with Wuhan Institute of Virology: “NIAID has funded Peter’s group for coronavirus work in China for the past five years through R01 1R01AI110964: ‘Understanding the Risk of Bat Coronavirus Emergence.’ That’s now been renewed.” *Id.* It noted that “[t]he results of the work to date include ... Found SARS-related CoVs that can bind to human cells (published in *Nature*) and that cause SARS-like disease in humanized mouse models”—a clear reference to the 2015 *Nature Medicine* article. *Id.* Three days later, Dr. Fauci would attach that *Nature Medicine* article to a midnight email to Hugh Auchincloss. Fauci Ex. 6, at 8.

636. Like so many other things, Dr. Fauci testifies that he does not recall receiving this email. Fauci Dep. 40:5-6.

637. Dr. Fauci states that he first became aware of the concern that the virus might be bioengineered and lab-created in a call with Dr. Kristian Andersen of Scripps and Jeremy Farrar of the Wellcome Trust on January 31, 2020. Fauci Dep. 43:17-25. In that call, according to Dr. Fauci, “Jeremy and [K]ristian said they had looked at -- or at least [K]ristian did, possibly Jeremy -- and maybe one other scientist -- and said that it is possible that there may have been a manipulation because it was an unusual virus.” Fauci Dep. 44:3-9. A phone call was arranged for the next day, Saturday, February 1, 2020, to discuss the possibility. *Id.* at 44:15-17.

638. According to contemporaneous emails, Eddie Holmes and Bob Garry were involved in this call with Dr. Fauci and Kristian Andersen as well. Fauci Ex. 7, at 2. Eddie Holmes, who was then raising serious concerns that the virus had leaked from a lab, would go on to be the lead drafter of a key article discrediting the lab-leak theory.

639. After the January 31 call with Farrar and Andersen, in the evening of the same day, Dr. Fauci forwarded them an article that was skeptical of the lab-leak theory, stating that “it is of interest to the current discussion.” Ex. 6, at 1. Andersen responded, stating that he was not convinced by the article because “one has to look really closely at all the sequences to see that some of the features look (potentially) engineered,” and that “after discussion earlier today, Eddie [Holmes], Bob [Garry], Mike [Larabee], and myself *all find the genome inconsistent with expectations from evolutionary theory.*” *Id.* (emphasis added); *see also* Fauci Dep. 51:3-8.

640. A few hours later, shortly after midnight, at 12:29 a.m. on February 1, 2020, Dr. Fauci sent an email to his principal deputy, Hugh Auchincloss. Fauci Ex. 6, at 8. The subject line of the email said “IMPORTANT.” *Id.* The email stated: “Hugh: It is essential that we speak this AM. Keep your cell phone on. ... Read this paper as well as the e-mail that I will forward to you now. You will have tasks today that must be done. Thanks, Tony.” *Id.*

641. The “this paper” that was attached to the email was the 2015 *Nature Medicine* article entitled “A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence,” Fauci Ex. 4, co-authored by Dr. Ralph Baric and Dr. Shi Zhengli and funded by NIAID and the EcoHealth Alliance. Fauci Ex. 6, at 8; Fauci Dep. 55:23-56:25. As an attachment to Dr. Fauci’s email, this article was called “Baric, Shi et al – Nature Medicine – SARS Gain of Function.pdf.” Fauci Ex. 6, at 8.

642. Dr. Fauci claims that he can recall virtually nothing about sending this urgent, confidential email to his principal deputy in the middle of the night of the day when he found out that highly qualified researchers were concerned that SARS-CoV-2 might have leaked from a laboratory. *See* Fauci Dep. 55:15-63:21 (“I don’t recall ... I don’t know for sure ... I can’t say that I recall that in particular ... I don’t recall. I’m not sure exactly why those words got in there

... I don't recall ... I don't recall ... I don't precisely recall ... I don't recall if I did ... I might have, but I don't recall. ... I don't recall. ... I don't recall ... I don't recall. ... I don't recall ... I really don't recall ... I actually don't recall why I forwarded it to him ... I don't recall why I did that ... I don't remember ... I don't recall speaking to him.”). This contrasts starkly with Dr. Fauci's public claim to “remember ... very well” key events of the same day. Jones Decl., Ex. X, at 1. Dr. Fauci's claim to an amazing loss of memory about this urgent clandestine email to his confidential deputy is not credible.

643. Dr. Fauci admits, however, that he wanted Auchincloss to find out what coronavirus research NIAID was funding in China before his call later that afternoon with scientists about the lab-leak concerns raised by Andersen and Farrar: “And at my recollection, I brought to Hugh's attention, saying, ‘We have to speak in the morning, because I want to find out what the scope of what it is that we are funding so I'll know what we're talking about.’” Fauci Dep. 58:1-5. In particular, Dr. Fauci wanted to find out what EcoHealth Alliance was doing: “this was the first that I had heard about specifics of what EcoHealth and what other people were doing, and I wanted my staff to say get me up to date. So that's what I meant by you have work to do.” *Id.* at 58:6-12.

644. Regarding the “tasks that must be done,” Dr. Fauci admits that “I wanted to be briefed on the scope of what our collaborations were and the kind of work that we were funding in China. I wanted to know what the nature of that work was.” *Id.* at 59:12-15.

645. The tone of the email and Dr. Fauci's own testimony strongly support the inference that Dr. Fauci sent the email to Auchincloss because he was concerned that NIAID, under his leadership, was funding research in China that might have led to the creation and leak of SARS-CoV-2, and he wanted to know the full extent of NIAID's exposure before his call later that day with scientists and funding authorities. *See also* Fauci Dep. 58:18-25. If it became public that

NIAID had funded the creation of SARS-CoV-2, Dr. Fauci and his agency potentially faced an enormous crisis of public credibility and accountability.

646. Immediately after sending Auchincloss the 2015 *Nature Medicine* article, Dr. Fauci also forwarded Auchincloss another article about the possibility that SARS-CoV-2 had leaked from a lab—the Jon Cohen article that he had sent to Kristian Andersen and Jeremy Farrar earlier that evening. Fauci Ex. 6, at 9. This email confirms that Dr. Fauci was deeply concerned about the prospect that NIAID, under his watch, might have funded the creation of the virus causing the global pandemic.

647. Dr. Fauci denies that, when he sent this email to Auchincloss, he was then concerned that NIAID might have funded the creation of the virus that caused the COVID-19 pandemic. When asked, “Were you concerned at that time that the work that you had funded in China might have led to the creation of the coronavirus?” Dr. Fauci responded: “I wasn’t concerned that it might have.” Fauci Dep. 59:16-19. In light of the tone and content of his emails at the time, and Dr. Fauci’s other testimony, this statement is plainly not credible.

648. According to Dr. Fauci, when he participated in the secret call with the scientists and funding authorities later that afternoon on Saturday, Feb. 1, 2020, he did not share with them that NIAID had been funding “SARS Gain of Function” research in China leading to the outbreak of COVID-19. Fauci Dep. 63:22 (“I don’t believe I did.”).

649. In fact, once again, Dr. Fauci claims that he does not recall what he said on the clandestine February 1, 2020 phone call. *Id.* at 64:17 (“I don’t recall”).

650. At 1:19 p.m. on Saturday, Feb. 1 – about forty minutes before the secret conference call to discuss the lab-leak concern – Dr. Fauci also forwarded the “Baric, Shi et al – Nature Medicine – SARS Gain of Function” article to Lawrence Tabak of the NIH, saying only “Here it

is.” Fauci Ex. 6, at 15. Lawrence Tabak was then “the deputy director of the National Institutes of Health,” the principal deputy to then-NIH Director Dr. Francis Collins. Fauci Dep. 65:8-11.

651. Dr. Fauci testified that “I don’t recall why” he sent the 2015 *Nature Medicine* article to Lawrence Tabak, but he admits that it was likely to get it into the hands of Dr. Francis Collins, who was about to participate in the 2:00 p.m. secret conference call with Dr. Fauci and the other scientists. *Id.* at 66:15-17. Dr. Fauci claims that this was “to make sure *everyone* was aware of what the discussions were,” *id.* at 66:13-15, but that is not credible in light of his testimony that he did not alert any of the *other* scientists on the call to the concern that NIAID was funding “SARS Gain of Function” research in China. *Id.* at 63:22.

652. The more compelling inference is that Dr. Fauci wanted Dr. Collins to know that NIAID and NIH faced enormous exposure if the lab-leak theory turned out to be true or publicly accepted. Dr. Collins, along with Dr. Fauci, had publicly championed gain-of-function research since at least 2011, and NIH had jointly funded Dr. Shi Zhengli’s work at the Wuhan Institute of Virology through NIAID and the National Institute of Aging. Fauci Ex. 4, at 5 (referring to “grants from the National Institute of Allergy & Infectious Disease and the National Institute of Aging of the US National Institutes of Health (NIH)”).

653. On Saturday, Feb. 1, 2020, at 11:47 a.m., Hugh Auchincloss emailed Dr. Fauci in response to his 12:29 a.m. email. The subject line stated only “Continued.” Auchincloss stated: “The paper you sent me [*i.e.*, the 2015 *Nature Medicine* article on ‘SARS Gain of Function’] says the experiments were performed before the gain of function pause but have since been reviewed and approved by NIH. Not sure what this means since Emily is sure that no Coronavirus work has gone through the P3 framework. She will try to determine if we have any distant ties to this work abroad.” Fauci Ex. 6, at 16. At 5:51 p.m., Dr. Fauci responded: “OK. Stay tuned.” *Id.*

654. “Emily” in Auchincloss’s email “is Emily Erbelding, the Director of the Division of Microbiology and Infectious Diseases at NIAID,” who “would have been the one who was closest to the ground in understanding what we were doing in funding China.” Fauci Dep. 70:14-18. The “P3 framework” refers to the special approval process required for funding of gain-of-function research on coronaviruses that may cause pandemics, as “P3” stands for “potential pandemic pathogens.” See National Institutes of Health, Office of Science Policy, *Gain of Function Research*, at <https://osp.od.nih.gov/policies/national-science-advisory-board-for-biosecurity-nsabb/gain-of-function-research/> (“Certain gain-of-function studies with the potential to enhance the pathogenicity or transmissibility of potential pandemic pathogens (PPPs) have raised biosafety and biosecurity concerns...”). Thus, Auchincloss and Dr. Fauci had evidently discussed the concern that NIAID had funded the creation of “potential pandemic pathogens” at the Wuhan Institute of Virology, and Dr. Fauci was concerned about NIAID’s “ties to this work abroad.” Fauci Ex. 6, at 16.

655. Dr. Fauci admits that this email confirms that he “wanted to be briefed as to the extent of our involvement with funding in China,” Fauci Dep. 71:2-4—in particular, NIAID’s funding of the Wuhan Institute of Virology, as a global SARS-like pandemic emerged from Wuhan.

656. Dr. Fauci also admits that he may have raised the concern with Auchincloss that Dr. Baric’s and Dr. Shi Zhengli’s research reflected in the 2015 *Nature Medicine* article may have been illegally funded in violation of the GoF Pause in effect from 2014 to 2017. Fauci Dep. 71:14-20 (“Q: Did you raise a specific concern with Hugh that the research reflected in the Baric, Shi Nature Medicine paper may have been inconsistent with the pause on -- gain-of-function funding research? A. That is possible.”).

657. On Saturday, Feb. 1, 2020, Jeremy Farrar sent an email organizing a secret conference call at 2:00 pm EST to a group of scientists and science-funding authorities. Fauci Ex. 6, at 17-18. The first thing that Farrar noted in the email, in bold, was “**Information and discussion is shared in total confidence and not to be shared until agreement on next steps.**” *Id.* at 17 (bold in original).

658. Separately, Farrar sent just Dr. Fauci an email on the morning of Feb. 1 to ensure that he could join the call, stating “Could you join?” Fauci Ex. 7, at 12. In that email, Farrar listed the participants and stated, “My preference is to keep this a really tight group. ... Obviously ask everyone to treat in total confidence.” *Id.* He also stated that the purpose of the call was “To listen to the work of Eddie, Bob and Kristian have done. Question it. And think through next steps.” *Id.*

659. Dr. Fauci described the call as an open debate about the lab-leak theory among “a larger group of evolutionary virologists,” Fauci Dep. 58:19-20, but in fact the call included a heavy representation of international government and science-funding authorities—including Dr. Fauci, Director of NIAID; Dr. Francis Collins, Director of NIH; Jeremy Farrar, head of the Wellcome Trust, the United Kingdom’s “predominant” science-funding authority; Paul Schreier, the Chief Operating Officer of the Wellcome Trust who is responsible for “research funding” there; and Sir Patrick Vallance, the chief medical advisor to the U.K. government. Fauci Ex. 6, at 18; *see also* Fauci Dep. 75:11-76:15. All these people had a strong vested interest in avoiding a major scandal about international science-funding practices—such as the concern that Western governments may have funded the creation of a deadly virus that escaped from a lab and infected millions of people. As funding authorities who control the distribution of massive amounts of research funding, they also had powerful influence over the research scientists on the call.

660. Dr. Fauci took steps to ensure that Dr. Francis Collins would be included on the call “since he’s the director of NIH.” Fauci Dep. 75:4-6. Dr. Fauci evidently spoke with Dr. Collins before the call, as he emailed Farrar before the call stating, “Jeremy: Francis will be on the call. He is trying to phone you.” Fauci Ex. 7, at 17. Farrar then emailed Dr. Collins stating, “Francis Call me on [redacted].” Fauci Ex. 7, at 19.

661. Like the 12:29 a.m. email to Auchincloss, Dr. Fauci repeatedly claimed that he could not recall virtually any details about the 2:00 p.m. secret conference call with scientists and funding authorities about the lab-leak theory. Fauci Dep. 63:19-67:11 (“I don’t recall bringing this up ... I don’t recall ... I don’t recall ... I don’t recall when it was ... I don’t recall ... I don’t believe that Larry was, but he could have been ... I don’t recall”); Fauci Dep. 73:20-74:14 (“I don’t recall a discussion about confidentiality or not ... I may have. I don’t recall.”); Fauci Dep. 77:13-15 (“Do you remember anything that anybody said on the call? A: No.”); Fauci Dep. 78:10-83:10 (“I don’t recall whether that was discussed ... I don’t recall anything from that phone call that said that ... I’m not sure if I discussed it ... I have a vague recollection that there was a concern ... It is certainly possible, but I don’t specifically remember ... I don’t specifically recall.”).

662. This testimony to near-complete lack of memory about the call stands in stark contrast to Dr. Fauci’s public statements a year and a half after the call occurred, when FOIA releases of Dr. Fauci’s emails finally revealed to the public that this secret call had occurred. Then, Dr. Fauci stated, “I remember it very well.” Jones Decl., Ex. X, at 1. Dr. Fauci’s testimony about lack of recall is not credible.

663. Notwithstanding his repeated testimony that he cannot recall specifically what was said on the call, Dr. Fauci provided a self-justifying and innocent account of the call, describing it as a good-faith discussion among scientists trying to get to the truth without any preconceived

biases. *See, e.g.*, Fauci Dep. 77:16-18 (“[T]here was what appeared to me to be good faith discussion back and forth between people who knew each other”); Fauci Dep. 79:23-80:1 (“I think the general feeling among the participants on the call is that they wanted to get down to the truth and not wild speculation about things.”); Fauci Dep. 80:9-10 (“I don't think there was any other concern than sticking with the truth and sticking with data”).

664. Dr. Fauci thus seeks to have his cake and eat it too—he claims both to remember little or nothing of what was said on the call, and to clearly remember that the entire discussion was done in good faith and without any bias. In any event, subsequent communications and events make clear that Dr. Fauci’s testimony on this point is not credible, as discussed in detail below, as an aggressive plot to discredit the lab-leak theory commenced immediately after the call.

665. Almost an hour into the 2:00 pm call, at 2:56 p.m., Jeremy Farrar sent a cryptic email to Fauci, Collins, Vallance (all science funders) and Mike Ferguson, stating, “Can I suggest we shut down the call and then redial in? Just for 5-10 mins?” Dr. Fauci responded, “Yes.” Fauci Ex. 7, at 26. Dr. Fauci claims he cannot recall whether this occurred. Fauci Dep. 92:1-93:6.

666. Dr. Fauci testified that the call participants concluded that they needed more time to take a much closer look at the biology of the virus and genetic sequences before coming to a conclusion about the virus’s origins, and they planned to take more time to continue their inquiry afterward. *See* Fauci Dep. 78:3-9 (“The ten[or] of it ended that we need more time ... they said we need some time to more carefully look at this to see if we can come to a sound conclusion based on further examination of the sequences.”); Fauci Dep. 80:24-25 (“The plan was to go and spend more time carefully looking at it.”). In fact, Eddie Holmes and Kristian Andersen began drafting an article concluding that the lab-leak hypothesis was baseless and rooted in animus

immediately after the call ended, and Dr. Fauci received an initial draft of this article by the next Tuesday morning. *See infra*. Dr. Fauci's testimony on this point is not credible.

667. Dr. Fauci testified that his next interaction with the call's participants was when Kristian Andersen sent him a preprint of that article attacking the lab-leak theory. Fauci Dep. 82:19-83:1. In fact, before the preprint, Holmes and Farrar had sent Dr. Fauci at least *four* drafts of the article to review. *See infra*. Dr. Fauci's testimony is not credible on this point.

668. Dr. Fauci states that he cannot remember if he had further discussions with Jeremy Farrar, Francis Collins, and Patrick Vallance surrounding this call on Feb. 1, 2020. Fauci Dep. 83:2-10; 85:8-23, 90:25-91:15, 92:1-21. In fact, Dr. Fauci sent Jeremy Farrar a lengthy email that is entirely redacted at 12:38 a.m. on Saturday, Feb. 1, 2020, Fauci Ex. 7, at 1; Farrar emailed Fauci on Jan. 30 stating "Tony Perfect timing – thank you. Great to catch up," and provided Sir Patrick Vallance's phone number, Fauci Ex. 7, at 4; Fauci emailed Farrar and Vallance on Jan. 30, stating "Thanks, Jeremy. Great chatting with you and Patrick. Will stay in close touch," Fauci Ex. 7, at 4; Jeremy Farrar sent Dr. Fauci an email on Friday, Jan. 31, stating "Tony Really would like to speak with you this evening It is 10pm now UK Can you phone me on [redacted]," Fauci Ex. 7, at 3; Farrar and Sir Patrick Vallance had a three-way call with Dr. Fauci on Jan. 30, 2020, Fauci Ex. 7, at 4; Farrar emailed Fauci and Collins after the call referring to "Conversations with you and Tony, and Patrick and others," Fauci Ex. 7, at 34; among others. Dr. Fauci had extensive discussions with Jeremy Farrar, Francis Collins, and Patrick Vallance surrounding the 2:00 p.m. February 1, 2020 secret conference call, and his testimony to the contrary is not credible.

669. After the call, Francis Collins emailed Farrar and stated, "Hi Jeremy, I can make myself available at any time 24/7 for the call with Tedros. Just let me know. Thanks for your leadership on this critical and sensitive issue." Fauci Ex. 7, at 34. Farrar responded, "We are

altogether as you know!” Fauci then chimed it: “Thanks, Jeremy. We really appreciate what you are doing here.” Fauci Ex. 7, at 34. “Tedros” refers to the director of the World Health Organization. Fauci Dep. 95:6-7.

670. After the call, Dr. Fauci described the scientists as engaging in a careful investigation of the virus: “[K]ristian and a few of the others carefully got together and looked at it and examined the pros and the cons and the ups and downs, and came to the conclusion that their initial concern about the molecular basis of the concern was unwarranted and that what they saw was quite compatible and, in fact, suggestive of a natural evolution.” Fauci Dep. 81:8-15. In fact, Eddie Holmes and Kristian Andersen immediately began drafting an article attacking the lab-leak theory with no further investigation, which was sent to Dr. Fauci in less than three days. *See infra*. Dr. Fauci’s testimony on this point is not credible.

671. Farrar emailed Dr. Tedros of the World Health Organization and two senior WHO officials, along with Dr. Fauci and Dr. Collins, indicating that he had just spoken to the senior WHO officials and “[f]ully agree with your summary.” Fauci Ex. 8, at 1. Farrar emphasized the “urgency and importance” of the lab-leak question because of the “[g]athering interest evident in the scientific literature and in mainstream and social media to the question of the origin of this virus,” and thus it was “[c]ritical” to “get ahead of the science and the narrative of this” instead of “reacting to reports which could be very damaging.” Fauci Ex. 8, at 1. He also wrote, “I am sure I speak for Francis [Collins] and Tony [Fauci] when I say we are here and ready to play any constructive role in this,” as they “[d]o think this is an urgent matter to address.” *Id.*

672. Thus, Farrar, joined by Fauci and Collins, sent a message to the WHO that they wanted to “get ahead” of potentially damaging “narrative[s]” that might emerge “in mainstream and social media” about the origins of the virus. *Id.*

673. Later that day, on Feb. 2, Farrar separately emailed Fauci and Collins, stating “Tedros and Bernhard have apparently gone into conclave...they need to decide today in my view. If they do prevaricate, I would appreciate a call with you later tonight or tomorrow to think how we might take forward.” Fauci. Ex. 8, at 2. He also stated, “Meanwhile....” and linked to an online article speculating about the lab-leak origins of the virus—again indicating that Fauci, Farrar, and Collins were concerned about controlling online discourse about the lab-leak theory. *Id.*

674. The day after the conference all, Sunday, Feb. 2, Dr. Fauci, Jeremy Farrar, and Dr. Collins shared a series of emails (1) acknowledging that there were very serious arguments in favor of the lab-leak theory, and (2) repeatedly expressing concern about the lab-leak theory’s involvement on “social media.” The group, including Dr. Fauci, repeatedly expressed concern about postings about the lab-leak theory on social media. *See* Fauci Ex. 8.

675. First, after the Feb. 1 call, still on Feb. 1, Farrar sent an email to the group expressing concern that “[t]here will be media interest and there is already chat on Twitter/WeChat” about the lab-leak theory, and stating: “In order to stay ahead of the conspiracy theories and social media I do think there is an urgency for a body to convene” to address the lab-leak question. Fauci Ex. 8, at 9.

676. The next day, Feb. 2, Farrar then expressed concern that “these questions are being asked by politicians, starting in the scientific literature, [and] certainly on social and main stream media. If, and I stress if, this does spread further, pressure and tensions will rise. [I] fear these questions will get louder and more polarised and people will start to look to who to blame. ... I am concerned if this is not done quite quickly it will be reacting to what may be lurid claims.” Fauci Ex. 8, at 7.

677. Another call participant then agreed that “this needs to be discussed urgently,” in part “because of the lurid claims on Twitter.” Fauci Ex. 8, at 6. He also noted that “if the evolutionary origins of the epidemic were to be discussed, I think the only people with sufficient information or access to samples to address it would be the teams working in Wuhan.” *Id.*

678. The same day, Farrar acknowledged “this is a very complex issue,” and again expressed concern about “social and main stream media”: “As discussed on the phone this discussion is not limited to those on this email, it is happening wider in the scientific, social and main stream media.” Fauci Ex. 8, at 5.

679. Dr. Collins then responded to Farrar and Dr. Fauci only, stating that “a confidence-inspiring framework ... is needed, or the voices of conspiracy will quickly dominate, doing great potential harm to science and international harmony.” Fauci Ex. 8, at 5.

680. Farrar then shared notes with Fauci, Collins and Tabak (Collins’ deputy) from “Mike Farzan (discoverer of SARS receptor),” which stated that Farzan “is bothered by the furin cleavage site [a virus feature that looks bioengineered] and has a hard time explaining that as an event outside the lab,” and that “acquisition of the furin site would be highly compatible with the idea of continued passage of virus in tissue culture,” *i.e.*, serial passage. Fauci Ex. 8, at 4. Farzan suggested that “a likely explanation” of the virus was serial passage of SARS-like coronaviruses in human cell lines, and he stated that “I am 70:30 or 60:40” in favor of laboratory origins. Fauci Ex. 8, at 3-4.

681. Farrar also shared notes from “Bob” [Garry] that he had “aligned” the new virus “with the 96% bat CoV sequenced at WIV [Wuhan Institute of Virology],” and viewed the lab-origin theory as highly likely: “I really can’t think of a plausible natural scenario ... I just can’t

figure out how this gets accomplished in nature. Do the alignment of the spikes at the amino acid level – it’s stunning.” Fauci Ex. 8, at 4.

682. Having shared these notes, Farrar noted, “On a spectrum if 0 is nature and 100 is release – I am honestly at 50! My guess is that this will remain grey, unless there is access to the Wuhan lab – and I suspect that is unlikely!” Fauci Ex. 8, at 3. Both Farrar and Collins expressed concerns that the WHO might move too slowly for their liking. *Id.*

683. Then, still on February 2, 2020, Dr. Fauci wrote to Farrar, Collins, and Lawrence Tabak (Dr. Collins’ principal deputy), stating: “Like all of us, I do not know how this evolved, but given the concerns of so many people and *the threat of further distortions on social media*, it is essential that we move quickly. Hopefully, we can get the WHO to convene.” Fauci Ex. 8, at 2 (emphasis added).

684. Dr. Fauci claimed that he is completely dissociated from social media, stating: “I don’t do social media so I’m not familiar with them,” Fauci Dep. 98:15-16; and “You know, I’m so dissociated from social media. I don’t have a Twitter account. I don’t do Facebook. I don’t do any of that, so I’m not familiar with that,” Fauci Dep. 99:5-8; *see also, e.g.*, Fauci Dep. 103:12-14; 210:3-8; 213:10-16; 241:6-9; 241:21-242:1; 301:10-11 (“I don’t pay attention to things related to social media accounts.”); *id.* at 312:7-9 (“I can repeat it for the hundredth time, I really don’t get involved in social media issues.”); *id.* at 356:15-16 (“I’m not a social media person.”).

685. In fact, Dr. Fauci’s daughter was then a software engineer at Twitter, Fauci Dep. 99:23-100:15; Dr. Fauci has done numerous podcasts and interviews on social media, including with Mark Zuckerberg, Fauci Dep. 99:16-19, 101:1-6; Dr. Fauci had specifically expressed concern about “the threat of further distortions on social media” about the lab-leak theory in his contemporaneous email, Fauci Ex. 8, at 2; and Dr. Fauci’s communications staff had repeatedly

emailed Twitter to try to remove postings critical of Dr. Fauci, *see infra*. Dr. Fauci's professed ignorance of social media is not credible. His communications and conduct make clear that he is keenly aware and deeply concerned about what he believes are "distortions on social media." Fauci Ex. 8, at 2.

686. Dr. Fauci also testified that "I don't recall anything about social media" in his discussions with Farrar about the origins of the virus. Fauci Dep. 102:17-18. In light of the contemporaneous emails repeatedly raising concerns about discussions of the lab-leak theory on social media, this claim is not credible.

687. Dr. Fauci admits that he was "concerned about ... there being misinformation or disinformation that would interfere with our trying to save the lives of people throughout the world, which happens when people spread false claims." Fauci Dep. 103:18-22. He states that "misinformation and/or disinformation can lead to loss of life ... and that troubles me." Fauci Dep. 104:15-17. This includes the spread of misinformation and disinformation on social media, because "that's part of the way information is disseminated." Fauci Dep. 104:22-23.

688. After Dr. Fauci's email about "the threat of further distortions on social media," Farrar emailed back indicating that the WHO might not move quickly to address the lab-leak theory, and stating to Fauci and Collins: "they need to decide today in my view. If they do prevaricate, I would appreciate a call with you later tonight or tomorrow to think how we might take forward." Fauci Ex. 8, at 2. He also stated: "Meanwhile...." and linked to an online posting expressing concerns about the lab-leak theory – indicating his dominant concern about online speech discussing the lab-leak theory. *Id.*

689. Soon thereafter, Farrar emailed Dr. Tedros of the WHO and two senior WHO officials, copying Fauci and Collins. Fauci Ex. 8, at 1. Farrar urged the WHO to quickly establish

a working group to address the lab-leak theory, and reiterated that they should “[a]ppreciate the urgency and importance of this issue,” given the “[g]athering interest evident in the science literature and in mainstream and social media to the question of the origin of this virus,” and pressing them to “get ahead of ... the narrative of this and not reacting to reports which could be very damaging.” Fauci Ex. 8, at 1.

690. Fauci claims that he does not believe there was any further communication between him and Farrar about this issue, despite Farrar’s urgent request for a follow-up call if the WHO did not act immediately. Fauci Ex. 8, at 2; Fauci Dep. 109:22-110:7. In light of their subsequent communications, this testimony is not credible.

691. By the early morning of February 4, 2020, Eddie Holmes had already sent a draft research paper attacking the lab-leak theory to Jeremy Farrar. Fauci Ex. 9, at 1. Holmes noted to Farrar that, in the draft, he “[d]id not mention [the virus’s] other anomalies as this will make us look like loons.” Fauci Ex. 9, at 1. To complete the draft between the afternoon of Saturday, Feb. 1, and the early morning of Tuesday, Feb. 4, Holmes must have started working on it almost immediately after the Feb. 1 conference call.

692. Farrar forwarded this draft to Fauci and Collins at 2:01 a.m. on Tuesday morning, February 4, 2020, in an attachment called “Summary.” Fauci Ex. 10, at 3. He noted, “Please treat in confidence – a very rough first draft from Eddie and team – they will send on the edited, cleaner version later.” *Id.*; *see also* Fauci Ex. 12, at 1.

693. Dr. Collins responded: “I note that Eddie is now arguing against the idea that this is the product of intentional human engineering,” Fauci Ex. 10, at 3, a dramatic reversal of Holmes’s position a few days earlier that Holmes and Andersen “find the genome inconsistent with expectations from evolutionary theory.” Fauci Ex. 6, at 1. The paper’s conclusion was also

profoundly at odds with Holmes's statement, in the email sending the draft paper itself, that they would "look like loons" if the paper discussed the virus's other "anomalies" that strongly suggested a lab origin. Fauci Ex. 9, at 1.

694. Collins also noted that Holmes had not ruled out the possibility of a lab-created virus through serial passage. Fauci Ex. 10, at 3. Farrar responded, stating "Eddie would be 60:40 lab side. I remain 50:50." *Id.* Eddie, however, had already drafted a paper that *refuted* the lab-leak theory, even though he evidently still believed was the better explanation. *See id.*

695. Regarding the possibility of serial passage, Dr. Fauci noted that "Serial passage in ACE2-transgenic mice" was a possibility for the virus's origin, Fauci Ex. 10, at 2— notably, serial passage in humanized mice as was used in the 2015 *Nature Medicine* study. (Like so many other things, Dr. Fauci claims he does not recall this statement that he wrote. Fauci Dep. 115:22-116:12.) Collins responded, "Surely that wouldn't be done in a BSL-2 lab?" and Farrar answered, "Wild West...." Fauci Ex. 10, at 2. This exchange indicates that that Fauci, Farrar, and Collins were concerned that the coronavirus had been created in Wuhan by serial passage through humanized mice in a low-security [BSL-2] lab and then escaped from that low-security lab—*i.e.*, the precise concerns surrounding the NIAID-funded research at WIV. *Id.*; *see also, e.g.*, Jones Decl., Ex. BB< at 14 ("In the above exchange, the health officials [Fauci, Farrar, and Collins] seem to be contemplating the possibility that the repeated passage of a coronavirus through genetically modified mice in an insufficiently secure lab could have resulted in the accidental emergence and release of SARS-CoV-2.")).

696. Later in the evening of the same day, Tuesday, Feb. 4, Farrar sent Fauci and Collins a second version of draft, entitled "Summary," with the note "Tidied up." Fauci Ex. 12, at 7. Dr. Fauci claims he does not remember receiving these drafts. Fauci Dep. 127:4-10.

697. The next day, February 5, 2020, Farrar sent Fauci and Collins a third version of the draft, still entitled “Summary,” with a note: “Tony and Francis The revised draft from Eddie, copied here.” Fauci Ex. 12, at 8.

698. Two days later, on February 7, 2020, Farrar sent Fauci and Collins a fourth version of the same draft, entitled “Summary.Feb7.pdf,” with the note in the subject line, “Revised draft.” Fauci Ex. 11, at 2. This draft made clear that Holmes and his co-authors planned to aggressively discredit the lab-leak theory. It stated in bold in the beginning “Overview” section: “**Analysis of the virus genome sequences clearly demonstrates that the virus is not a laboratory construct or experimentally manipulated virus.**” Fauci Ex. 11, at 3 (bold in original).

699. This was the *fourth* updated draft that Farrar sent to Fauci and Collins of the paper discrediting the lab-leak theory in the first week since the Feb. 1 secret conference call. The draft advocated that genetic evidence “clearly demonstrates” that the lab-leak theory is false. *Id.*

700. Dr. Fauci claims that he did not have any involvement in Farrar’s efforts to push the WHO to assemble a working group to address the lab-leak theory. Fauci Dep. 110:4-7 (“So I really would doubt that there was any further communication between me and the WHO about this. This was fundamentally Jeremy’s lane, if you want to call it that.”); *id.* at 125:17-19 (“I didn’t have any direct involvement with the WHO, not to my recollection.”); *id.* at 131:14-15 (“This was mostly a Jeremy-led thing”). But in fact, Dr. Fauci sent multiple emails to Farrar urging for the inclusion of a long list of specific scientists in the WHO’s working group. Fauci Ex. 13, at 1-2, 6.

701. On Feb. 5, 2020, Farrar emailed Fauci and Collins, stating that he believed that the WHO would assemble a working group to address the lab-leak theory, and urging Fauci and Collins to provide names of scientists to participate in the group. Fauci Ex. 13, at 7. Farrar stated that the WHO “have asked for names to sit on that Group – please do send any names.” *Id.* He

then stated, “We can have a call this week with a core group of that *to frame the work of the Group* including – if you could join?” *Id.* (emphasis added). And then he stated, “With names to be put forward into the Group from us and *pressure on this group from your and our teams* next week.” *Id.* (emphasis added). Plainly, Farrar intended, with Fauci and Collins’ assistance, to stack the WHO’s group with their hand-picked scientists, have an advance call “to frame the work of the Group,” and to put “pressure on this group from [Fauci’s and Collins’] and our teams next week,” *id.*—to influence and control the outcome of the WHO Group’s deliberations.

702. Fauci and Collins did not dispute this plan. On the contrary, Fauci responded by providing Farrar with a detailed list of eight scientists to include in the WHO’s group “in addition to the individuals who were on the call with us last Saturday.” Fauci Ex. 13, at 2, 6. Fauci then followed up to his own email with an additional scientist, stating she is “an important name for the coronavirus evolution working group. Please include her.” *Id.* at 1. Fauci’s attempts to downplay his involvement with the plan to create and control a WHO working group on COVID-19’s origins to discredit the lab-leak theory, therefore, are not credible.

703. Dr. Fauci testified that he, Farrar, and Collins “wanted to get them [the WHO] involved because we wanted to make sure that this was an open and transparent discussion,” Fauci Dep. 126:9-12, is not credible in light of the contemporaneous email from Farrar to Fauci and Collins plotting to “frame the work of the Group” and put “pressure on this group from your and our teams next week.” Fauci Ex. 13, at 3.

704. Dr. Fauci claims he does not recall any discussions about framing the work of the Group, or putting pressure on the Group. Fauci Dep. 137:1-21.

705. On February 9, 2020, Dr. Fauci participated in a joint podcast with Dr. Peter Daszak of the EcoHealth Alliance to discuss the outbreak of COVID-19. Fauci Ex. 15, at 1.

706. Peter Daszak was then involved in organizing a statement for the Lancet seeking to discredit the lab-leak theory, similar to the article then being drafted by Eddie Holmes, of which Dr. Fauci had received four drafts the previous week. *See* Jones Decl., Ex. CC, at 1. Just a few days later, The Lancet would publish a statement of scientists organized and co-signed by Daszak and Jeremy Farrar, which stated: “We stand together to strongly condemn conspiracy theories suggesting that COVID-19 does not have a natural origin.” *Id.* Thus, at that time, Daszak was working in parallel with Dr. Fauci, and together with Jeremy Farrar, to produce a published article discrediting the lab-leak theory. *Id.*

707. During the podcast, both Dr. Fauci and Daszak made comments seeking to discredit the lab-leak theory. Fauci Ex. 16, at 1. Fauci, when asked “Do you have any sense of where [the virus] probably came from?” answered, “Well I think ultimately we know that these things come from an animal reservoir. I heard these conspiracy theories and like all conspiracy theories ... they [are] just conspiracy theories.... I think the things you are hearing are still in the realm of conspiracy theories without any scientific basis for it.” *Id.* Daszak was asked, “Is it your sense that it’s almost certain it came from an animal-to-human transmission?” and he responded: “All the evidence says that is what happened. ... It looks to me and to most scientists like it’s a bat virus that got into people either in the market or in rural China and just unfortunately has the capacity to spread.” *Id.*

708. On February 11, 2020, Dr. Fauci had a meeting at NIAID with Dr. Ralph Baric, the corresponding author of the 2015 *Nature Medicine* article about NIAID-funded gain-of-function research in Wuhan that Dr. Fauci sent to Hugh Auchincloss after midnight on Feb. 1. Fauci Ex. 17, at 1 (Dr. Fauci’s official calendar, Feb. 11, 2020, at 2:30 p.m. – “Meeting with Dr. Ralph Baric”). Dr. Fauci does not dispute that he met with Dr. Ralph Baric that day, but (like so many

other things) he claims that he does not recall the meeting or what they discussed. Fauci Dep. 149:9-10, 149:21-23. As noted above, given that Dr. Fauci was deeply concerned about Baric's research at the time, Dr. Fauci's testimony on this point is not credible.

709. On Feb. 11, 2020, Ian Lipkin wrote an email referring to the draft paper about the origins of COVID-19 stating that, while the paper was "well-reasoned and provides a plausible argument against genetic engineering," it "does not eliminate the possibility of an inadvertent release following adaptation through selection in culture at the institute in Wuhan. Given the scale of the bat CoV research pursued there and the site emergence of the first human cases we have a nightmare of circumstantial evidence to assess." Fauci Ex. 18, at 1. Dr. Fauci states that he does not recall this email but that "it's entirely possible that Ian wrote this to me," because "Ian communicates with me." Fauci Dep. 153:15-17.

710. Dr. Fauci testified that it is "molecularly" impossible that SARS-CoV-2 originated from NIAID-funded research: "molecularly, that could not have happened." *Id.* at 157:21-22. But separately, he repeatedly testified that molecular virology is not his field, so his certainty on this one key point is not credible. *Id.* at 64:8-9 ("that's not my field, evolutionary virology"); *id.* at 117:19-20 ("I'm hesitant to go there because that's not my area of expertise"); *id.* at 127:12-13 ("it was an area that was not my area of expertise"); *id.* at 160:7-9 ("Did I fully understand the molecular virology of it? Unlikely, because I'm not an evolutionary virologist.").

711. On February 17, 2020, the preprint version of the paper drafted by Eddie Holmes attacking the lab-leak theory was released. Fauci Ex. 19. The paper was entitled, "The Proximal Origins of SARS-CoV-2." *Id.* at 12. Its listed authors were Kristian Andersen, Andrew Rambaut, Ian Lipkin, Edward Holmes, and Robert Garry. *Id.* All these authors, except possibly Ian Lipkin,

had been participants in the secret phone conference at 2:00 p.m. on Saturday, Feb. 1, 2020. Fauci Dep. 161:7-10.

712. These authors had a financial interest in supporting NIH's preferred narrative. "Garry and Andersen have both been recipients of large grants from NIH in recent years, as has another 'Proximal Origin' author, W. Ian Lipkin of Columbia University." Jones Decl., Ex. BB.

713. These authors were stunningly recent converts to the theory of natural origin. On February 11, Ian Lipkin had sent an email about the same paper stating that "we have a nightmare of circumstantial evidence to assess." Fauci Ex. 18, at 1. On February 4, Holmes had written to Farrar that he avoided discussing the virus's "other anomalies as this will make us look like loons." Fauci Ex. 9, at 1.

714. On February 2, Bob Garry had written to Farrar, "I really can't think of a plausible natural scenario ... I just can't figure out how this gets accomplished in nature. Do the alignment of the spikes at the amino acid level – it's stunning." Fauci Ex. 8, at 4. On January 31, Andersen had written to Dr. Fauci that the virus's "features (potentially) look engineered," and that "after discussion earlier today, Eddie [Holmes], Bob [Garry], ... and myself all find the genome inconsistent with expectations from evolutionary theory." Fauci Ex. 6, at 1.

715. The preprint version of "The Proximal Origin of SARS-CoV-2" asserted a very different conclusion. It stated that "this analysis provides evidence that SARS-CoV-2 is not a laboratory construct nor a purposefully manipulated virus." Fauci Ex. 19, at 2. It stated that "genomic evidence does not support the idea that SARS-CoV-2 is a laboratory construct." *Id.* at 6.

716. Dr. Fauci does not dispute that this preprint was sent to him. Fauci Dep. 160:3-4 ("It is likely that this was sent to me"). Dr. Fauci admits that he reviewed the preprint when it was

sent to him. *Id.* at 160:7 (“Did I look through it? Yes.”). And Dr. Fauci admits that he was aware of what their conclusion was about the lab-leak theory. *Id.* at 162:13-15 (“I am certain that having looked at it, I was aware of what their conclusion was.”).

717. This was the *fifth* version of the paper that was sent to Dr. Fauci to review, after four drafts sent to him on Feb. 4, 5, and 7. *Id.* at 160:13-16.

718. On March 6, 2020, Kristian Andersen emailed Dr. Fauci, Dr. Collins, and Jeremy Farrar, stating, “Dear Jeremy, Tony, and Francis, Thanks again for your advice and leadership as we have been working through the SARS-CoV-2 ‘origins’ paper. We are happy to say that the paper was just accepted by Nature Medicine and should be published shortly .... To keep you in the loop, I just wanted to share the accepted version with you, as well as a draft press release. We’re still waiting for proofs, so please let me know if you have any comments, suggestions, or questions about the paper or the press release.” Fauci Ex. 22, at 1. He also wrote: “Tony, thank you for your straight talk on CNN last night – it’s being noticed.” *Id.*

719. Thus, Andersen thanked Dr. Fauci, Collins, and Farrar for their “advice and leadership” about the paper, sent them the final draft, and asked for their input both on the draft and on their public messaging about the draft. *Id.*

720. This was the *sixth* version of the paper that was forwarded to Dr. Fauci for review and input. *Id.*

721. Dr. Fauci responded: “Kristian: Thanks for your note. Nice job on the paper. Tony.” *Id.*

722. Dr. Fauci denies that he provided “advice and leadership” in the preparation of the paper. Fauci Dep. 171:11-13. In light of the extensive meetings and correspondence detailed above, that testimony is not credible.

723. On March 17, 2020, *Nature Medicine* published the online version of *The Proximal Origin of COVID-19*. Fauci Ex. 24, at 3. The print version appeared in the April 2020 volume of the journal. *Id.*

724. The final, published version of the article makes even stronger claims attacking the lab-leak theory than the preprint version. In its opening, the article states: “Our analyses *clearly show* that SARS-CoV-2 is not a laboratory construct or a purposefully manipulated virus.” Fauci Ex 24, at 1 (emphasis added). Similarly strong language, leaving no room for doubt, occurs throughout the article: “the genetic data *irrefutably show* that SARS-CoV-2 is not derived from any previously used viral backbone,” *id.* at 1 (emphasis added). “This *clearly shows* that the SARS-CoV-2 spike protein optimized for binding to human-like ACE2 is the result of natural selection,” *id.* at 2 (emphasis added). “[T]he evidence shows that SARS-CoV-2 is not a purposefully manipulated virus,” *id.* at 3. “[W]e do not believe that any type of laboratory-based scenario is plausible.” *Id.* at 3. “SARS-CoV-2 originated via natural selection.” *Id.* at 3.

725. Thus, between the preprint version and final version of the article, the article substantially beefed up its conclusion that the lab-leak theory is implausible and should be discredited. Dr. Fauci claims he does not “recall specific conversations” about that conclusion with the authors, but he admits that he is “sure” that he discussed that conclusion with them: “we read the preprint and, therefore, we knew what the conclusion was, and I’m sure that that conclusion was discussed. So I would not be surprised at all following the initial preprint that I discussed the conclusion of these authors that this is not a laboratory construct or a purposely manipulated virus.” Fauci Dep. 181:3-10; *see also id.* at 181:18-22. Based on all these circumstances, it is likely that Dr. Fauci encouraged the authors to express a stronger and more unequivocal conclusion against the lab-leak theory than reflected in the preprint.

726. Once the article “The Proximal Origin of SARS-CoV-2” was released, both Dr. Fauci and Dr. Collins took steps to push it into prominence. First, on March 26, 2020, Dr. Collins published a blog post on the article on the “NIH Director’s Blog” entitled “Genomic Study Points to Natural Origin of COVID-19.” Fauci Ex. 25, at 1.

727. Dr. Collins used strong language relying on the study to attack and discredit the lab-leak theory as “outrageous” and “debunk[ed]”: “Some folks are even making outrageous claims that the new coronavirus causing the pandemic was engineered in a lab and deliberately released to make people sick. A new study debunks such claims by providing scientific evidence that this novel coronavirus arose naturally.” Fauci Ex. 25, at 2. Dr. Collins stated that the study shows that “the coronavirus that causes COVID-19 almost certainly originated in nature,” and that “this study leaves little room to refute a natural origin for COVID-19.” Fauci Ex. 25, at 3.

728. In his blog post, Dr. Collins did not disclose that he and Dr. Fauci had been part of the group that organized the study, nor that he and Dr. Fauci had reviewed six versions of the study before it was published. Fauci Ex. 25.

729. As was evidently intended, Dr. Collins’s blog post immediately fueled media coverage attacking the lab-leak theory as a “conspiracy theory.” For example, the next day, March 27, 2020, ABC News ran a story entitled, “Sorry, conspiracy theorists. Study concludes COVID-19 ‘is not a laboratory construct.’” Fauci Ex. 26. The article quoted Bob Garry—who on January 31 had found “the genome inconsistent with the expectations of evolutionary theory,” Fauci Ex. 6, at 1, and on February 1 had told Farrar that “I just can’t figure out how this gets accomplished in nature ... it’s stunning,” Fauci Ex. 8, at 4—as stating that “[t]his study leaves little room to refute a natural origin for COVID-19.” Fauci Ex. 26, at 3-4.

730. Dr. Fauci testified that he could not remember any contact from Dr. Collins about “The Proximal Origin of SARS-CoV-2” after Dr. Collins’ blog post on March 26, 2020. Fauci Dep. 186:19-187:6. In light of their subsequent communications and Dr. Fauci’s actions, this testimony is not credible.

731. In fact, Dr. Collins emailed Dr. Fauci about the article on Thursday, April 16, 2020. Fauci Ex. 27. The email linked to a Fox News piece by Bret Baier alleging that sources were “increasingly confident” that SARS-CoV-2 originated in a lab, and it stated: “Wondering if there is something NIH can do to help put down this very destructive conspiracy, with what seems to be growing momentum.” Fauci Ex. 27, at 1. Dr. Collins stated, “I hoped the Nature Medicine article on the genomic sequence of SARS-CoV-2 [*i.e.*, “The Proximal Origin of COVID-19] would settle this. ... Anything more we can do?” Fauci Ex. 27, at 1.

732. Dr. Fauci responded to Dr. Collins at 2:45 a.m. the next day, Friday, April 17, stating only: “Francis: I would not do anything about this right now. It is a shiny object that will go away in times. Best, Tony.” Fauci Ex. 27, at 2.

733. Dr. Fauci testified that he did not take “any steps to increase the visibility of the article after this” email exchange with Dr. Collins. 191:21-22; *see also* 195:10-17. That testimony is incorrect and not credible.

734. In fact, that same day, Dr. Fauci took matters into his own hands to make the lab-leak theory “go away.” At the joint press conference on April 17, 2020, with President Trump, Vice President Pence, and Dr. Fauci, a reporter asked, “Mr. President, I wanted to ask Dr. Fauci: Could you address the suggestions or concerns that this virus was somehow manmade, possibly came out of a laboratory in China?” Fauci Ex. 28, at 2. Dr. Fauci responded: “There was a study recently that we can make available to you, where a group of highly qualified evolutionary

virologists looked at the sequences there and the sequences in bats as they evolve. And the mutations that it took to get to the point where it is now is [pause for emphasis] *totally consistent* with a jump of a species from an animal to a human.” *Id.*; *see also id.* 199:18-25 (Dr. Fauci conceding that, “when you said that sentence about totally consistent, you pause and use that phrase, ‘totally consistent’ with emphasis” – “Right.”); *see also* Video of April 17, 2020 White House Coronavirus Task Force Briefing, at <https://www.youtube.com/watch?v=brbArpX8t6I> (exchange starting at 1:38:32 of video).

735. Dr. Fauci then feigned ignorance and unfamiliarity with the authors of the study: “the paper will be available – I don’t have the authors right now, but we can make that available to you.” Fauci Ex. 28, at 2. Presenting himself as unconnected with the paper, Dr. Fauci did not reveal (1) that he was part of a group that had launched the paper in a clandestine phone call on Saturday, Feb. 1; (2) that he had extensively corresponded with Jeremy Farrar about the paper and its conclusions; (3) that the authors of the paper had sent six versions to him, Jeremy Farrar, and Dr. Collins to review; (4) that he had likely urged the authors to beef up their conclusion attacking the lab-leak theory between the preprint and published versions of the paper; (5) that the authors had personally thanked him for his “advice and leadership” in drafting the paper; or (6) that Dr. Collins had emailed him the day before to ask him to push the paper publicly or take other steps to discredit the lab-leak theory.

736. Dr. Fauci does not dispute that he was referring to “The Proximal Origin of SARS-CoV-2” in his public remarks at the April 17, 2020, White House press briefing. Fauci Dep. 201:2-6 (“I assume it was the Nature Medicine paper.... I think it was.”).

737. Dr. Fauci testified that he did not make that paper available to any reporters after the press conference. *Id.* at 201:7-9 (“Not to my knowledge.”). That testimony is not credible.

738. In fact, over the weekend following the press conference, Dr. Fauci personally responded to an inquiry from a reporter specifically asking for the study he had referred to at the April 17, 2020 press conference, and provided a link to “The Proximal Origin of SARS-CoV-2.” Fauci Ex. 29, at 1. On Sunday, April 19, a reporter emailed the White House press office asking, “Dr. Fauci said on Friday he would share a scientific paper with the press on the origin of the coronavirus. Can you please help me get a copy of that paper?” *Id.*

739. Dr. Fauci personally responded to this reporter, stating, “Bill: Here are the links to the scientific papers and a commentary about the scientific basis of the origins of SARS-CoV-2.” Fauci Ex. 29, at 1. He then provided three links. The first was a link to the online version of “The Proximal Origin of SARS-CoV-2.” The second and third were links to a paper and an online statement by Eddie Holmes, whom Dr. Fauci knew had begun secretly drafting the paper that became “The Proximal Origin of SARS-CoV-2” immediately after the clandestine Feb. 1 conference call with Dr. Fauci, Jeremy Farrar, and others. Fauci Ex. 29, at 1. The second link to a paper authored by Holmes was “a commentary on [The Proximal Origin of SARS-CoV-2] in the journal *Cell*.” Fauci Dep. 202:25-203:1; *see also id.* at 203:2-16.

740. On April 18 and 19, 2020, Dr. Fauci exchange cordial emails with Peter Daszak of the EcoHealth Alliance, who steers NIAID funds to finance bat coronavirus research with Dr. Shi Zhengli at the Wuhan Institute of Virology. On Saturday, April 18, Daszak emailed Dr. Fauci, calling him “Tony,” and stating: “As the PI of the R01 grant publicly targeted by Fox News reporters at the Presidential press briefing last night, I just wanted to say a personal thank you ... for standing up and stating that the scientific evidence supports a natural origin for COVID-19 ... not a lab release from the Wuhan Institute of Virology.” Fauci Ex. 30, at 1. Daszak also wrote: “Once this pandemic’s over I look forward to thanking you in person and let you know how

important your comments are to us all.” *Id.* Dr. Fauci responded on April 19: “Peter: Many thanks for your kind note.” *Id.*

741. Dr. Fauci’s and Dr. Collins’s efforts to orchestrate and publicize “The Proximal Origin of SARS-CoV-2” as a method of discrediting the lab-leak theory were highly effective. “The Proximal Origin of SARS-CoV-2” became one of the most widely read and most publicized scientific papers in history, with pervasive media coverage using it to discredit the lab-leak theory. “The paper has been accessed online more than 5.7 million times and has been cited by more than 2,000 media outlets. ... It became one of the best-read papers in the history of science.” Jones Decl., Ex. BB, at 3.

742. As a direct result of these efforts, speech and speakers advocating for the lab-leak theory of COVID-19’s origins were extensively censored on social media platforms.

743. Twitter took aggressive censorship action against such speech and speakers. For example, on September 16, 2020, Twitter suspended the account of a Chinese virologist who claimed coronavirus was made in a lab. Fauci Ex. 31, at 1. “Twitter has suspended the account of a Chinese scientist who suggested that the novel coronavirus was created in a lab ... despite inconclusive evidence.” Fauci Ex. 31 at 2.

744. Facebook, likewise, took aggressive steps to censor the lab-leak theory on social media, even going so far as to formalize this policy as part of its official content-moderation policy. Fauci Ex. 32, at 3 (Facebook announcing that “we are expanding the list of false claims we will remove to include additional debunked claims about the coronavirus and vaccines,” including “COVID-19 is man-made or manufactured”). Facebook noted that “we already prohibit these claims in ads,” and promised “to take aggressive action against misinformation about COVID-19 and vaccines.” *Id.* Facebook promised to “begin enforcing this policy immediately, with a

particular focus on Pages, groups or accounts that violate these rules .... Groups, Pages, and accounts on Facebook that repeatedly share these debunked claims may be removed altogether.”

*Id.*

745. Like Twitter, Facebook censored even high-profile speakers who raised questions about the origins of COVID-19 or advanced the lab-leak hypothesis. For example, Facebook censored an article by award-winning British journalist Ian Birrell who raised “the question of the origins of the Covid-19 virus within Wuhan” and criticized the natural-origin theory of the virus. Fauci Ex. 33, at 1.

746. Dr. Fauci claims that he is not aware of any suppression of speech about the lab-leak theory on social media: “I’m not aware of suppression of speech on social media to my knowledge.... I don’t recall being aware of suppression of anything.” Fauci Dep. 208:10-14. He claims that this ignorance is because he does not pay any attention to anything said on social media: “This is not something that would be catching my attention because, you know, the social media and Twitter, I told you, I don’t have a Twitter account. I don’t tweet. I don’t do Facebook. I don’t do anything. So social media stuff, I don’t really pay that much attention to.” *Id.* at 210:3-8. As noted above, Dr. Fauci’s emails and actions reflect extensive concern about what is said on social media, and his attempt to cast himself as someone with no knowledge of social media is not credible.

747. Further, Dr. Fauci’s emails and interrogatory responses show a close relationship with the CEO and founder of Meta (Facebook/Instagram), Mark Zuckerberg.

748. On February 27, 2020, Mark Zuckerberg emailed Dr. Fauci directly to inquire about the development of the COVID-19 vaccine and offer the assistance of the Chan-Zuckerberg foundation. Fauci Ex. 23, 1. Zuckerberg already had Dr. Fauci’s email, called Dr. Fauci by his

first name “Tony,” and wrote as if he had a preexisting acquaintance with Dr. Fauci. *Id.* Dr. Fauci, likewise, responded to Zuckerberg on a first-name basis and with the familiar tone of an acquaintance. Fauci Ex. 23, at 2.

749. Dr. Fauci claims that he does not recall whether he had already met Mark Zuckerberg. Fauci Dep. 173:17-174:5 (“I meet thousands of people. I’m not sure I ever met him in person.”). But in fact, Dr. Fauci still refers to Mark Zuckerberg by his first name. *Id.* at 289:9-16.

750. On March 15, 2020, Mark Zuckerberg sent Dr. Fauci a lengthy email to offer close coordination between Dr. Fauci and Facebook on COVID-19 messaging. In the email, Zuckerberg thanked Dr. Fauci for his leadership, and “share[d] a few ideas of ways to help you get your message out.” Fauci Ex. 23, at 3. Zuckerberg made three proposals: (1) Facebook was about to launch a “Coronavirus Information Hub” visible at the top of the page to all Facebook users to “get authoritative information from reliable sources,” and Zuckerberg offered to include “a video from you” as a “central part of the hub,” *id.*; (2) Zuckerberg was “doing a series of livestreamed Q&As from health experts” for his 100 million followers and wanted Dr. Fauci to do one of these videos, *id.*; and (3) Zuckerberg advised Dr. Fauci that Facebook had “allocated technical resources and millions of dollars of ad credits for the US government to use for PSAs to get its message out over the platform,” and he wanted Dr. Fauci to recommend “a point person for the government response,” *id.*

751. Dr. Fauci responded the next day, telling “Mark” that “[y]our idea and proposal sound terrific,” that he “would be happy to do a video for your hub,” and that “your idea about PSAs is very exciting.” Fauci Ex. 23, at 4. He copied his Special Assistant to put Zuckerberg in

touch with the right point person for the government to arrange specially subsidized government messaging about COVID-19 on Facebook. *Id.*

752. Zuckerberg replied the same day, stating “[w]e’d love to move quickly to help the effort and support getting these messages out.” Fauci Ex. 23, at 6.

753. Dr. Fauci claims that the U.S. Government did not accept Facebook’s offer of free ad credits to support the Government’s COVID-19 messaging. Fauci Dep. 177:22-178:4 (“I don’t believe that there was any money that was given from the Zuckerberg to the United States government to do PSAs. It’s possible, but it certainly didn’t happen to my knowledge. I don’t recall money being given for PSAs.”). But at the time, Dr. Fauci described the proposal as “very exciting” and immediately followed up on Zuckerberg’s offer. Fauci Ex. 23, at 4. Separate emails from Facebook to the White House corroborate these ad credits. *See, e.g.*, Doc. 174-1, at 46. Dr. Fauci’s testimony on this point is not credible.

754. Dr. Fauci and Zuckerberg have “interacted on Facebook Zoom-type podcasts.” Fauci Dep. 175:17-18. Dr. Fauci did “[t]hree live stream Facebook-type Q and As” about COVID-19 with Zuckerberg. Fauci Dep. 177:2-4.

755. Dr. Fauci’s interrogatory responses reveal extensive direct communications between Dr. Fauci and Zuckerberg. *See* Scully Ex. 12, at 33, 53-54 (identifying 13 communications between Dr. Fauci and Zuckerberg, including emails, phone calls, virtual meetings, and live broadcasts, over a nine-month period in 2020).

756. Reviewing the foregoing facts about Dr. Fauci’s communications with Farrar, Eddie Holmes, and others, former Director of the CDC Robert Redfield “had a dawning realization. He concluded there’d been a concerted effort not just to suppress the lab-leak theory but to manufacture the appearance of a scientific consensus in favor of a natural origin. ‘They

made a decision, almost a P.R. decision, that they were going to push one point of view only' and suppress rigorous debate, said Redfield. 'They argued they did it in defense of science, but it was antithetical to science.'" Jones Decl., Ex. AA.

**B. Dr. Fauci's Efforts to Suppress Speech on Hydroxychloroquine.**

757. On May 22, 2020, The Lancet published an online article entitled "Hydroxychloroquine or chloroquine with or without a macrolide for treatment of COVID-19: a multinational registry analysis." Fauci Ex. 35, at 1. The article purported to analyze 96,032 patients to compare cohorts who did and did not receive hydroxychloroquine or chloroquine to treat COVID-19. *Id.* The study concluded that hydroxychloroquine and chloroquine were "associated with decreased in-hospital survival and an increased frequency of ventricular arrhythmias when used for COVID-19." *Id.*

758. On May 27, 2020, Dr. Fauci publicly cited this study to claim that hydroxychloroquine is "not effective against coronavirus." Fauci Ex. 34, at 1. Dr. Fauci "became the first Trump administration official to say definitively that hydroxychloroquine is not an effective treatment for the coronavirus." *Id.* at 2. "'The scientific data is really quite evident now about the lack of efficacy,' Fauci ... said on CNN." *Id.*

759. Dr. Fauci's comments were based on the May 22 Lancet study. *Id.* at 3 ("Fauci's comments come days after the Lancet published a 96,000-patient observational study that concluded that hydroxychloroquine had no effect on Covid-19 and may even have caused some harm.").

760. The Lancet article was an observational study, not a randomized trial. At the time, "[t]here [wa]s no data yet from randomized, controlled clinical trials of hydroxychloroquine – the

gold standard for evaluating potential treatments.” Fauci Ex. 34, at 4. “But Fauci was unequivocal on [May 27, 2022], saying that ‘the data are clear right now.’” *Id.*

761. Just a few days later, The Lancet retracted the May 22, 2022 study. Fauci Ex. 35, at 1. An article reporting on the retraction noted that the study’s authors “were unable to confirm that the data set was accurate,” that “several concerns were raised with respect to the veracity of the data,” the study may have “include[ed] more cases than possible,” and that “[a] first-year statistics major could tell you about major flaws in the design of the analysis.” Jones Decl., Ex. DD, at 2-3.

762. Thus, Dr. Fauci’s initial dismissal of hydroxychloroquine was based on a purely *observational* study – not a randomized, controlled trial – and one that was retracted for glaring errors just days later.

763. Dr. Fauci testified that he did not recall that The Lancet study he cited to discredit the efficacy of hydroxychloroquine had been retracted. Fauci Dep. 223:7 (“I don’t recall it being retracted.”).

764. Dr. Fauci stepped up his public campaign to discredit hydroxychloroquine by insisting that its effectiveness could only be judged by undergoing rigorous, randomized, double-blind, placebo-based studies, notwithstanding his previous reliance on the less-than-rigorous observational study in The Lancet that was subsequently retracted. On July 31, 2020, Dr. Fauci testified before the House Select Subcommittee on Coronavirus Crisis, during which he stated: “The point that I think is important, because we all want to keep an open mind, any and all of the randomized placebo-controlled trials, which is the gold standard of determining if something is effective, none of them had shown any efficacy by hydroxychloroquine. Having said that, I will state, when I do see a randomized placebo-controlled trial that looks at any aspect of

hydroxychloroquine, either early study, middle study, or late, if that randomized placebo-controlled trial shows efficacy, I would be the first one to admit it and to promote it. But I have not seen yet a randomized placebo-controlled trial that's done that. And in fact, every randomized placebo-controlled trial that has looked at it, has shown no efficacy. So, I just have to go with the data. I don't have any horse in the game one way or the other, I just look at the data." See <https://www.youtube.com/watch?v=RkNC5OQD2UE>.

765. Despite his insistence before a congressional committee that randomized, placebo-controlled trials were the determining factor for his opinion regarding the effectiveness of hydroxychloroquine in the treatment of COVID-19, Dr. Fauci quietly admitted that such rigorous studies are not actually required to determine the efficacy of a therapeutic drug. Dr. Fauci was asked, "Do you recall saying in connection with the discussion of hydroxychloroquine that a randomized double blind placebo based study is the gold standard?" Fauci Dep. 244:8-11. He replied, "That is the gold standard for everything. *It isn't always needed*, but for the most part, it's the gold standard." *Id.* at 244:12-14 (emphasis added).

766. Dr. Fauci's sudden reversal concerning the critical standards for scientific studies to determine the effectiveness of hydroxychloroquine demonstrated a lack of candor to the House Select Subcommittee on Coronavirus Crisis. Indeed, Dr. Fauci misled the Committee when he failed to disclose that randomized, double-blind, placebo-based studies are not always needed and that he previously relied on the *observational*, i.e., non-randomized, non-double-blind, non-placebo-based study in The Lancet to form an opinion about that drug's efficacy in the first place. Dr. Fauci lacks credibility on this point.

767. Despite mounting evidence against his position, Dr. Fauci testified that his opinion against hydroxychloroquine was based on other studies as well as the retracted article in The

Lancet, but he could not identify any of those studies. Fauci Dep. 223:12-18 (“I don’t recall specifically what those studies are now.”).

768. Dr. Fauci did not retreat from his hard public stance against hydroxychloroquine. On July 26, 2020, a group called “America’s Frontline Doctors” held a press conference at the U.S. Capitol criticizing the government’s response to the COVID-19 pandemic and touting the benefits of hydroxychloroquine in treating the coronavirus. Fauci Ex. 38, at 5.

769. Dr. Fauci responded to this event with highly visible public statements condemning the use of hydroxychloroquine. For example, he stated on “Good Morning America,” that “[t]he overwhelming prevailing clinical trials that have looked at the efficacy of hydroxychloroquine have indicated that it is not effective in coronavirus disease.” Fauci Ex. 36, at 5. Dr. Fauci made these comments in direct response to the public claims of America’s Frontline Doctors. Fauci Dep. 227:7-228:13. He also stated on MSNBC’s “Andrea Mitchell Reports” that the video of the press conference by America’s Frontline Doctors constituted “a video out there from a bunch of people spouting something that isn’t true.” Fauci Ex. 37, at 3.

770. Dr. Fauci also stated that “the cumulative data on trials, clinical trials that were valid, namely clinical trials that were randomized and controlled in a proper way, ... showed consistently that Hydroxychloroquine is not effective in the treatment of coronavirus disease or COVID-19.” Fauci Ex. 37, at 3. But two months earlier, he had said “the data are clear right now” when no such studies existed. Fauci Ex. 34, at 4.

771. Social-media platforms reacted by aggressively censoring the video of America’s Frontline Doctors. Facebook removed the video when it was “the top-performing Facebook post in the world,” and “had accumulated over 17 million views by the time of its censorship by Facebook.” Fauci Ex. 38, at 3, 4. Further, “Facebook’s decision to censor the livestream was

quickly followed by YouTube, the Google-owned video-sharing platform.” *Id.* at 6. “The video had 80,000 views on YouTube prior to its removal.” *Id.* “Following Facebook and YouTube’s removal of the video, Twitter followed suit...” *Id.*; *see also* Fauci Ex. 36, at 3 (noting that “Twitter ... removed the video, saying it was ‘in violation of our COVID-19 misinformation policy’”).

772. Dr. Fauci professed to be unaware of whether 17 million views of a video on Facebook are a large number of views: “I don't know what 17 million views means. What's the denominator? Is 17 million a large amount? Is it a small amount? I don't go on social media, so I don't know what 17 million views means.” Fauci Dep. 236:7-11. It is common sense that 17 million views are a large number of views. Dr. Fauci’s testimony on this point is not credible.

773. Dr. Fauci does not deny that he or his staff at NIAID may have communicated with Facebook regarding the censorship of the America’s Frontline Doctors video. Instead, he claims that he does not recall whether they communicated with Facebook about it, and that it is possible that they did so. Fauci Dep. 238:2-5 (“I don't recall anybody communicating with them about that. Could have been, but I don't recall anybody -- I don't recall anybody communicating with the social media people.”); *see also id.* at 238:6-10. He also does not deny that other federal officials may do so, but he claims that “I don’t recall any of that” and “it just doesn’t ring a bell to me right now.” *Id.* at 238:21-239:7. He claims he doesn’t “pay attention” to whether his staff or other federal officials communicate with social-media platforms about censorship because “I have a really important day job that I work at.” *Id.* at 238:19-20.

774. Nevertheless, regarding the decision by YouTube and Twitter to follow Facebook in censoring the video, Dr. Fauci admits that “Yes, I knew of that.” *Id.* at 239:8-13.

775. A few days later, on August 1, 2020, the web host provider for America's Frontline Doctors shut down their website. *Id.* at 242:14-243:8; Fauci Ex. 39. Dr. Fauci testifies that he does not recall this occurrence. Fauci Dep. 243:13-18.

776. On November 18, 2022, a meta-analysis of 449 studies on the efficacy of hydroxychloroquine considered "449 HCQ COVID-19 studies, 351 peer reviewed, 371 comparing treatment and control groups." Fauci Ex. 40, at 1. The meta-analysis concluded that "[l]ate treatment and high dosages may be harmful, while early treatment consistently shows positive results." *Id.* It also noted that "[n]egative evaluations" of hydroxychloroquine "typically ignore treatment delay." *Id.* And it noted that "HCQ/CQ was adopted for early treatment in all or part of 41 countries." *Id.*

**C. Dr. Fauci's "Devastating Takedown" of the Great Barrington Declaration.**

777. Dr. Fauci recommended Dr. Clifford Lane of NIAID to participate in a WHO mission to China in February 2020. Fauci Dep. 139:15.

778. On April 3, 2020, the NIH Record wrote a report on Lane's trip entitled "NIAID's Lane Discusses WHO COVID-19 Mission to China. Fauci Ex. 20, at 1. Lane praised China's response to the pandemic, especially their reliance on lockdowns and "extreme ... social distancing": "The Chinese were managing this in a very structured, organized way," he explained. "When we got there, the outbreak was already coming under control in China. The measures they put in place appeared to be working.... It demonstrated their successful response.... From what I saw in China, we may have to go to as extreme a degree of social distancing to help bring our outbreak under control." *Id.* at 5-6.

779. Dr. Fauci discussed this conclusion with Lane when he returned from China: "Dr. Lane was very impressed about how from a clinical public health standpoint, the Chinese were

handling the isolation, the contact tracing, the building of facilities to take care of people, and that's what I believed he meant when he said were managing this in a very structured, organized way.” Fauci Dep. 165:4-11.

780. Dr. Fauci admits that Lane “did discuss with me that the Chinese had a very organized way of trying to contain the spread in Wuhan and elsewhere. ... he mentioned that they had a very organized, well-regimented way of handling the outbreak.” *Id.* at 166:1-7.

781. Dr. Fauci came to agree with Dr. Lane’s rosy assessment of China’s draconian response to the outbreak: “Dr. Lane is a very astute clinician, and I have every reason to believe that his evaluation of the situation was accurate and correct.” *Id.* at 166:24-167:1.

782. On Feb. 22, 2020, Dr. Lane sent an email stating, “China has demonstrated that this infection can be controlled, albeit at great cost.” Fauci Ex. 21, at 1.

783. On October 4, 2020, Plaintiffs Dr. Jay Bhattacharya of Stanford and Dr. Martin Kulldorff of Harvard, along with Dr. Sunetra Gupta of Oxford, published online the “Great Barrington Declaration,” which was one-page treatise opposing reliance on lockdowns and advocating for an approach to COVID-19 called “focused protection.” Fauci Ex. 41.

784. The Great Barrington Declaration criticized the social-distancing and lockdown approaches to the pandemic endorsed by government experts such as Dr. Fauci and Cliff Lane: “As infectious disease epidemiologists and public health scientists we have grave concerns about the damaging physical and mental health impacts of the prevailing COVID-19 policies, and recommend an approach we call Focused Protection.” *Id.* It was very critical of such government policies: “Current lockdown policies are producing devastating effects on short and long-term public health. The results (to name a few) include lower childhood vaccination rates, worsening cardiovascular disease outcomes, fewer cancer screenings and deteriorating mental health –

leading to greater excess mortality in years to come, with the working class and younger members of society carrying the heaviest burden. Keeping students out of school is a grave injustice. Keeping these measures in place until a vaccine is available will cause irreparable damage, with the underprivileged disproportionately harmed.” *Id.* It called for an end to lockdowns: “The most compassionate approach that balances the risks and benefits of reaching herd immunity, is to allow those who are at minimal risk of death to live their lives normally to build up immunity to the virus through natural infection, while better protecting those who are at highest risk. We call this Focused Protection.” *Id.*

785. The Declaration called for an end of government-imposed lockdowns and an immediate return to normal life for those who are low-risk: “Those who are not vulnerable should immediately be allowed to resume life as normal. Simple hygiene measures, such as hand washing and staying home when sick should be practiced by everyone to reduce the herd immunity threshold. Schools and universities should be open for in-person teaching. Extracurricular activities, such as sports, should be resumed. Young low-risk adults should work normally, rather than from home. Restaurants and other businesses should open. Arts, music, sport and other cultural activities should resume. People who are more at risk may participate if they wish, while society as a whole enjoys the protection conferred upon the vulnerable by those who have built up herd immunity.” *Id.*

786. The Declaration was thus highly critical of the lockdown policies defended by Dr. Fauci and Dr. Cliff Lane of NIAID since Dr. Lane’s trip to China at the beginning of the pandemic. The Declaration was “going against the global political consensus, which holds that lockdowns are key to minimising mortality to Covid-19.” Fauci Ex. 48, at 3. After it was posted online, it rapidly gathered signatures from doctors and scientists, as well as members of the public.

787. Four days later, on October 4, 2020, Dr. Francis Collins emailed Dr. Fauci and Cliff Lane, citing the Great Barrington Declaration. Fauci Ex. 42, at 1. Dr. Collins stated: “Hi Tony and Cliff, See <https://gbdeclaration.org>. This proposal from the three fringe epidemiologists who met with the Secretary seems to be getting a lot of attention – and even a co-signature from Nobel Prize winner Mike Leavitt at Stanford. There needs to be a quick and devastating published take down of its premises. I don’t see anything like that on line yet – is it underway? Francis.” *Id.*

788. This email seeking Dr. Fauci’s assistance in a “quick and devastating ... take down” of the Great Barrington Declaration” is strikingly similar to Dr. Collins’ email to Dr. Fauci on April 16, 2020, asking Dr. Fauci’s “help [to] put down this very destructive conspiracy,” *i.e.*, the lab-leak hypothesis. Fauci Ex. 27, at 1. In both cases, Dr. Collins sought Dr. Fauci’s aid in discrediting and silencing an online narrative that federal officials disfavored, and in both cases, Dr. Fauci promptly and effectively complied.

789. Dr. Collins’ question to Dr. Fauci in the email, “Is it underway?” implies that Dr. Collins expected Dr. Fauci to be already working on a “quick and devastating ... take down” of the Declaration, or to be aware of others working on one. Fauci Ex. 42, at 1. Dr. Fauci denies that Dr. Collins had any reason to think that Dr. Fauci might be working on a refutation of the Great Barrington Declaration, because “[t]his is not something I would be involved in,” because “I have a very important day job that is running a \$6.4 billion institute.” Fauci Dep. 260:11-20. Given Dr. Fauci’s immediately subsequent attempts to refute and discredit the Great Barrington Declaration, this testimony is not credible.

790. The same day as Dr. Collins’ email, October 8, 2020, Dr. Fauci wrote back to Dr. Collins, stating “Francis: I am pasting in below a piece from *Wired* that debunks this theory. Best, Tony.” Fauci Ex. 43, at 1. Dr. Fauci followed up the same day with an email to Dr. Collins linking

to an article by Gregg Gonsalves which Dr. Fauci called “[a]nother refutation of the herd immunity approach.” Fauci Ex. 44, at 1.

791. Dr. Fauci has known Gregg Gonsalves for decades, since the 1980s. Fauci Dep. 265:16-19. Dr. Fauci does not deny that he may have contacted Gregg Gonsalves before Gonsalves wrote this piece attacking the Great Barrington Declaration, but claims he does not recall. *Id.* at 268:8-19 (“I don’t recall. I might have.”).

792. Dr. Fauci and Dr. Collins followed up with a series of public media statements attacking the Great Barrington Declaration. On October 14, 2020, the Washington Post ran a story entitled, “Proposal to hasten herd immunity to the coronavirus grabs White House attention but appalls top scientists.” Fauci Ex. 45, at 1. In the article, Dr. Collins described the Great Barrington Declaration and its authors as “fringe” and “dangerous”: “This is a fringe component of epidemiology. This is not mainstream science. It’s dangerous.” *Id.* at 3.

793. Dr. Fauci consulted with Dr. Collins before he told the Washington Post that the Great Barrington Declaration represented a “fringe” and “dangerous” idea. Fauci Dep. 272:4-7.

794. Dr. Fauci endorsed these comments in an email to Dr. Collins on October 13, 2020, stating, “[w]hat you said was entirely correct.” Fauci Ex. 46, at 1.

795. Dr. Fauci admits that Dr. Collins could have been concerned about the spread of the ideas in the Declaration on social media when he called it “fringe” and “dangerous.” Fauci Dep. 274:19-20.

796. The next day, October 15, 2020, Dr. Fauci echoed Dr. Collins’ comments, calling the Declaration “nonsense” and “dangerous.” Fauci Ex. 47, at 1. Describing the proposal as “letting infections rip as it were,” Dr. Fauci stated: “Quite frankly that is nonsense, and anybody

who knows anything about epidemiology will tell that that is nonsense and very dangerous.” *Id.* at 3.

797. Dr. Fauci testified that “it’s possible that” he coordinated with Dr. Collins on their public statements attacking the Great Barrington Declaration. Fauci Dep. 279:23-24.

798. Dr. Fauci also testified of himself and Dr. Collins that “that’s not our style to be coordinating things.” *Id.* at 279:22-23. In light of the extensive coordination with Dr. Collins about the lab-leak theory, and the coordination about the Great Barrington Declaration, that testimony is not credible.

799. Shortly after Dr. Collins’ email to Dr. Fauci seeking a “quick and devastating ... take down” of the Great Barrington Declaration, the Declaration and its authors, Drs. Bhattacharya and Kulldorff, experienced extensive censorship on social media. *See infra.* In October 2020, Google deboosted the search results for the Declaration, so that “most users in English-speaking countries, when they google ‘Great Barrington Declaration,’ will not be directed to the declaration itself but to articles that are critical of the declaration.” Fauci Ex. 48, at 4.

800. In the same time, “[c]ensorship of the declaration ... also spread to Reddit. The two most popular subreddits for discussion of the coronavirus – r/COVID-19 and r/coronavirus – have both removed links to the Great Barrington Declaration. The moderators of r/coronavirus, a forum with 2.3million members, have declared it to be ‘spam’.” Fauci Ex. 48, at 4-5.

801. In October 2020, YouTube updated its terms of service regarding medical “misinformation,” reporting “COVID-19 medical misinformation policy updated to prohibit content about vaccines contradicting consensus from health authorities.” Fauci Ex. 49, at 3. “Health authorities” include federal officials like Dr. Fauci and Dr. Collins. *See id.* This October 2020 update specifically stated that claims which are “not allowed on YouTube” include “[c]laims

that achieving herd immunity through natural infection is safer than vaccinating the population,” which is listed on the same footing as “[c]laims that COVID-19 vaccines contain a microchip or tracking device.” Fauci Ex. 50, at 3-4.

802. Pursuant to this censorship policy of YouTube, the authors of the Great Barrington Declaration had content removed from YouTube, including a video of a roundtable discussion with Governor Ron DeSantis of Florida. *See infra*.

803. Facebook, likewise, adopted censorship policies against the Great Barrington Declaration. Meta’s policy on “Misinformation about vaccines” states that: “We remove misinformation primarily about vaccines when *public health authorities* conclude that the information is false and likely to directly contribute to imminent vaccine refusals.” Fauci Ex. 51, at 4 (emphasis added).

804. Facebook/Meta views Dr. Fauci as a “public health authority” who may dictate what people may post about COVID-19 on its platforms (Facebook and Instagram, among others), because Mark Zuckerberg and Dr. Fauci were collaborating on multiple public appearances and videos for Facebook. *See supra*; Scully Ex. 12, at 33, 53-54 (identifying 13 communications between Dr. Fauci and Zuckerberg, including emails, phone calls, virtual meetings, and live broadcasts, over a nine-month period in 2020). Indeed, in his March 15, 2020 email to Dr. Fauci, Mark Zuckerberg described Dr. Fauci as an “expert[],” a “health expert[.]” and “reliable source[.]” for “authoritative information” about fighting COVID-19. Fauci Ex. 23, at 3.

805. Dr. Fauci claims that he would not have paid any attention to the Great Barrington Declaration because he is too busy and important to pay attention to such matters: “this is not something that I would have been paying a lot of attention to. I was knee deep in trying to do things like develop a vaccine that wound up saving the lives of millions of people. That's what I

was doing at the time.” Fauci Dep. 256:13-17. Given Dr. Fauci’s direct involvement in publicly attacking the Great Barrington Declaration and collecting sources for Dr. Collins to “take [it] down,” this statement is not credible. In fact, on November 1, 2020, Greg Folkers, Dr. Fauci’s staffer at NIAID, sent Dr. Fauci a list of articles attacking the Great Barrington Declaration—including one co-authored by Gregg Gonsalves—with the statement “As discussed. I have highlighted the three I found the most useful.” Fauci Ex. 52, at 1. The list of articles were all harshly critical of the Declaration—using phrases like “dangerous,” “false promise,” “ethical nightmare,” and “could kill millions.” *Id.* Thus, four weeks after the Declaration was published, Dr. Fauci and his staffers were still “discuss[ing]” and looking up articles on ways to attack it. *Id.*

806. Dr. Kulldorff points out that, regardless of disagreements over the policy, describing the Declaration as “fringe” and “nonsense” is fundamentally dishonest, as the Declaration reflects principles of pandemic preparedness that were widely accepted before COVID-19: “the Great Barrington Declaration is merely a restatement of the principles of public health. Lockdown ... is a ‘terrible experiment’ that throws those principles ‘out of the window’ by focusing solely on one disease at the expense of all other health problems. ‘Most countries in Europe had a pandemic-preparedness plan that did not recommend lockdowns, but instead proposed a risk-based strategy to protect those at high risk, which is actually the same as the focused protection we put forward in the Great Barrington Declaration. What we are proposing is, therefore, nothing revolutionary’, [Kulldorff] said.” Fauci Ex. 48, at 6.

807. Regarding the censorship of the Great Barrington Declaration on social media, Dr. Fauci repeatedly testified that he was oblivious to it: “I don’t pay much attention to what goes on in social media ... it is highly unlikely that ... I paid any attention to this thing of Google censoring the Great Barrington Declaration ... I would not have paid much attention to it.” Fauci Dep.

281:15-282:2, 283:7-10. In light of his contemporaneous statements and emails, this statement is not credible.

808. Like so many other topics, Dr. Fauci repeatedly testified that he could not recall virtually anything about his involvement in seeking to squelch the Great Barrington Declaration. He testified at least 33 times that he could not recall his involvement in this matter. *See* Fauci Dep. 251:11, 252:20, 255:6, 255:9, 256:3, 257:5, 258:12, 263:1, 263:15, 263:21, 264:17, 264:20, 264:22, 265:2, 265:6, 268:10, 268:18, 270:24, 282:19-20, 284:22-23, 290:13, 290:21, 291:13, 291:16, 292:15, 292:24, 293:15, 293:24, 295:9, 295:25, 296:21, 297:2-3, 297:14. For the reasons discussed above, these claims to almost total loss of memory are not credible.

**D. NIAID Flags Social-Media Accounts for Censorship Under Dr. Fauci.**

809. As noted above, Dr. Fauci testified that he is not aware of any NIAID or NIH staff contacting social media platforms to ask them to remove content. In fact, NIAID and NIH staff—including staffers in Dr. Fauci’s senior circle—sent several messages to social-media platforms asking them to remove content lampooning or criticizing Dr. Fauci. Dr. Fauci’s testimony to the contrary is not credible.

810. On March 14, 2020, a Twitter employee reached out to CDC officials, including Carol Crawford, and asked if a particular account associated with Dr. Fauci is “real or not.” Fauci Ex. 53, at 2. Scott Prince of NIH responded, “Fake/Impostor handle. PLEASE REMOVE!!!” *Id.* Twitter responded that it would take action promptly and “circle back ASAP.” *Id.* An HHS official then asked if Twitter could pre-block similar parody accounts: “Is there anything else that you can also do to block other variations of [Dr. Fauci’s] name from impersonation so we don’t have this happen again?” *Id.* at 1. Twitter replied: “We’ll freeze this @handle and some other variations so no one can hop on them.” *Id.*

811. Likewise, on April 21, 2020, Judith Lavelle of NIAID emailed Facebook, copying Scott Prince of NIH and Jennifer Routh of Dr. Fauci's communications team, and stated: "We wanted to flag a few more fake Dr. Fauci accounts on FB and IG for you. I have also reported them from @niaid and my personal FB account." Fauci Ex. 55, at 3. She listed eight accounts that she considered fake. One of these was called "Dr.FauciTheHero," and she stated, "I think this one may be fine as a fan page but could use a reminder to be a bit more clear," *id.* at 4—thus noting that she was seeking the censorship only of speech about Dr. Fauci that the government disfavors, while "a fan page" was fine.

812. Both Jennifer Routh and Judith Lavelle are members of Dr. Fauci's communications staff. Fauci Dep. 308:14-21.

813. The fact that Lavelle stated they were flagging "a few *more*" accounts indicates that NIAID's flagging social-media accounts for censorship was not an isolated incident but an ongoing practice. Fauci Ex. 55, at 3.

814. Lavell then followed up flagging yet another account, saying "Apologies one more," and adding Greg Folkers of Dr. Fauci's personal staff to the email chain reporting these accounts to Facebook for censorship. Fauci Ex. 55, at 3.

815. The same day, Facebook responded, "Flagged this for the fake accounts team and they have confirmed that all but two accounts were removed for impersonation of Dr. Fauci. I guess two of the accounts are fan accounts." Fauci Ex. 55, at 3.

816. The Facebook employee then added, "Also want to intro you all to [two more Facebook employees] who have been working hard to manage any fake accounts for NIH across the board. She can work with you directly if anything like this comes up." Fauci Ex. 55, at 2. Lavelle responded that "our team will be sure to reach out if we identify any more impersonations,"

*id.*, and Facebook answered that Lavelle of NIAID should “feel [free] to flag to us the various imposter accounts,” Fauci Ex. 55, at 1. Again, this response indicates an ongoing and widespread practice of NIH reporting supposedly “fake” accounts for censorship. *Id.*

817. Dr. Fauci testifies that he does not remember for certain, but he “likely” asked his communications staff to do something about these impersonation or parody accounts. Fauci Dep. 302:6-10 (“I vaguely remember somebody mentioning something about an imposter account. ... And I likely would have said, ‘Well, how can they do that?’”). He also agrees that his communications staff would do so on their own. *Id.* at 301:1-4 (“I have a communication staff that I’m sure, if they found out it was a false and misleading account, that they would want it to be removed.”); *see also id.* at 301:23-25; 304:19-21.

818. Dr. Fauci believes it is “totally appropriate” for his communications staff to contact social-media platforms and seek the removal of such accounts. *Id.* at 312:19-21; *see also id.* at 310:14-16.

819. He thinks so because “impersonating me is a bad thing.” *Id.* at 303:20; *see also id.* at 304:11-13; 309:23-310:1 (“fake accounts are bad things, I believe”); 311:20-21. Dr. Fauci specifically believes that removing accounts associated with him is “a good thing” because “those accounts are bad.” *Id.* at 329:12-16.

820. Dr. Fauci does not know whether some of the so-called “fake accounts,” which he calls “bad things,” that his staff flagged for censorship may actually be parody accounts. *Id.* at 311:7-9.

821. Moreover, it was not just NIAID staff, but also White House staff, who flagged content about Dr. Fauci for removal from social-media platforms. As noted above on Tuesday, July 20, 2021, Clarke Humphrey of the White House communications office emailed Facebook

asking for the removal of an Instagram account associated with Dr. Fauci, saying it “is not actually one of ours.” Fauci Ex. 57, at 1-2. Facebook responded one minute later, stating, “Yep, on it!” Fauci Ex. 57, at 1. Courtney Billet, Dr. Fauci’s communications director at NIAID, then weighed in, asking Facebook to disclose whether “there’s a federal email address attached to whomever set this account up,” so that she could ascertain whether the account was set up by “some federal employee outside our official comms offices.” Fauci Ex. 57, at 1. The next day, Facebook responded, stating, “This account has been removed. Thank you for flagging!” Fauci Ex. 57, at 1.

822. NIAID’s communications with social-media platforms were not limited to flagging impostor or parody accounts. On October 30, 2020, for example, a NIAID staffer wrote an email connecting Google/YouTube with Jennifer Routh of NIAID’s “Office of Communications and Government Relations,” so that NIAID and the “Google team” could “connect on vaccine communications – specifically misinformation....” Fauci Ex. 56, at 2. Routh then added Courtney Billet (“director of the Office of Communications and Government Relations at NIAID”) and two other senior NIAID officials to the communications chain with YouTube. Fauci Ex. 56, at 1.

823. Likewise, in response to a third-party subpoena, Twitter has disclosed that Dina Perry, a Public Affairs Specialist for NIAID, communicates or has communicated with Twitter about misinformation and censorship. Jones Decl., Ex. F, at 1.

824. NIAID did not disclose Dina Perry in response to interrogatories seeking the identities of NIAID officials who communicate with social-media platforms about misinformation, disinformation, and censorship. Scully Ex. 12, at 17-18.

825. Dr. Fauci testified that he has never “contacted a social media company and asked them to remove misinformation from one of their platforms.” Fauci Dep. 151:21-24 (“No, I have

not.”). He also testified that no one on his staff at NIAID has “ever reached out to a social media platform to ask them to take content down or to block content in any way. *Id.* at 152:7-15 (“To my knowledge, no.”). In light of the repeated attempts of Dr. Fauci’s staff to have content related to Dr. Fauci removed from social media, Dr. Fauci’s testimony on this point is not credible.

**E. CDC and NIH Procure the Censorship of Speech on Ivermectin.**

826. On September 13, 2021, Facebook emailed Carol Crawford of the CDC to ask the CDC to identify whether the claim that “Ivermectin is effective in treating COVID” is “false, and if believed, could contribute to people refusing the vaccine or self-medicating,” which were the qualifications for censoring that claim on Facebook’s platforms. Fauci Ex. 58, at 2. Facebook noted that it was currently rating this claim as “*not false*,” *i.e.*, Facebook was *not* censoring the claim that Ivermectin is effective in treating COVID-19, because there was “no consensus” of its efficacy for treatment. *Id.* at 3.

827. The next day, the CDC responded, advising Facebook that the claim that “Ivermectin is effective in treating COVID” is “**and thus should be censored on Facebook’s platforms.**” (bold and italics in original) Fauci Ex. 58, at 1. To support this claim, the CDC cited NIH’s “Ivermectin | COVID-19 Treatment Guidelines.” *Id.* Thus, the CDC cited the NIH’s treatment guidelines for Ivermectin as authority to urge Facebook to censor claims about using Ivermectin to treat COVID-19. *Id.* CDC also cited NIH to call for the censorship of two related claims about Ivermectin, and noted that “[t]hese responses are based on the independent advice of ... NIH,” which had “opined that there are not data that indicate ivermectin is effective in the ways described above.” *Id.*

**F. Dr. Fauci’s Double Standard on Acceptable Speech: Mask Mandates.**

828. “Sylvia Burwell is the former Secretary of the Department of Health and Human Services [under President Obama] and the current president of American University.” Fauci Dep. 313:9-11. “Sylvia has, over the past couple of years, asked [Dr. Fauci] advice about personal safety during the COVID-19 pandemic.” *Id.* at 313:17-19.

829. On February 4, 2020, Sylvia Burwell wrote Dr. Fauci an email stating that she was traveling and wondering if she should wear a mask in the airport. Fauci Dep. 313:21-314:5; *see also* Jones Decl., Ex. EE, at 1. Dr. Fauci responded, stating: “Masks are really for infected people to prevent them from spreading infection to people who are not infected, rather than protecting uninfected people from acquiring infection. The typical mask you buy in the drugstore is not really effective in keeping out virus, which is small enough to pass through material. ... I do not recommend that you wear a mask....” Fauci Dep. 314:9-19; *see also* Jones Decl., Ex. EE, at 1.

830. Dr. Fauci agrees that he “made several statements that are similar to that at that time frame.” Fauci Dep. 315:12-14.

831. He states that, at that time, there were “no studies” on the efficacy of masking to stop the spread of COVID-19. *Id.* at 316:8-13.

832. In fact, on March 31, 2020, Dr. Fauci forwarded studies showing that masking is ineffective. Fauci Dep. 318:24-319:7.

833. Dr. Fauci’s position on masking dramatically changed by April 3, 2020, when he became an advocate for universal mask mandates. *Id.* at 317:14-20.

834. Dr. Fauci states that his position on masking changed in part because “[e]vidence began accumulating that masks actually work in preventing acquisition and transmission.” Fauci Dep. 317:5-6.

835. Dr. Fauci was asked to identify any studies that were done between February 2020 and April 3, 2020, that supported his change of position on the efficacy of masking, and he could not identify any. *Id.* at 318:8-10.

836. Dr. Fauci was asked if there were any “placebo-based, double-blind, randomized studies of the efficacy of masking that were done between February and April 2020,” and he could not identify any. *Id.* at 322:1-5. In fact, it is obvious that there were none.

837. Dr. Fauci’s position on masking, therefore, directly contradicts his insistence on randomized, double-blind, placebo-based clinical trials for alternative COVID-19 treatments like hydroxychloroquine and ivermectin. At best, Dr. Fauci’s dramatic change in position on masking was based on observational studies—the same kind of studies that he dismissed, in the very same time frame, as inadequate to support the use of hydroxychloroquine to treat COVID-19. At worst, it was based on no evidence at all—and Dr. Fauci identified none.

838. Dr. Fauci believes it can be dangerous to give ordinary people access to scientific information: “If information is clearly inadequate and statistically not sound, there can be a danger in people who don't have the ability or the experience of being able to understand that it's a flawed study.” *Id.* at 323:5-9.

839. Dr. Fauci believes that it is “disturbing” when “unwitting” people believe what he thinks is misinformation: “I think honest debate is important, but when it goes beyond debate and leads people who are unwitting about these things to do things that are clearly detrimental to their life and their safety, I find that disturbing.” *Id.* at 358:13-17.

**G. Dr. Fauci and the White House Cause the Censorship of Alex Berenson.**

840. Alex Berenson is a former New York Times science reporter and prominent critic of government messaging about COVID-19 vaccines who was deplatformed from Twitter on

August 28, 2021, after months of pressure from White House and federal officials. Fauci Ex. 59, at 4.

841. As Berenson notes: “On July 16, 2021, President Biden complained publicly that social media companies were ‘killing people’ by encouraging vaccine hesitancy. A few hours after Biden’s comment, Twitter suspended by account for the first time.” Fauci Ex. 59, at 4.

842. Dr. Fauci, who was then Chief Medical Advisor to President Biden, played a key role in procuring the censorship of Alex Berenson. Shortly before President Biden’s comments, Dr. Fauci engaged in public attacks on Alex Berenson in attempt to discredit him and silence his government-skeptical opinions.

843. On July 11, 2021, appearing on CNN’s “State of the Union,” Dr. Fauci described Alex Berenson’s comments on vaccine skepticism as “horrifying.” Fauci Ex. 60, at 1. Responding to applause for a speech given by Berenson at a conference, Dr. Fauci stated: “It’s horrifying. I mean, they are cheering about someone saying that it’s a good thing for people not to try and save their lives.” *Id.* In response to Berenson’s views, Dr. Fauci stated, “it’s almost frightening to say, ... we don’t want you to do something to save your life.” *Id.* Dr. Fauci also stated, “I don’t think that anybody who is thinking clearly can get that.” *Id.*

844. Dr. Fauci’s public comments as the President’s Chief Medical Advisor specifically criticizing Alex Berenson were made at a time when other White House officials like Andrew Slavitt were *privately* pressuring Twitter to deplatform Berenson since April 21, 2020. *See, e.g.,* Fauci Ex, 58, at 7 (internal Twitter communications on April 22, 2020, indicating that White House officials “had one really tough question about why Alex Berenson hasn’t been kicked off from the platform,” and “yes, they really wanted to know about Alex Berenson. Andy Slavitt suggested

they had seen data vis that had showed he was the epicenter of disinfo that radiated outwards to the persuadable public.”).

845. Dr. Fauci does not deny that he may have discussed Alex Berenson with other White House or federal officials, but claims he does not recall whether he did so. Fauci Dep. 343:16-23.

846. Dr. Fauci believes that misinformation and disinformation “contribute to the deaths” of people: “misinformation and disinformation, particularly that encourages people to avoid lifesaving interventions, can certainly result in the unnecessary death of people whose lives would have been saved. So when misinformation and disinformation leads people to avoid a lifesaving intervention, that is equivalent to contributing to the death of that person.” *Id.* at 345:8-15. “I do feel strongly that misinformation and disinformation, when it leads to people avoiding lifesaving interventions, can be deadly. *Id.* at 346:1-3.

847. Dr. Fauci also believes that misinformation and disinformation on social media are “contrary to public health” and “the enemy of public health”: “If social media is propagating disinformation that leads to the death of people by encouraging them to avoid lifesaving interventions, I believe that's contrary to public health.” *Id.* at 346:5-7, 346:10-13.

848. Dr. Fauci admits that it is “certainly possible” that he discussed the view that “disinformation or misinformation on social media platforms are killing people” with others in the federal government, but claims he cannot remember whether he did so. *Id.* at 345:3-25.

849. Dr. Fauci testified that the first time he heard of Alex Berenson was when Berenson publicly claimed that the White House demanded that Twitter deplatform him in 2022: “it's the person who says that the White House demanded Twitter ban me months before the company did so. I had never heard of who Alex Berenson was before this ... I don't even know who he is.” *Id.*

at 335:1-7. In light of Dr. Fauci's public attacks on Alex Berenson in 2021, this testimony is not credible.

850. Former FDA Commissioner Scott Gottlieb also emailed Twitter to pressure them to remove Alex Berenson's content, invoking Dr. Fauci in his email. Sending Twitter a link to a post by Berenson entitled "The Arrogance of Dr. Fauci," Gottlieb wrote: "This is why Tony needs a security detail," Fauci Ex. 62, at 1—thus implying that Berenson's criticism of Dr. Fauci was endangering Dr. Fauci's life.

851. Dr. Fauci does not deny that he may have discussed this issue with Gottlieb before Gottlieb sent this email to Twitter, but he claims he does not recall whether he did so. Fauci Dep. 349:7-19, 352:12-18.

852. After testifying over 200 times during his deposition that he could not remember or could not recall events related to the case, Dr. Fauci was shown an email chain between him and Dr. Ezekial Emanuel from May 2, 2020 that had no direct connection to issues in the case. Fauci Ex 63. Unlike his convenient lack of memory as to case-related communications, Dr. Fauci was immediately able to provide a detailed, specific account of the context and communications with Dr. Emanuel relating to that email chain. Fauci Dep. 353:20-354:16.

## **VI. The FBI's Censorship Campaign of Pressure and Deception.**

853. In parallel with the censorship of health "misinformation" and related issues achieved by the White House, the CDC, Surgeon General Murthy, Dr. Fauci, and others, *see supra* Parts I-V, federal national-security and law-enforcement agencies flex their considerable muscle to pressure and induce social-media platforms to censor disfavored speech and viewpoints about elections and other topics. The FBI's Foreign Influence Task Force (FITF) and the Cybersecurity and Infrastructure Security Agency's (CISA) "Mis, Dis, and Malinformation Team" play key roles

in this efforts – in cooperation with non-profit agencies working in close collaboration with the government, such as the CISA-funded “Center for Internet Security” and the formidable censorship cartel calling itself the “Election Integrity Partnership” and the “Virality Project.”

854. Elvis Chan is the Assistant Special Agent in Charge of the Cyber Branch for the San Francisco Division of the Federal Bureau of Investigation. Chan Dep. 8:11-13.

855. In this role, Chan is “one of the primary people” who communicates with social-media platforms about disinformation on behalf of the FBI. *Id.* 105:3-4 (“I would say I’m one of the primary people with pass-through information” for platforms). There are many other points of contact between the FBI and social-media platforms, however. *Id.* 105:3-7 (“[W]e have agents on the different cyber squads and our private sector engagement squad who also relay information to the companies.”).

856. Chan graduated from the Naval Postgraduate School in 2021 with an M.A. in Homeland Security Studies. *Id.* 10:16-17. In connection with his master’s degree, Chan authored a publicly available thesis entitled, “Fighting Bears and Trolls: An Analysis of Social Media Companies and U.S. Government Efforts to Combat Russian Influence Campaigns During the 2020 U.S. Elections.” *Id.* 11:3-16; Chan Ex. 1, at 1. This thesis overtly relied only on publicly available documents, but it also reflected Chan’s personal knowledge and experience of working with social-media platforms during the 2020 elections. *See id.*

857. Chan’s thesis discussed “hack-and-dump activity,” also known as “hack-and-leak” operations, as well as “Russian malign influence ... on the social media platforms and on fake news websites that the Russians have created.” Chan Dep. 13:7-21.

858. Chan’s thesis relied on research performed by persons and entities comprising the Election Integrity Partnership, including Graphika, *id.* 145:1-6; and Renee DiResta of the Stanford

Internet Observatory, *id.* 51:20-52:7, 85:4-12. Chan communicated directly with DiResta “about Russian disinformation,” and had “[a] lot of conversations about Russian disinformation” with DiResta. *Id.* 52:5-7, 52:24-25.

859. Chan also knows Alex Stamos, the head of the Stanford Internet Observatory, from the time when Stamos participated on behalf of Facebook in the USG-Industry meetings. *Id.* 54:2-19. Chan and Stamos were involved in meetings about “malign-foreign-influence activities” on Facebook while Stamos was the chief security officer for Facebook. *Id.* Chan has also discussed “protecting platforms from hacking” with Stamos. *Id.* 55:12-13. And Chan’s “colleagues at FBI headquarters regularly meet with researchers much more frequently than I do.” *Id.* 57:15-18.

860. According to Chan, the FBI engages in “information sharing” with social-media platforms about content posted on their platforms, which includes both “strategic-level information” and “tactical information.” *Id.* 16:16-19.

#### **A. FBI’s and CISA’s Regular “USG-Industry” Disinformation Meetings**

861. The FBI participates in a CISA-organized “industry working group” with Facebook, Twitter, and Google/YouTube, as well other social-media platforms. *Id.* 18:21-24. The social-media platforms that participate are Facebook, Microsoft, Google, Twitter, Yahoo! (a.k.a. Verizon Media), Wikimedia Foundation, and Reddit. *Id.* 23:24-24:3. On the U.S. Government side, the meetings are attended by representatives of CISA, the Department of Homeland Security’s Intelligence & Analysis division (“I&A”), the Office of the Director of National Intelligence (ODNI), the FBI’s Foreign Influence Task Force (FITF), and Elvis Chan on behalf of FBI-San Francisco when he is available. *Id.* 24:9-19; *see also* Chan Ex. 6, at 37. Chan later confirmed that “DOJ National Security Division” attends these “USG-Industry” meetings as well. Chan Dep. 171:6-8.

862. Chan participates in the meetings because most social-media platforms are headquartered in San Francisco, and “FBI field offices are responsible for maintaining day-to-day relationships with the companies that are headquartered in their area of responsibility.” *Id.* 24:21-25:4. As a result, Chan serves as a frequent conduit for communication between federal officials, especially FBI officials but also others, and social-media platforms. *See id.*

863. Matt Masterson attended, and Brian Scully attends, the USG-Industry meetings on behalf of CISA. They are “regular attendees” and “one of them is usually emceeding the meeting.” *Id.* 25:15-18. “For the 2020 election cycle, Mr. Masterson was ... primarily the facilitator. Ahead of the 2022 midterm elections, Mr. Scully has been the primary facilitator.” *Id.* 26:19-22.

864. Chan also “participate[s] in the preparation meetings” for the USG-Industry meetings. *Id.* 27:24-25.

865. At these CISA-led “USG-Industry” meetings, “the disinformation content was shared by the social media companies. They would provide a strategic overview of the type of disinformation they were seeing on their respective platforms,” and the FBI “provided strategic unclassified overviews of the activities that we saw [Russian actors] doing.” *Id.* 156:9-157:1.

866. The “USG-Industry” meetings “are continuing” at the time of Chan’s deposition on November 23, 2022, and Chan assumes that they will continue through the 2024 election cycle. Chan Dep. 284:23-285:6. Online “disinformation” continues to be discussed between the federal agencies and the social-media platforms at these meetings. Chan Dep. 285:7-286:16.

#### **B. The FBI’s Regular Bilateral Meetings with Social-Media Platforms.**

867. The USG-Industry group meetings are not the only censorship-related meetings between the FBI and social-media platforms. Chan also “hosted ... bilateral meetings between each of the companies I mentioned”—*i.e.*, Meta/Facebook, Twitter, Google/YouTube,

Yahoo!/Verizon Media, Microsoft/LinkedIn, Wikimedia Foundation, and Reddit, *see id.* 23:24-24:3—“and the Foreign Influence Task Force.” *Id.* 39:4-8.

868. During these bilateral meetings, the FBI’s FITF would also “bring in field offices that had cyber investigations” of “state-sponsored actors that the FBI was investigating that we believe were capable of hack-and-dump campaigns” during the 2020 election cycle. *Id.* 39:10-16. In other words, in the bilateral meetings, the FBI repeatedly raised the concern about the possibility of “hack and dump” operations during the 2020 election cycle during FITF’s bilateral meetings with each of at least seven major social-media platforms. *Id.*

869. These bilateral meetings between FBI and social-media platforms are continuing—they occurred during the 2020 election cycle, and they continued during the 2022 election cycle. *Id.* 39:18-40:1. “They occur at roughly a quarterly cadence,” but “the cadence increase[s] as elections get close,” so that the meetings “become monthly as the election nears and then weekly very close to the elections.” *Id.* 40:2-20. These meetings will continue quarterly, monthly, and then weekly leading up to the 2024 election as well. *Id.* 41:5-15. The meetings also occurred “[o]n a quarterly cadence” during the 2018 election cycle. *Id.* 42:18-24.

870. The companies with which FITF conducts these regular bilateral meetings include “Facebook, Google, Twitter, Yahoo!, Reddit, and LinkedIn,” as well as “Apple and Wikimedia Foundation.” *Id.* 41:24-42:7. Apple was “added because they are a cloud infrastructure company; and we believe that tactical information, specifically indicates that we shared with them related to foreign-state-sponsored actors, might pop up on ... any screening they do on iCloud.” *Id.* 42:12-17.

871. In these meetings, FBI officials meet with senior social-media platform officials in the “trust and safety or site integrity” role, *i.e.*, those in charge of enforcing terms of service and

content-moderation policies for the platforms. *Id.* 43:5-44:1. In other words, the FBI meets with the officials responsible for censoring speakers and content on the platforms—those “directly involved in the enforcement of terms of service for these various platforms,” which “includes ... content modulation of content on the platforms.” *Id.* 49:19-50:2.

872. The FBI’s “quarterly meetings” with social media platforms to “probe” questions about censorship of disinformation began as early as “in the 2017 time frame.” *Id.* 87:24-88:14, 89:19-20.

873. A large number of FBI officials attend each regular bilateral meeting about disinformation with each of those seven social-media platforms. In addition to Chan and Laura Dehmlow, who is the head of FBI’s Foreign Influence Task Force (FITF), “between three to ten” FITF officials attend each meeting, as well as “one field office comprised of two representatives” from each of “one to three field offices.” *Id.* 109:21-22, 110:7-14. Frequently the number of FBI agents attending each meeting “could be as high as a dozen.” *Id.* 110:17-18.

874. Likewise, large numbers of officials from the social-media platforms attend these regular bilateral meetings with the FBI about disinformation. “[A] similar amount” of people attend each meeting from the platforms, and “for the three larger companies – specifically Google/YouTube, Facebook, and Twitter – it would be equal numbers or higher numbers than the FBI.” *Id.* 110:21-25.

875. In addition to all these meetings, on February 4, 2019, there was a meeting between Facebook, Google, Microsoft, and Twitter and the FBI’s FITF, ODNI, and CISA to discuss election issues. Elvis Chan attended, as did Director Krebs, Matt Masterson, and possibly Brian Scully of CISA. Representatives of the social-media companies at the meeting included those

from the “trust and safety” or content-modulation teams, and “the social media companies were focused on discussing disinformation.” *Id.* 151:9-154:6.

876. Discovery obtained from LinkedIn contains 121 pages of emails between Elvis Chan and other FBI officials and LinkedIn officials setting up numerous meetings to discuss disinformation issues during the 2020 and 2022 election cycles. Chan Ex. 2. Chan confirms that he has a similar set of communications setting up a similar series of meetings with each of “six or seven other social-media platforms as well”—he has “similar types of correspondence” with the others, including Facebook, Twitter, Google/YouTube, etc. Chan. Dep. 288:4-17.

877. These emails confirm that Chan and the other FBI officials regularly met with senior officials at social-media platforms with responsibility for *content moderation*. See Chan Ex. 2, at 3; Chan Dep. 292:7-293:8. The FBI meets with “director level and ... their direct reports” from the “trust and safety and site integrity” teams. Chan Dep. 293:4-8.

878. The FBI communicates with social-media platforms using two alternative, encrypted channels—the self-deleting messaging app Signal, and the encrypted messaging service Teleporter. Chan Dep. 295:7-296:9.

879. For each election cycle, during the days immediately preceding and through election day, the FBI maintains a command center around the clock to receive and forward reports of “disinformation” and “misinformation,” and the FBI requests that the platforms have people available to receive and process those reports at all times: “FBI headquarters, they just ran 24 hours a day for their command post, I believe from Friday to Tuesday. FBI San Francisco ran from, I believe, 8:00 o'clock in the morning to perhaps 10:00 o'clock at night every day except the election, when we ran until midnight.” Chan Dep. 301:14-20. In advance of the elections, the FBI “ask[ed]

the companies when they intended to have personnel on what days monitoring their platform for any threats that they saw.” Chan Dep. 301:21-24.

**C. The FBI’s Deceptive Information Censors the Hunter Biden Laptop Story.**

880. Elvis Chan, other FBI officials, and other federal officials repeatedly warned industry participants to be alert for “hack and dump” or “hack and leak” operations prior to the 2020 election, even though they had no investigative basis to issue such warnings. These warnings provided the justification for the platforms to censor the Hunter Biden laptop story that the New York Post broke on October 14, 2020. *See id.* at 232:1-234:3. These “hack and leak” or “hack and dump” warnings were issued many times, both in the “USG-Industry” meetings and in the FBI’s bilateral meetings with social-media platforms.

881. Hack and leak operations were discussed at the USG-Industry meetings. *Id.* 172:3-5. At the USG-Industry meetings, Elvis Chan and other FBI officials “warned the social media companies about the potential for a 2016-style DNC hack-and-dump operation.” *Id.* 172:23-173:1.

882. During these meetings, Chan “warned the companies about a potential for hack-and-dump operations from the Russians and the Iranians on more than one occasion.” *Id.* 175:10-13. Laura Dehmlow, the head of FITF, also “mentioned the possibility of hack-and-dump operations.” *Id.* 175:17-20.

883. The prospect of hack-and-leak operations was also repeatedly raised “[a]t the FBI-led meetings with FITF and the social-media companies.” *Id.* 177:24-25. It was also raised at the “CISA-hosted USG-industry” meetings. *Id.* 178:1-6, 180:24-25. “[T]he risk of hack-and-leak operations were raised at both sets of meetings, both at CISA-organized USG-industry meetings and the FITF-organized direct meetings between the FBI and social media platforms.” *Id.* 181:6-11. Chan himself raised the warnings “regularly” at the bilateral FITF-platform meetings. *Id.*

185:16-18. Laura Dehmlow raised the warning at the USG-Industry meetings “that the FBI is concerned about the potential for hack-and-leak or hack-and-dump operations from foreign state-sponsored actors.” *Id.* 187:1-4. And Chan himself “recollect[s] mentioning the potential for hack-and-dump operations during the CISA-hosted USG-industry meetings.” *Id.* 189:4-7. Chan confirms that he raised these concerns “to the social media platforms on multiple occasions in two sets of meetings in 2020,” including “the USG-industry meetings organized by CISA” and “the FITF organized meetings with the individual social media platforms.” *Id.* 204:2-12.

884. In the same time frame in 2020, as federal officials were repeatedly raising these concerns about hack-and-leak operations, some social media platforms updated their policies to provide that posting hacked materials would violate their policies and could result in censorship: “some social media companies adjusted or updated their terms of service or their community standards to say that they would not post any hacked materials.” *Id.* 205:6-9. According to Chan, the “impetus” for these more restrictive censorship policies was the repeated concern raised by Chan, the FBI, and federal national-security officials about the risk of “a 2016-style hack-and-leak operation: “the impetus was in case there was a 2016-style hack-and-leak operation.” *Id.* 205:14-21. The FBI’s repeated warnings, therefore, induced social-media platforms to adopt more restrictive censorship policies on hacked materials, *see id.*, which would then be used to censor the Hunter Biden laptop story.

885. Chan denies that the FBI urged the platforms to change their terms of service to address hacked materials, but he admits that the FBI repeatedly inquired of the social-media platforms *whether* their policies would allow for or require the censorship of hacked materials. The FBI “wanted to know if they had changed their terms of service or modified it, and we wanted to know what they had changed,” and thus the platforms “advise[d]” the FBI that “they had

changed” their policies “to reflect the ability to pull down content that results from hack operations.” *Id.* 206:5-13.

886. Again, Chan testified that, in meeting with platforms like Facebook, the FBI “asked, ‘If you receive a whole -- if you see a trove of potentially hacked materials, what are you going to do about it?’ Which would be our way of asking them how their terms of service would handle a situation like that.” Chan Dep. 247:25-248:4. The FBI “ask[ed] how they would handle it if potentially hacked materials appeared.” Chan Dep. 248:5-8. Chan believes they asked that question of Twitter, Facebook, and YouTube, and the social-media platforms responded, as he “remember[s] the social media companies having terms-of-service policies to handle this sort of situation.” Chan Dep. 248:14-16. Both Facebook and Twitter, for example, “said that they would remove hacked materials if they were able to validate that it was hacked.” Chan Dep. 252:24-253:4. These conversations happened “ahead of the 2020 elections.” Chan Dep. 253:6-7.

887. The FBI asked the platforms how their policies would handle a hack-and-leak operation at the same time as repeatedly warning them about such operations—thus effectively inducing them to adopt such policies. Chan Dep. 248:23-249:2.

888. The FBI inquired about the platforms’ hacked-materials policies because “internally we wanted to know what actions that we would need to take, whether we would need to take a legal remedy such as like a seizure warrant” to remove supposedly hacked materials. Chan Dep. 249:17-20.

889. Chan was not the only FBI official to ask the platforms about their censorship policies for hacked materials. Instead, this question was posed repeatedly by multiple FBI officials: “I would say we take turns asking. When I say ‘we,’ I mean either myself or the members of the Foreign Influence Task Force .... Wherever it seemed like an organic follow-up question,

we would ask ‘How would your terms of service apply to this situation or that situation?’” Chan Dep. 250:14-20.

890. When asked, “did anyone within the FBI discuss or suggest with you that you should raise the prospect of Russian hack-and-leak operations with social media platforms in 2020?” Chan repeatedly responded with a stock answer, “I do not recollect.” *Id.* 189:14-23; 189:8-191:21, 203:13-15 (“I cannot recollect.” ... “I do not recollect.” ... “I do not recollect.” ... “I don’t recollect.” ... “I don’t recollect.” ... “I do not recollect.”).

891. These responses are not credible because they are stock responses, and it is facially implausible that Chan does not recall whether other federal officials discussed warning platforms about “hack-and-leak” operations during 2020, especially after the fiasco of censorship of the Hunter Biden laptop story. These “I do not recollect” responses also contradict Chan’s testimony later in the deposition that he “regularly” communicated with FITF and FBI’s cyber division about the possibility of a hack-and-leak operation: “I believe that we internally discussed the potential for hack-and-leak operations, and so I regularly was in communication with the cyber division of the FBI as well as with the Foreign Influence Task Force to see if they had heard of anything that I had not heard of. So I would say that the people that I communicate with, everyone was vigilant, but no one -- I believe that in general people at the FBI were concerned about the potential for hack-and-leak operations, but that we had not seen any investigations that led in that direction or that would lead us in that direction.” *Id.* 206:23-207:10. He specifically admitted that he recalls discussing hack-and-leak operations with FITF officials “Ms. Dehmlow, Mr. Olson, Mr. Cone, and Mr. Giannini.” *Id.* 207:19-23. It is not credible that the *only* aspect of his internal discussions with the FBI about hack-and-leak operations that he does not recall is whether someone from the FBI suggested or directed him to raise the issue with social-media platforms.

892. Further, as revealed on the video of Chan's deposition, his demeanor in answering questions on this point changes and becomes evasive. Chan's demeanor when testifying on this point undermines his credibility.

893. The FBI and other federal officials had no specific investigative basis for these repeated warnings about possible "hack-and-dump" operations. As Chan admits, "[t]hrough our investigations, we did not see any similar competing intrusions to what had happened in 2016. So although from our standpoint we had not seen anything, we specifically, in an abundance of caution, warned the companies in case they saw something that we did not." *Id.* 174:7-13. As Chan admits, "we were not aware of any hack-and-leak operations that were forthcoming or impending" when he and other federal officials warned about the "risk of hack-and-leak operations, especially before the general election." *Id.* 192:19-24.

894. Matt Masterson and Brian Scully of CISA also raised the concern about the threat of hack-and-leak operations in the 2020 election cycle to the social-media platforms during the "USG-Industry" meetings that occurred quarterly, then monthly, then weekly leading up to the 2020 election. *Id.* 212:3-22.

895. Yoel Roth, then-Head of Site Integrity at Twitter, provided a formal declaration to the Federal Election Commission containing a contemporaneous account of the discussion of the threat of "hack-and-leak operations" at the meetings between the FBI, other federal law-enforcement and national-security agencies, and the social-media platforms. His declaration states: "Since 2018, I have had regular meetings with the Office of the Director of National Intelligence, the Department of Homeland Security, the FBI, and industry peers regarding election security. During these weekly meetings, the federal law enforcement agencies communicated that they expected 'hack-and-leak operations' by state actors [*i.e.*, Russians or other foreign

governments] might occur in the period shortly before the 2020 presidential election, likely in October. I was told in these meetings that the intelligence community expected that individuals associated with political campaigns would be subject to hacking attacks and that material obtained through those hacking attacks would likely be disseminated over social media platforms, including Twitter. These expectations of hack-and-leak operations were discussed throughout 2020. *I also learned in these meetings that there were rumors that a hack-and-leak operation would involve Hunter Biden.*” Chan. Ex. 8, ¶¶ 10-11, at 2-3 (emphasis added). Yoel Roth executed this declaration on December 17, 2020, shortly after the events described, and submitted it to the Federal Election Commission in a formal enforcement proceeding, so it has the force of a statement under oath. *Id.* at 4.

896. Chan’s account of these meetings largely matches Roth’s account, *see, e.g.*, Chan Dep. 218:5-220:15, but there are two key discrepancies between Roth’s and Chan’s accounts. First, Roth recounts that the FBI and national-security officials communicated to Twitter that they “*expected*” that there would be one or more hack-and-leak operations by Russia or other “state actors.” *Id.* at 2. Chan testified that he believed they used words like “concern” instead of “expected.” Chan. Dep. 220:20-24, 224:5-17, 226:5-12, 227:3-6. Second, Roth specifically recalls that federal officials told him that “there were rumors that a hack-and-leak operation would involve Hunter Biden.” Chan Ex. 8, ¶ 11, at 3. Chan testified that “in my recollection, Hunter Biden was not referred to in any of the CISA USG-Industry meetings.” Chan Dep. 213:8-10; *see also id.* 227:24-228:1, 228:21-23, 229:9-11 229:15-20.

897. On these points, Roth’s declaration is more credible than Chan’s testimony, for at least four reasons. First, Roth’s declaration was executed much closer in time to the events described—just two months later—while Chan’s testimony occurred over two years later. Indeed,

as noted above, Chan himself admitted that he “could not recollect” key details about the federal officials’ course of conduct in warning social-media platforms about a supposed “hack and dump” operation, so there is no reason to think that Chan’s recollection is more reliable on these similarly specific details.

898. Second, Roth had no incentive to color or shade his account of communications from federal officials when he submitted this Declaration to the FEC, while Chan has strong incentives to shade his testimony on these points to deemphasize the FBI’s involvement in censoring the Hunter Biden laptop story. Indeed, if the FBI and other federal officials warned social-media platforms about a hack-and-leak operation *involving Hunter Biden*—when the FBI had received Hunter Biden’s laptop from the Delaware repair-shop owner and thus *knew* that it was not hacked, *see* Doc. 106-3, at 5-11 —that raises a compelling inference that the FBI deliberately gave misleading information to social-media platforms to induce them to wrongfully censor the Hunter Biden laptop story.

899. Third, Chan’s testimony on a closely related point—whether Chan was instructed by an FBI official to warn social-media platforms about “hack and leak” operations—is not credible. Chan’s minor disagreements with Roth’s account are not credible for similar reasons. For example, Chan claims to have extremely specific recollection of the FBI’s word-choice in meetings that occurred over two years earlier—disputing that the FBI used the word “expected,” *id.* 220:20-24, 223:12-22, 224:5-17, 226:5-12, 227:3-6, and affirmatively asserting with confidence that “Hunter Biden” was never mentioned, *id.* 213:8-10, 227:24-228:1, 228:21-23, 229:9-11 229:15-20—while at the same time claiming that he could not recollect whether he discussed the same issues with the FBI internally *at all*, *Id.* 189:14-23; 189:8-191:21, 203:13-15.

900. Fourth, Chan's demeanor while testifying by videotape on this point is evasive and undermines his credibility.

901. Two additional points support the credibility of Roth's account over Chan's. First, Brian Scully's testimony, unlike Chan's, did not dispute or quibble with any aspect of Roth's near-contemporaneous account of these conversations—Scully merely contended that he could not remember. Scully Dep. 247:18-248:2.

902. Second, Roth's account directly matches the less detailed but even more contemporaneous account provided by Mark Zuckerberg in his testimony before Congress on October 28, 2020. Zuckerberg's testimony confirms that, as Yoel Roth recounted, the FBI conveyed a strong risk or expectation of a foreign hack-and-leak operation shortly before the 2020 election: "So you had both the public testimony from the FBI and in private meetings alerts that were given to at least our company ... that suggested that we be on *high alert and sensitivity* that if a trove of documents appeared that we should view that with suspicion, that it might be part of a foreign manipulation attempt." Chan Ex. 9, at 56 (emphasis added). Indeed, Chan did not dispute Zuckerberg's account: "I don't remember the exact framing of our discussions with them [*i.e.*, Facebook]." Chan Dep. 247:14-15. And again, Chan did not dispute the fundamental details of Zuckerberg's account; he admitted that he "hosted several private meetings with Facebook where the concern about a hack-and-leak operation was raised" in 2020. Chan Dep. 246:17-20. Though Chan did state that "I would not have framed it like Mr. Zuckerberg did," Chan essentially concedes the accuracy of Zuckerberg's account. Chan Dep. 255:14-15.

903. After the Hunter Biden story broke on October 14, 2020, Laura Dehmlow of the FBI refused to comment on the status of the Hunter Biden laptop in response to a direct inquiry

from Facebook, even though the FBI had the laptop in its possession since late 2019 and knew that its contents were not hacked. Chan Dep. 213:11-215:5.

904. When the Hunter Biden laptop story broke on October 14, 2020, it was widely censored on social media, including by Twitter and Facebook, pursuant to their hacked-materials policies. For example, Twitter's Site Integrity Team "blocked Twitter users from sharing links over Twitter to the applicable New York Post articles and prevented users who had previously sent Tweets sharing those articles from sending new Tweets until they deleted the Tweets" sharing the Hunter Biden laptop story. Chan Ex. 8, at 3. "Facebook, according to its policy communications manager began 'reducing its distribution on the platform,' pending ... a third-party fact check. Twitter went beyond that, blocking all users, including the House Judiciary Committee, from sharing the article on feeds and through direct messages. Twitter even locked the New York Post account entirely, claiming the story included hacked materials and was potentially harmful." Chan Ex. 9, at 2.

**D. The FBI Routinely Flags Speakers and Content for Censorship.**

905. According to Chan, during the 2020 election cycle, "the U.S. government and social media companies effectively impeded [foreign] influence campaigns primarily through information sharing and *account takedowns*, respectively." Chan Ex. 1, at i (emphasis added).

906. According to Chan, the FBI's "information sharing" includes both "strategic information," which "discusses the tools, tactics or processes" used by foreign-influence campaigns, and "tactical information," which means identifying specific "indicators or selectors," which are both "a term of art" that refers to "IP addresses, email accounts, social media accounts, ... website domain names, and ... file hash values." Chan Dep. 29:15-30:7.

907. In other words, according to Chan, the FBI “shares information” with social-media platforms that includes information about specific IP addresses, email accounts, social-media accounts, and website domain names that the FBI believes should be censored, and this sharing of information leads social-media platforms to engage in “account takedowns” based on the FBI’s information. *See id.* According to Chan, this combination of “information sharing” and “account takedowns” “effectively impeded [foreign] influence campaigns” during the 2020 election cycle. Chan Ex. 1, at i.

908. Chan testified that the FBI shares this information with social-media platforms so that they can “protect their platforms”—indeed, “protect their platforms” was a stock phrase in Chan’s testimony. Chan Dep. 32:19, 34:7-12, 35:8-10, 36:25, 87:22-23, 274:14. As Chan’s testimony makes clear, however, the phrase “protecting their platforms” is a euphemism for “censoring speech that federal officials disfavor.” For example, Chan admits that “protect their platforms” means “knocking down accounts or knocking down misinformation content.” Chan Dep. 273:12-17. Chan’s thesis and testimony make clear that the FBI’s purpose in “information sharing” with social-media platforms is to induce them to censor speech that the FBI dislikes and wants to see censored. For example, Chan testified that “my purpose is to share the information with them so they can protect their platforms as they deem appropriate,” but he immediately admitted that “one way to protect their platforms is to take down these accounts.” *Id.* 35:9-14. Thus, Chan admits that the FBI’s “purpose” in “information-sharing” includes “to take down these accounts” that the FBI believes are Russian-influenced. *Id.*

909. Chan admits that the purpose and predictable effect of “tactical” information-sharing—*i.e.*, the FBI flagging specific accounts, websites, URLs, IP addresses, web domain names, etc., to social-media platforms for censorship—is that the platforms will take action against

such specific content and accounts under their content-moderation policies: “from what I have observed and what they have told me when we have provided them with high confidence of Russian selectors, that they have been able to discover fake Russian accounts and take them down.” *Id.* 32:20-24.

910. According to Chan, the social-media platforms “take the information that we share, they validate it through their own means. And then if they determine that these are accounts being operated by Russian state-sponsored actors, then they have taken them down.” *Id.* 33: 12-17.

911. Chan admits that, during the 2020 election cycle, the U.S. Government engaged in “information sharing with the social media companies to expose Russia’s different operations and shut down its accounts.” Chan Ex. 1, at xvii. In other words, Chan admits that the purpose of federal officials’ “information sharing” was to “shut down ... accounts” on social media that the Government disfavored. *Id.*; *see also* Chan Dep. 37:17-38:2.

912. In addition to social-media platforms, Chan and the FBI also “share indicators” with state and local government election officials, such as “county registrars or county clerk’s offices”—who are also state actors subject to the First Amendment. Chan “would share indicators with them,” and “share the same type of information that I shared with social media companies,” including “IP addresses and domain names, so that they could see if they were popping up anywhere on their networks.” *Id.* 50:11-51:6. In other words, the FBI feeds information to state and local election officials so that they can make their own reports of supposed “misinformation” and “disinformation” to social-media platforms, creating a First Amendment feedback loop. The FBI seeds concerns with the state and local election officials, who then identify supposed “disinformation” and “misinformation” based on the FBI’s information, and then report it to the social-media platforms through CISA and the FBI.

913. Chan contends that Russian “state-sponsored actors ... have created fake social media accounts,” which “have either generated disinformation themselves or they have amplified existing content from current users of social media platforms.” *Id.* 60:1-7.

914. These supposedly Russian-controlled accounts “make their own content,” such as “mak[ing] their own Facebook postings,” and they “try to find what are the hot-button or current issues in the news ... and then they will try to either generate content themselves related to that or they will amplify existing content.” *Id.* 60:13-22. This is supposedly done with the goal to “sow discord in the American online environment.” *Id.* 61:12-13.

915. Chan agrees that “the goal there is ... they post messages that they anticipate will be divisive and try and get Americans to engage with them.” *Id.* 61:14-18.

916. As Chan agrees, “engagement” with a social-media posting includes viewing the content, liking or disliking it, reposting it, commenting on it, and/or reposting it with commentary. *Id.* 61:19-63:13. All of these are First Amendment-protected activities. In this way, according to Chan, “the Russians are trying to get people to engage on their divisive content.” *Id.* 63:19-64:1.

917. According to Chan, over 126 million Americans “engaged” with Russian-originated content on Facebook, and 1.4 million Americans engaged with such content on Twitter, during the 2016 election cycle. *Id.* 66:2-25. All of this was First Amendment-protected activity. Chan credits federal government efforts during the 2020 election cycle with preventing the vast majority of such “engagement” by American citizens with Russian-originate content on social media during the 2020 election cycle. Chan Ex. 1, at v (“This thesis finds that the Russians shifted their tactics from 2016 to 2020. Still, the U.S. government and social media companies effectively impeded their influence campaigns primarily through information sharing and account takedowns,

respectively.”). Thus, the federal officials’ “information sharing” activities prevented an enormous amount of First Amendment-protected activity from occurring.

918. Chan’s thesis and testimony provide clear examples of how supposedly Russian-originated “disinformation” on social media becomes intertwined with, and inseparable from, First Amendment-protected forms of expression by American citizens. Chan identifies a supposedly Russian-originated political ad on Facebook that features a picture of Hillary Clinton with a black X painted over her face, advertising an event called “Down with Hillary!” and stating, “Hillary Clinton is the co-author of Obama’s anti-police and anti-Constitutional propaganda.” Chan Ex. 1, at 29. None of this is “disinformation” in any meaningful sense—it is actually expression of political opinions. The posting notes that it received 763 reactions and 78 comments on Facebook, which Chan agrees are “engagements by users.” *See id.*; *see also* Chan Dep. 67:1-68:20. Chan contends that the underlying ad was “Russian-originated content masquerading as something posted by an American,” *id.* 67:6-10—*i.e.*, just the sort of content that the FBI would flag for censorship to social-media platforms through “tactical information-sharing.” But once the FBI induces Facebook to pull down the ad from the platform, the First Amendment-protected “engagements” by Americans—likes, dislikes, re-posts, comments, etc.—are all obliterated as well. This is the collateral damage to *Americans*’ freedom of speech in the FBI’s war on so-called Russian “disinformation.”

919. Chan’s thesis provides similar examples of supposedly Russian-originated content with heavy engagement by Americans. For example, it reproduces two supposedly Russian-originated political ads containing a secure-borders message (“Secured Borders: Every man should stand for our borders! Join!”) and a pro-Second Amendment message (“Defend the 2nd: The community of 2nd Amendment supporters, gun-lovers & patriots”). Chan Ex. 1, at 32. Again,

these are expressions of political opinion, not “disinformation” in any meaningful sense. The former posting garnered 134,943 “likes,” and the latter posting garnered 96,678 “likes”—each of which is a First Amendment-protected expression of support for the underlying, supposedly Russian-originated, political message. *See id.* Another similar ad, targeting black voters, simply stated “Black Matters: Join us because we care. Black matters!” and it drew 223,799 “likes” from ordinary users. *Id.* at 32; Chan Dep. 80:12-20. Chan admits that these are “high” levels of “engagement” from ordinary users. Chan Dep. 83:21.

920. Chan also reports that “IRA employees used social media bots, i.e., computer programs which control social media accounts, to amplify existing content.” Chan Ex. 1, at 30. To “amplify existing content” means to do “things like liking it or reposting it.” Chan Dep. 71:20-24.

921. Based on research, Chan estimates that “over 100,000 real people had their postings amplified by [Russian]-controlled social media bots.” *Id.* 87:2-6.

922. In addition, the “indicators” that the FBI targeted for censorship included supposedly Russian-aligned websites that hosted First Amendment-protected content posted by Americans. For example, Chan identified a supposedly Russia-generated website called “PeaceData,” which “hire[d] unwitting freelance journalists, including Americans, to write articles for the site.” *Id.* 141:24-142:3. “[A]t least 20 freelance journalists, which includes Americans, had been duped into writing articles for the site.” *Id.* 142:4-9. The FBI identified this site as Russia-generated to the social-media platforms, and as a result, the platforms “identified accounts that were foreign-associated ... that were directing users to those platforms” and “t[ook] actions against those accounts.” *Id.* 143:10-20. The speech of the American freelance journalists was thus suppressed due to FBI inducement.

923. Similarly, Chan identified a website called “NAEBC” as a Russia-generated website. According to Chan, the Russians “used various social media accounts to engage with real users and convince them to post on the NAEBC site, which met with some success.” *Id.* 144:13-145:2. Thus, “the NAEBC site also included content drafted and written by real users that had posted on that site.” *Id.* 145:3-6. “The FBI flagged the NAEBC site to social-media platforms as a ... Russian-originated source.” *Id.* 146:12-15. On that basis, “the companies were able to discover Russian-controlled accounts that were used to try to redirect users to those websites,” and the platforms “said they had taken down those accounts.” *Id.* 146:16-147:7. The FBI thus induced the platforms to censor the speech of “real users” on a supposedly fake Russian website.

924. Chan admits that “Russia’s influence operations” are deeply intertwined with First-Amendment-protected speech by ordinary social-media users, as he describes: “Many factors are at play when trying to measure the effects of Russia’s influence operations. First-order effects include real users interacting with inauthentic content, Russian-bot amplification of divisive organic content, and IRA-controlled accounts communicating directly with real users.” Chan Ex. 1, at 94.

925. During the days surrounding the 2020 election, the FBI’s command post also routed reports of domestic “disinformation” to social-media platforms for censorship to social-media. “During FBI San Francisco's 2020 election command post, which I believe was held from the Friday before the election through election night, that Tuesday at midnight, information would be provided by other field offices and FBI headquarters about disinformation .... These were passed to FBI San Francisco's command post, which I mentioned to you before I was the daytime shift commander, and we would relay this information to the social media platforms where these accounts were detected.” Chan Dep. 162:12-24.

926. The FBI made no attempt to distinguish whether these reports of “election disinformation” “whether they were American or foreign.” *Id.* 163:1-3. “[M]any field offices” of the FBI “relayed this information to us.” *Id.* 163:7-11.

927. “[T]hose reports would come to FBI San Francisco ... and then FBI San Francisco would relay them to the various social media platforms where the problematic posts had been made,” in order “to alert the social media companies to see if they violated their terms of service.... which may include taking down accounts.” *Id.* 165:3-17.

928. The FBI has about a “50 percent success rate” in getting reported disinformation taken down or censored by the platforms, *i.e.*, “that some action had been taken because it was a terms-of-service violation.” *Id.* 167:7-14.

**E. The FBI Demands Information on Censorship from the Platforms.**

929. Regarding the algorithms that platforms use to detect inauthentic activity and to censor content, the FBI has “probed them to ask for details” about those algorithms, “so that we could make sure we were sharing the most effective and actionable type of information with them,” *id.* 88:5-7, 20-22—in other words, to maximize the chances that disfavored speech would be censored as a result of the FBI’s “information sharing.”

930. The FBI “would ... ask them what their terms of service or community standards were.” *Id.* 90:21-23. But Chan contends that “we never told the companies to modify their terms of service or community standards.” *Id.* 92:5-7.

**F. The FBI Flags Accounts and URLs for Censorship on a Monthly Basis**

931. The FBI gives “tactical information” to social-media platforms, where “tactical information includes identifying specific social media accounts and URLs” to be evaluated for censorship. *Id.* 96:24-97:2. Chan estimates that this occurs “one to five times per month.” *Id.*

97:17-18. This includes such “tactical” information-sharing at most quarterly meetings. *Id.* 98:18-19.

932. To flag such specific accounts, URLs, and content to the platforms, Chan “would typically ... send an email to the recipients at the companies” notifying them that he would be using “a secure file transfer application within the FBI that is called Teleporter,” and “the Teleporter email contains a link for them to securely download the files from the FBI.” *Id.* 98:20-11. The Teleporter files contain “different types of indicators,” *i.e.*, specific social-media accounts, web sites, URLs, email accounts, etc. that the FBI wants the platforms to evaluate under their content-moderation policies. *Id.* 99:15.

933. Each such communication may contain any number of such “indicators,” ranging “from one account or one selector to many, like a whole spreadsheet full of them.” *Id.* 100:16-17.

934. Chan “estimate[s] that during 2020 [he] shared information with the companies between one to five or one to six times per month.” *Id.* 100:21-24. Each such incident of information-sharing included flagging a number of specific “indicators” that ranged anywhere from one to “hundreds” of specific accounts, web sites, URLs, etc... *Id.* 101:4-7.

935. During the 2022 election cycle, Chan shared such information with the platforms “one to four times per month.” *Id.* 101:13-14. Each such incident involved flagging a number of specific “indicators” that ranged anywhere from one to “in the tens, in the dozens” of specific accounts, web sites, URLs, etc. *Id.* 101:17-19.

936. “[I]n general” these flagging communications would go to all seven social-media platforms identified above, but sometimes there would be “company-specific information” that would go to a particular company. *Id.* 102:3-9. “[M]ost of the time we would share with that list of [seven] companies.” *Id.* 102:14-15.

937. When it made such communications, the FBI would request that the platforms report back to the FBI their specific actions taken toward the accounts that the FBI specifically flagged for possible censorship. *Id.* 102:18-25. “[A]t every quarterly meeting we try to follow up to ask if information we shared has been relevant if we have not received a response yet.” *Id.* 103:5-9. Sometimes, but not always, the platforms report back to the FBI on what accounts they have removed based on the FBI’s information, in which case the FBI documents the report to “help[] us fine-tune the information we’re sharing.” *Id.* 103:14-22.

938. Including Chan, at least *eight* FBI agents in the San Francisco field office are involved in reporting disinformation to social-media platforms—Chan himself, two GS-14 supervisors who report to Chan, and roughly five FBI field agents in two different squads within the office. *Id.* 105:19-108:18. All these agents share both “strategic” and “tactical” information with social-media platforms about supposed malign-foreign-influence content on platforms, and they are “involved in following up to find out if their tactical information was acted on.” *Id.* 108:8-10.

939. In addition, a significant number of FBI officials from FBI’s Foreign Influence Task Force (FITF) also participate in regular meetings with social-media platforms about supposed disinformation. *Id.* 108:19-110:14. These include “three to ten” FITF officials at bilateral meetings with social-media platforms. *Id.* 110:7-8.

940. The FBI uses both its criminal-investigation authority and its national-security authority to gather information about supposed malign-foreign-influence activities and content on social-media platforms. This specifically includes using “the Foreign Intelligence Surveillance Act ... the PATRIOT Act, [and] Executive Order 12333 that allows us to gather national security intelligence” to investigate content on social media. *Id.* 111:13-112:8.

941. In one case in 2020, for example, a single “Teleporter message was sent” to platform(s) “with a spreadsheet with hundreds of accounts,” all of which the FBI was flagging for the platforms as supposed malign-foreign-influence accounts. *Id.* 112:9-14.

942. Chan expressed a high degree of confidence that the FBI’s identification of “tactical information” (*i.e.*, specific accounts, URLs, sites, etc.) to social-media platforms was always accurate, and that the FBI never misidentified accounts, content, web sites etc. as operated by malign foreign actors when in fact they were operated by American citizens. He testified that “we only share information that we have a high confidence that is attributed to a foreign-state actor,” and that “[i]n my experience, it has always been correct.” *Id.* 112:15-113:16.

943. But there are substantial reasons to think that Chan is wrong. For example, Chan reports that the FBI induced Twitter to remove accounts and Tweets related to the #ReleaseTheMemo hashtag in 2019, which supported Congressman Devin Nunes’ investigation regarding Russia collusion. *Id.* 149:13-21; Chan Ex. 1, at 71 (noting that 929,000 Tweets removed by Twitter as supposedly Russian disinformation included thousands of Tweets amplifying the #ReleaseTheMemo hashtag). In fact, recent reporting indicates that Twitter was aware that the accounts pushing #ReleaseTheMemo were *not* Russian-controlled inauthentic accounts, but core political speech by ordinary American citizens that the FBI conspired to suppress.

944. The FBI’s flagging accounts for censorship often leads to the censorship of additional accounts. According to Chan, the FBI “may share, for example, one account with them, but then they may find ten connected accounts and take all of them down.” *Id.* 113:23-114:1.

**G. Pressure from Congress Induces Platforms to Increase Censorship.**

945. According to Chan, the social-media platforms were far more aggressive in taking down disfavored accounts and content in the 2018 and 2020 election cycles than they were in the 2016 cycle. *Id.* 115:18-116:6.

946. Based on his personal observation, experience, and research, Chan concludes that “pressure from Congress, specifically HPSCI and SSCI,” induced the social-media platforms to adopt more aggressive censorship policies in 2018 and 2020. *Id.* 116:1-3. “HPSCI” stands for the House Permanent Select Committee on Intelligence, and “SSCI” stands for the Senate Select Committee on Intelligence. *Id.* 116:11-14.

947. This “pressure from Congress” took multiple forms. First, those Congressional committees called “the CEOs for the companies ... to testify in front of their committees,” including “Mark Zuckerberg and Jack Dorsey and Sundar Pichai.” *Id.* 116:20-117:2. These CEOs were called to testify about disinformation on their platforms “more than once.” *Id.* 117:5-6. Chan believes that “that kind of scrutiny and public pressure from Congress ... motivated them to be more aggressive in the account takedowns.” *Id.* 117:7-14. Chan believes this based on conversations with social-media platform employees. *Id.* 117:15-118:2.

948. Chan identifies specific congressional hearings that placed such pressure on social-media platforms to adopt more restrictive censorship policies: “On April 10–11, 2018, the Senate Commerce Committee and Senate Judiciary Committee held hearings on consecutive days with Mark Zuckerberg to discuss Russia’s influence campaigns on Facebook and its countermeasures to combat them.... The Senate committees also used this as an opportunity to hold Facebook accountable for its actions and *exert pressure for positive change.*” Chan Ex. 1, at 50 (emphasis added). “On July 17, 2018, the House Judiciary Committee held a hearing with senior executives from Facebook, Google, and Twitter so they could provide updates on their companies’ efforts for

content filtering to stop foreign influence campaigns on their platforms.” *Id.* On September 5, 2018, the Senate Intelligence Committee held a hearing with senior executives from Facebook and Twitter to discuss their companies’ efforts to stop foreign influence campaigns and illegal transactions on their platforms.” *Id.*

949. Chan links these Congressional hearings to “constructive change,” *i.e.*, more aggressive censorship policies by the platforms: “On October 31, 2017, the Senate Judiciary Committee held a hearing with senior executives from Facebook, Google, and Twitter to discuss the extent of the Russian disinformation campaigns on their respective platforms.” Chan Ex. 1, at 48. “This public hearing ... provided politicians with the occasion to exert pressure on the companies to make constructive changes to their platforms.” *Id.* at 48-49. According to Chan, this “constructive change” means the adoption of more restrictive censorship policies. Chan Dep. 133:9-23.

950. In addition, Congress put pressure on the platforms to adopt and enforce more aggressive censorship policies and practices by sending high-level congressional staff from HPSCI and SSCI to meet with the social-media platforms directly and threaten them with adverse legislation. According to Chan, “staffers from both of those committees have visited with ... those [social-media] companies,” and after these meetings with congressional staffers, employees of the social-media platforms “would indicate that they had to prepare very thoroughly for these types of meetings ... and they indicated that it felt like a lot of pressure.” *Id.* 117:19-119:2.

951. The Congressional staffers had such meetings with “Facebook, Google, and Twitter.” Employees from those three companies “experienced these visits from congressional staffers as exercising a lot of pressure on them.” *Id.* 118:12-16.

952. In those meetings, the Congressional staffers discussed potential legislation with the social-media platforms, and before or after they met with those three companies, the Congressional staffers “discussed with [Chan] ... legislation that they were thinking about doing.” *Id.* 118:17-120:3.

953. It is Chan’s opinion that the social-media platforms’ “changes in takedown policies” to make them more restrictive “resulted from that kind of pressure from Congress.” *Id.* 118:17-20.

954. Chan’s opinion is the result of discussing these meetings with participants on both sides—both the Congressional staffers and employees of Facebook, Twitter, and Google. Chan “and FBI San Francisco personnel would meet with the congressional staffers, typically before they met or after they met with the social media companies,” because “they wanted an FBI opinion about what they had heard from the social media companies.” *Id.* 119:23-120:3.

955. To the best of Chan’s recollection, these meetings between Congressional staffers and social-media platforms were an “annual occurrence” that began in 2017 and recurred annually after 2017. *Id.* 120:7-8. “The staffers had separate meetings with each of the companies.” *Id.* 121:4-5. “[A]fter those meetings, the staffers would come to [Chan] and ask [his] opinion of potential legislation.” *Id.* 121:6-9.

956. Chan also discussed these meetings with the social-media platform employees who participated, as he “talk[s] with the social media platform personnel regularly,” and he understood from them that “the congressional staffers put a lot of pressure on them” in the meetings. *Id.* 122:18-25. He spoke directly to the personnel who participated in the meetings. *Id.* 123:21-24. Senior officials from the social-media platforms, including Yoel Roth of Twitter, Steven Siegel of

Facebook, and Richard Salgado of Google, participated in the meetings with Congressional staffers. *Id.* 123:25-125:7.

957. The Congressional staffers involved in the meetings were “senior-level staffers,” including “a director-level” staffer, “the committee counsel or a senior counsel for the committee,” and “one or two other ... line-level staffers.” *Id.* 123:6-13.

958. According to Chan, “intense pressure from U.S. lawmakers and the media ... eventually force[d] the social media companies to examine what had taken place on their platforms [in 2016] and strive to ensure that it did not happen in the future.” *Id.* 127:3-23; Chan Ex. 1, at 42.

959. These steps included actions by the social-media platforms to take more aggressive enforcement against violations of their terms of service, but also policy changes to the terms of service themselves to make their policies more restrictive: “the policy changes specifically to their terms of service or community standards.” Chan Dep. 129:17-19. These involved “more robust or more aggressive content-modulation policies,” that “clarify that certain things actually violate their policies and can be taken down.” *Id.* 130:4-18.

960. Chan notes that “Facebook and Twitter faced more Congressional scrutiny ... as their senior executives testified before Congress on three separate occasions before the midterm elections,” Chan Ex. 1, at 46, and he concludes that “political pressure from Congress was a contributing factor” leading social-media platforms to adopt more restrictive content-moderation policies. Chan Dep. 132:7-9. Chan believes that these more restrictive censorship policies that include “account takedowns” are “constructive change,” *id.* 133:2-23.

961. These policy changes, induced by “political pressure from Congress,” resulted in a dramatic increase in censorship on social-media platforms, including for example that “zero [Twitter] accounts were taken down during the 2016 cycle but 3,613 Twitter accounts were taken

down during the 2018 cycle.” *Id.* 133:24-134:5. Likewise, 825 accounts were removed from Facebook and Instagram based on publicly available reports, but according to Chan, the actual number was much higher. *Id.* 147:8-148:18. In 2019, Twitter announced the takedown of “422 accounts which made 929,000 tweets.” *Id.* 149:9-12. “[S]ome subset of that amount was due to information [the FBI] provided.” *Id.* 150:12-14.

962. When meeting with social-media platforms, Chan “typically meet[s] with the trust and safety individuals and then their associated attorneys.” *Id.* 135:16-18.

963. Samaruddin K. Stewart (“Sam”) of the State Department’s Global Engagement Center “would meet with social media companies ... primarily with policy individuals.” *Id.* 135:2-15.

964. Sam Stewart would offer “different types of software made by vendors that they would pilot to see if they could detect malign foreign influence on social media platforms.” *Id.* 135:25-136:3. Chan believed that the Global Engagement Center’s products “might accidentally pick up U.S. people information.” *Id.* 138:10-12.

965. Elvis Chan knows and has worked with Peter Strzok and Lisa Page. *Id.* 234:19-240:5. He also knows and has worked with James Baker, the former general counsel of the FBI who went on to become deputy general counsel of Twitter and encouraged Twitter to keep censoring the Hunter Biden laptop story. *Id.* 239:13-16.

#### **H. The FBI’s Censorship Activities Are Ongoing.**

966. Chan urges the public to report supposed misinformation on social media directly to the platforms, or else report it to the FBI or DOJ so that they can report it to the platforms, and boasts that the platforms are “very aggressive” in taking down misinformation. As he stated in a public podcast just before the 2020 election: “If you’re also seeing something related to the election

on your social media platform, all of them have portals where you can report that sort of information. They're being very aggressive in trying to take down any disinformation or misinformation, and then, lastly, if they see anything on election day or before election day, you can always report it to FBI.gov or justice.gov ... We take all of these very seriously.” Chan Ex. 13, at 3, 9:9-19. FBI San Francisco, when it receives such reports, “would then relay those to social media platforms,” so that “the social media platforms will assess those in connection with their terms of service.” Chan Dep. 267:13-23. Chan characterizes the platforms as “very aggressive” in taking down disinformation because they “[adjusted] their policies to be able to handle foreign-malign-influence operations.” *Id.* 270:23-25.

967. The FBI continues the same efforts in 2022 and later election cycles that it pursued in 2020. As Chan publicly stated, “post 2020, we've never stopped ... as soon as November 3rd happened in 2020, we just pretty much rolled into preparing for 2022.” Chan Ex. 15, at 2, 8:2-4. Chan stated: “[W]e are also really engaged with the technology companies that are out here ... We're also working with the social media companies to make sure that any foreign disinformation that's coming out ... if we can identify them, we can share that information with them so they can knock down accounts, knock down disinformation content,” and he noted that they are “having conversations with all of those organizations as they're building up to November of [2022].” Chan Ex. 15, at 2-3, 8:15-9:4.

## **VII. CISA's Censorship: Pressure, “Switchboarding,” and Working Through Nonprofits.**

968. CISA, the Cybersecurity and Infrastructure Security Agency within the Department of Homeland Security, serves as a “nerve center” for federal censorship efforts. CISA meets routinely with social-media platforms about censorship in at least five different sets of standing meetings, CISA pressures platforms to increase censorship of speech that federal officials disfavor,

and CISA serves as a “switchboard” by “routing disinformation concerns to social-media platforms” for censorship. CISA also seeks to evade the First Amendment by outsourcing many of its censorship activities to nonprofit agencies that it collaborates closely with, including the CISA-funded Center for Internet Security and its “EI-ISAC” (“Election Infrastructure – Information Sharing & Analysis Center”) for state officials, and the massive censorship cartel calling itself the “Election Integrity Partnership.”

969. Brian Scully is the chief of the so-called “Mis, Dis, and Malinformation Team” or “MDM Team” within the Cybersecurity and Infrastructure Security Agency (CISA) in the Department of Homeland Security (DHS). Scully Depo. 15:14-20. Before the Biden Administration, the MDM Team was known as the “Countering Foreign Influence Task Force,” or CFITF.

970. Lauren Protentis is the “Engagements Lead” for the MDM Team, and she is in charge of “outreach and engagement to key stakeholders, interagency partners, [and] private sector partners,” including “social media platforms.” Scully Depo. 18:2-18. During relevant periods in both 2020 and 2022, however, Protentis was on maternity leave, and during those times, Scully performs her role as chief engagement officer for communicating with other federal agencies, private-sector entities, and social-media platforms about misinformation and disinformation. Scully Depo. 18:19-20:10.

971. Both Scully and Protentis have done or are doing extended details at the National Security Council where they work on misinformation and disinformation issues. Protentis began a one-year detail at the NSC in January 2023, as soon as she came back from maternity leave, and she will deal with mis- and disinformation issues for the NSC as part of her detail. Scully Depo. 19:15:20:5.

**A. CISA “Switchboards” by Flagging Government-Reported “Misinformation.”**

972. Scully admits that, during 2020, the MDM team “did some switchboard work on behalf of election officials.” Scully Depo. 16:23-25. “Switchboard work” or “switchboarding” is a disinformation-reporting system that CISA provides that allows state and local election officials (who are government officials subject to the First Amendment) “to identify something on social media they deemed to be disinformation aimed at their jurisdiction. They could forward that to CISA and CISA would share that with the appropriate social media companies.” Scully Depo. 17:3-8.

973. In reporting perceived misinformation to the platforms, CISA and the state and local officials have “an understanding that if the social media platforms were aware of disinformation that they might apply their content moderation policies to it,” and “the idea was that they would make decisions on the content that was forwarded to them based on their policies.” Scully Depo. 17:15-21.

974. CISA’s “switchboarding” activity causes social-media speech to be censored that otherwise would not have been censored: Scully agrees that “if it hadn't been brought to their attention then they obviously wouldn’t have moderated it.” Scully Depo. 17:22-18:1.

975. Scully contends that “we didn’t do switchboarding in 2022.” Scully Depo. 21:24-25. But he admits that this decision was made in late April or early May 2022. Scully Depo. 22:15-23. This lawsuit was filed, specifically challenging CISA’s “switchboarding” activity, on May 5, 2022. Doc. 1.

976. Throughout the 2022 election cycle and through the present date, CISA continues to publicly state on its website that the MDM Team “serves as a switchboard for routing disinformation concerns to appropriate social media platforms”: “The MDM team serves as a

switchboard for routing disinformation concerns to appropriate social media platforms and law enforcement. This activity began in 2018, supporting state and local election officials to mitigate disinformation about the time, place, and manner of voting. For the 2020 election, CISA expanded the breadth of reporting to include other state and local officials and more social media platforms.” Scully Ex. 24, at 3; *see also* Cybersecurity and Infrastructure Security Agency, “Mis, Dis, Malinformation,” <https://www.cisa.gov/mdm> (visited Feb. 4, 2023).

977. According to Scully, “switchboarding is CISA’s role in forwarding reporting received from election officials, state/local election officials, to social media platforms.” Scully Depo. 23:24-24:2.

**B. CISA Organizes the “USG-Industry Meetings” on Misinformation.**

978. The MDM Team continues to communicate regularly and extensively with social-media platforms about misinformation and disinformation, including during the 2022 election cycle. These communications include at least “two general types of communications, one, we did regular sync meetings between government and industry, so federal partners and different social media platforms.” Scully Depo. 21:2-6. This is “a coordinated meeting. Facebook was the industry lead, so [Scully] would have coordination calls with them prior to the meetings, just to set the agenda for meetings...” Scully Depo. 21:6-10. These meetings are described in CISA’s interrogatory responses as “USG-Industry” meetings. Scully Ex. 12, at 38-40.

979. In addition, the MDM Team received regular reports from social-media platforms about any changes to their censorship policies or their enforcement actions on censorship: “if a platform was putting out a ... public report on policies or activities” relating to disinformation and censorship,” CISA would “get a briefing on that or at least get an awareness that it was going out.” Scully Depo. 21:11-16.

980. The USG-Industry meetings increase in frequency as each election nears. In 2022, they were “monthly” as the election approached, and then in October, they became “biweekly,” so that there were two “biweekly meetings ... prior to the [2022] election.” Scully Depo. 24:16-21.

981. “DOJ, FBI, ODNI, and ... DHS” participate in these meetings on the federal government’s side. Scully Depo. 25:23. DHS’s participation includes at least two components: CISA, typically represented by Scully and Geoff Hale, Scully’s supervisor; and the Office of Intelligence and Analysis (“I&A”). Scully Depo. 25:11-26:13. Scully’s role is to “oversee” and “facilitate the meetings.” Scully Depo. 25:14-16. On behalf of CISA, Kim Wyman, Allison Snell, and Lauren Protentis also participate in the meetings. Scully Depo. 28:4-13.

982. On behalf of FBI, FITF Chief Laura Dehmlow and Elvis Chan participate in these “USG-Industry” meetings, and “periodically other people would be on from different parts of FBI,” while “Laura [Dehmlow] was usually who [CISA] coordinated through.” Scully Depo. 29:14-30:12.

983. These “USG-Industry” meetings have been occurring “for years,” and “the first meeting we had ... between federal and ... industry was in 2018.” Scully Depo. 31:10-16.

984. In addition, prior to each “USG-Industry” meeting, CISA hosts at least two planning meetings before the main meeting: a bilateral planning meeting between CISA and Facebook, and an interagency meeting with the federal agencies that participate. Scully Depo. 36:21-37:13.

985. Even though the 2022 meetings were still quite recent at the time of his deposition, Scully professed that “I don’t recall specifics, so I’ll just say that upfront” about the discussions at these meetings. Scully Depo. 37:19-20; *see also* Scully Depo. 39:23-25.

986. The social-media platforms attending these meetings include “Facebook, Twitter, Microsoft, Google, Reddit, ... [and] LinkedIn,” as well as “others.” Scully Depo. 38:15-20. For example, Wikimedia Foundation participated in “some.” Scully Depo. 39:2-6.

987. Scully agrees that “concerns about misinformation and disinformation on social media platforms [were] discussed in these meetings in the 2022 timeframe.” Scully Depo. 39:7-11. This includes federal officials reporting on disinformation concerns that they believe will affect speech on social media; for example, the “intelligence community” would report on “information operations”: “the intelligence community, if their reporting included foreign actors who were potentially going to use information operations, they might mention that in their briefings.” Scully Depo. 39:19-23.

988. The social-media platforms, likewise, would report back to federal officials about disinformation “trends” on their platforms, and provide additional information to the federal government not included in their public reports about such trends: “the platforms, they might share some high-level trend information from public reporting that they put out. So a lot of the platforms do their own regular reports on what they’re seeing on their platforms and ... what actions they’re taking. And so the platforms, themselves, would share that type of information.... they would share essentially what they were getting ready to make public or what they had already made public... and then potentially provide some additional context around that.” Scully Depo. 40:4-22. The government would ask for additional information about their observations of disinformation trends on social media, and the platforms would provide it: “they would share that, and if the government had questions or was looking for additional context they would often talk about that, they would generally talk about any new tactics that they were seeing.” Scully Depo. 41:1-5.

989. Scully admits that the discussion of foreign-originated misinformation is ultimately targeted at preventing domestic actors' from engaging in certain government-disfavored speech. He states that "my recollections for the time period we're talking about here, from September 2022 to the election in 2022, I recall most of it was foreign based. But ... often what you see overseas essentially makes its way to the United States." Scully Depo. 41:6-12.

990. At the various meetings, the platforms discuss misinformation and disinformation as "coordinated inauthentic behavior," which is subject to removal under their terms of service, but Scully admits that "coordinated inauthentic behavior" concerns CISA because it "could lead to mis and disinformation, for sure." Scully Depo. 42:12-14.

**C. CISA Is Deeply Embedded in the Election Integrity Partnership.**

991. Scully admits that CISA has established relationships with researchers at "Stanford" and the "University of Washington," as well as "Graphika." Scully Depo. 46:23, 48:1-4. CISA's coordination with these researchers has continued since before the 2020 election cycle. Scully Depo. 47:22-25. Detailed additional information about these entities and their collaboration with CISA in the "Election Integrity Partnership" (or "EIP") is provided below. *See infra*.

992. Stanford Internet Observatory, University of Washington, the Atlantic Council, and Graphika are all involved in the EIP. Scully Depo. 48:1-22.

993. When EIP was starting up, Scully admits that CISA's "involvement" with the EIP included at least the following collaborations: (1) "a couple of our [CISA] interns came up with the idea and ... [CISA] had some communications with" the EIP. Scully Depo. 49:8-10. (2) CISA "received some briefings on the work that they were doing." Scully Depo. 49:13-14. (3) CISA "had some communications early on in the process, when they were making decisions, when Stanford was trying to figure out what the gap was." Scully Depo. 49:18-21. (4) CISA "connected

them [EIP] with the Center For Internet Security,” which is a CISA-funded nonprofit that channels reports of disinformation from state and local government officials to social-media platforms. Scully Depo. 50:5-6. (5) CISA also “connected them [EIP] with some of the election official groups,” *i.e.*, “the National Association of Secretaries of State [NASS] and the National Association of State Election Directors [NASED],” both of which are groups of state and local government officials. Scully Depo. 50:6-10. (6) And CISA “facilitated some meetings between those three.” Scully Depo. 50:10-11.

994. The CISA interns who originated the idea of the EIP “worked for the Stanford Internet Observatory, as well ... which was part of the [Election Integrity] Partnership.” Scully Depo. 51:7-8, 22-24.

995. According to Scully, the “gap” that the EIP was designed to fill, was that state and local election officials lack the resources to monitor and report on disinformation that affects their jurisdictions: “One of the gaps that we identified from 2018 is, as you know, most election officials their offices are fairly low staff, low resourced, and so there was no – they didn't have capabilities to try to identify disinformation targeting their jurisdictions, and so was essentially the gap is that most election offices throughout the country just didn't have that capacity or capability to be monitoring so that they could identify anything that would be potentially target their jurisdictions, so that was the gap.” Scully Depo. 57:6-17.

996. Scully and other CISA officials identified the “gap” as a problem to CISA interns who were simultaneously working for the Stanford Internet Observatory: “So we had a conversation with the interns, and they were asking questions about kind of needs that the election officials have, generally. One of the gaps that we identified from 2018 is, as you know, most

election officials their offices are fairly low staff, low resourced, and so ... they didn't have the capabilities to try to identify disinformation targeting their jurisdictions." Scully Depo. 57:2-11.

997. Thus, Scully and other CISA officials were involved in originating and brainstorming about the creation of the EIP in the first place, as they "had some initial conversation with the interns" about this "gap," and then they also "had a conversation with the Stanford Internet Observatory folks about the gap." Scully Depo. 52:3-6. Then, CISA "received a briefing from them [EIP], or two, on kind of what they were putting together." Scully Depo. 52:7-9. Scully and other CISA officials then "facilitated some meetings between Stanford folks, the Center For Internet Security, and election officials, where they had discussions about how they would work together." Scully Depo. 52:10-13. And CISA's involvement did not end there, as Scully admits that "we had some conversations, kind of throughout, when they were -- particularly when they were putting out public reporting about what they were seeing." Scully Depo. 52:14-17. In addition, Scully "wouldn't be surprised if there were some other kind of brief conversations in there." Scully Depo. 52:18-20.

998. The EIP continued to operate during the 2022 election cycle. Scully Depo. 53:4-5. At the beginning of the 2022 election cycle, the EIP "gave us [CISA] a briefing, early on, about what they were thinking about," which occurred in "May/June of 2022." Scully Depo. 53:14-19. Scully and Geoff Hale of CISA received the briefing from Renee DiResta and another EIP official. Scully Depo. 53:22-54:7. In that briefing, the EIP officials "walked through what their plans were for 2022, [and] some of the lessons learned from 2020." Scully Depo. 54:11-13. Their plans for 2022 were that "they were going to do something similar to what they did in 2020 in terms of trying to support election officials." Scully Depo. 54:16-18. They planned to "work with state and local election officials." Scully Depo. 54:22-25.

999. CISA followed EIP's public reporting during the 2022 election cycle, and in particular, Scully relied on "at least one public report ... that I thought was pretty good," which was "about specific disinformation" and "was basically how to think about whether or not a narrative poses risks." Scully Depo. 56:12-17.

1000. Scully admits that CISA has "an established relationship" with the EIP and the Stanford Internet Observatory personnel who lead it. Scully Depo. 55:24-25.

1001. The Center for Internet Security is a "non-profit that oversees the multi-state ISAC and the election infrastructure subsector information sharing and analysis center, that's what ISAC stands for." Scully Depo. 59:13-16. In other words, CIS oversees the "Multi-State Information Sharing and Analysis Center," or "MS-ISAC," and the "Election Infrastructure Information Sharing and Analysis Center," or "EI-ISAC." Scully Depo. 60:9-20. Both of these are organizations of state and/or local government officials, organized for information sharing. Scully Depo. 60:3-11, 60:25-61:6.

1002. CISA funds the Center for Internet Security in its activity of overseeing the EI-ISAC, which is an organization for information-sharing among state and local government election officials. Scully Depo. 61:9-10, 62:1 ("CISA provides funding for the EI-ISAC").

1003. CISA directed election officials to the Center for Internet Security, which CISA funds, as an alternative route for reporting misinformation to social-media platforms, because CISA found the "switchboarding" role to be resource-intensive. Scully Depo. 62:16-24.

1004. CISA connected the Center for Internet Security with the EIP because "the EIP was working on the same mission," so "we wanted to make sure that they were all connected." Scully Depo. 62:24-63:1. Thus, CISA originated and set up the collaborations between local government officials and the CIS, and between the EIP and the CIS. *Id.*

1005. The Center for Internet Security worked closely with CISA in reporting misinformation to social-media platforms, as CISA served as a pass-through for reports from CIS to the platforms: CIS officials “were receiving reporting directly from election officials. In the early part of 2020, they would forward what they were receiving election officials to us at CISA, and then we would push that to the social media platform; as 2021 moved along, CIS more frequently provided that directly to the platforms, themselves. And so I would say early on in the process, the switchboarding generally came through CISA. Later on in the process, it was more of a mixed bag of how the switchboarding worked.” Scully Depo. 63:23-64:10.

1006. In addition to CIS and CISA, EIP also reported supposed misinformation to social-media platforms. Scully Depo. 64:13-14. CISA and CIS coordinated directly with each other on reporting misinformation. Scully Depo. 64:18-20.

1007. CISA served a mediating role between CIS and the EIP, and the platforms, to coordinate their efforts in reporting misinformation to the platforms: “There was a point where one of the platforms was concerned about too much kind of duplicate reporting coming in, and so we did have some conversations with EIP and CIS on how to kind of better manage that activity to make sure we weren't overwhelming the platforms.” Scully Depo. 64:21-65:1.

1008. There was also direct email communication between EIP and CISA about misinformation reporting. Scully Depo. 66:9-12.

1009. When CISA reported misinformation to platforms, CISA would “generally copy the Center for Internet Security,” which was coordinating with EIP. Scully Depo. 67:20-68:6.

1010. Alex Stamos and Renee DiResta of the Stanford Internet Observatory briefed Scully about the EIP's report, “The Long Fuse,” in “late spring, early summer 2021.” Scully Depo. 70:1-10. Scully also reviewed portions of the report. *See id.*; Scully Ex. 1 (EIP Report).

1011. Dr. Kate Starbird of the University of Washington, who works with the EIP, is also on the MDM Subcommittee for CISA. Scully Depo. 72:19-73:4. Kate Starbird of the University of Washington serves on CISA's CSAC MDM Subcommittee, as well as working with the EIP. Scully Ex. 59, at 1.

1012. Alex Stamos and Renee DiResta, who quarterback the EIP, also have roles in CISA. Renee DiResta of the Stanford Internet Observatory—a key player in the EIP—also serves as a “Subject Matter Expert (SME)” for the CISA's Cybersecurity Advisory Committee's MDM Subcommittee. *Id.*; Scully Depo. 361:19-362:6. Alex Stamos, the director of the Stanford Internet Observatory who launched the EIP, serves on the CISA Cybersecurity Advisory Committee, along with Kate Starbird. Jones Decl., Ex. FF, at 3, 12-13.

1013. CISA had extensive communications to coordinate with the EIP when it was starting up during the 2020 election cycle: “we had conversations with Stanford about the gap. They gave us some briefings on what they were doing, how they were doing it. Prior to the election, we had some conversations with them to facilitate and coordinate meetings, as I mentioned. And then when they put public reporting out, if we had questions about it, we would probably have conversations with them around that, as well.” Scully Depo. 74:17-75:1.

1014. In addition to Scully, Matt Masterson was involved in communicating with the EIP. Scully Depo. 75:6-11. In addition, Scully “wouldn't be surprised” if Geoff Hale participated in some conversations with EIP. Scully Depo. 76:1-2.

1015. The then-Director of CISA, Director Krebs, “had a relationship with Alex Stamos,” the head of the Stanford Internet Observatory, while CISA was coordinating with the EIP, and Director Krebs “may have had conversations in that context” about the EIP. Scully Depo. 76:8-

10. In fact, when he left CISA in late 2020, Director Krebs “joined Alex Stamos,” and “they started a business together,” called the “Krebs/Stamos Group.” Scully Depo. 76:5-23.

1016. Scully believes that “Director Krebs may have participated in a couple of meetings that I’m aware of, that Stamos was also in.” Scully Depo. 77:20-22, 78:3-11.

1017. According to Scully, “generally speaking, the reporting that CISA received came through the Center for Internet Security.” Scully Depo. 79:19-21.

1018. Matt Masterson and Scully presented questions to the EIP about their “public reporting,” which consisted of “regular blog posts on what they were seeing” about supposed election-related misinformation. Scully Depo. 81:19-82:16. Masterson was also involved in at least one of the initial discussions with the Stanford Internet Observatory about starting up the EIP. Scully Depo. 81:24-82:4. Masterson spoke to Stanford about “clarifying the gap that election officials faced for the folks at the Stanford Internet Observatory early on in the process.” Scully Depo. 83:22-25.

1019. The idea of the “gap” came from Scully and CISA, which he “shared with the interns.” Scully Depo. 84:8-22.

1020. Matt Masterson “was in the meeting where we talked about the gap with [Alex] Stamos, in particular. And I believe Stamos mentioned that [*i.e.*, the collaboration that became the Election Integrity Partnership] as an option during that call.” Scully Depo. 85:21-24.

1021. Matt Masterson left CISA in January 2021. He started at Microsoft in early 2022. In the intervening year, immediately after leaving CISA, Masterson “was a fellow at the Stanford Internet Observatory.” Scully Depo. 88:21-89:8. Thus, both the CISA Director (Krebs) and the political appointee directly involved in the establishment of the EIP (Masterson) went to work with Alex Stamos of Stanford Internet Observatory immediately after the 2020 election cycle.

1022. Alex Stamos consulted with CISA in part because “he knew he would need us helping him connect with election officials.” Scully Depo. 100:17-18.

1023. Scully believes that there was at least “a fifth call” between CISA and Alex Stamos in 2020. Scully Depo. 101:4.

1024. Scully put Stamos in touch with NASED and NASS, and “facilitated some meetings between ... them [EIP] and election officials.” Scully Depo. 101:15-102:10. Scully “facilitated meetings ... some meetings between EIP and CIS” because “they didn't have relationship” and “didn't know each other. So [CISA] just facilitated getting them together to talk and figure out how they were going to work together.” Scully Depo. 102:14-20. The purpose of these meetings was “to set up a direct line of communication between CIS and EIP.” Scully Depo. 103:7-10.

1025. Scully also put EIP in contact and facilitated meetings between EIP (*i.e.*, folks at the Stanford Internet Observatory, which organized EIP) and representatives of NASED and NASS, the organizations of state and local election officials. Scully Depo. 103:11-104:19. These occurred in July or August 2020. Scully Depo. 104:24-25.

1026. Scully believes that the Center for Internet Security, which CISA funds, “forward[ed] messages that election officials sent them” reporting misinformation “to EIP.” Scully Depo. 106:10-16.

1027. Scully agrees that “EI-ISAC is a part of CIS and we do fund the EI-ISAC.” Scully Depo. 110:20-23.

1028. Scully agrees that CISA collaborated with the EIP. Scully Depo. 111:15-18.

1029. CISA probably had “between two and four” conversations with the EIP about its public reports on disinformation trends on social media. Scully Depo. 113:20-24. “[I]f we had a question about jurisdiction[s] being targeted or a new [disinformation] tactic or things like that,

we would just ask them ... questions about that sort of thing.” Scully Depo. 114:17-21. Scully “was following the public reports” from the EIP during 2020. Scully Depo. 115:16-17.

1030. CISA received misinformation reports principally from three sources: first, from the Center for Internet Security; and second, “sometimes election officials would send them in to CISA central, which is CISA's kind of ops center block room type setup. And then the third way was they would just send direct to a CISA employee, ... often Matt Masterson, who had relationships with many of the election officials.” Scully Depo 119:7-11, 119:22-120:5.

1031. CISA coordinated with the Center for Internet Security on reporting misinformation to platforms: “we would let them know when we reported something to a platform ... to avoid duplication,” and “most of the reporting that I recall in 2020 came through CIS. And so we just wanted to let them know that we were acting on what they sent us. For reporting that didn't come through CIS, we would often let them know after we had shared it with the platforms that we had shared something with the platforms for their arrangement.” Scully Depo. 120:23-121:9.

1032. CIS and EIP also “had a relationship. They shared information.” Scully Depo. 121:20-21.

1033. According to Scully, “CISA does not do attribution. We didn’t do analysis of what we received from election officials. So we would not know what percentage” of misinformation reports “were foreign derived.” Scully Depo. 122:25-123:3. CISA thus forwards reports of “misinformation” to social-media platforms “without assessing whether they were originated from foreign or domestic sources.” CISA would not “take steps to see whether this came from foreign or domestic sources,” but “would just pass it along to the social-media platforms.” Scully Depo. 123:4-18.

1034. Scully was aware that social-media platforms changed their content-moderation policies to be more restrictive of election-related “misinformation” during the 2020 election cycle, because the platforms reported on those changes to federal officials “in our regular sync meetings,” *i.e.*, the “USG-Industry” meetings. Scully Depo. 127:18-19. In those meetings, “that would be one of their briefing points, that they were making significant changes” to policies for censoring election-related speech. Scully Depo. 128:4-6.

1035. During 2020, Matt Masterson was “a senior election security person at CISA,” and he was a “political appointee.” Scully Depo. 129:23-130:4. Masterson was “familiar with the switchboarding work that we were doing.” Scully Depo. 131:8-10. And “when he would receive emails” reporting misinformation, “he forwarded them to us.” Scully Depo. 131:13-14.

1036. Scully understands that the Virality Project was “Stanford’s attempt to mimic the EIP for COVID.” Scully Depo. 134:10-11.

1037. The Virality Project “sent [Scully] some of their public reports.” Scully Depo. 134:13-14.

1038. Scully was aware that Alex Stamos and Renee DiResta of the Stanford Internet Observatory were involved in the Virality Project. Scully Depo. 134:21-22.

1039. Scully “did have some conversations where they were ... asking me ... for any connections I had with HHS or CDC.” Scully Depo. 135:10-12.

1040. In addition, Scully recalls “some informal ... conversations that I may have had with Alex, in particular, and maybe Renée, as well,” about the Virality Project. Scully Depo. 136:3-6.

1041. Alex Stamos gave Scully an “overview what they planned to do in the Virality Project” that “was similar to what they did ... with the EIP.” Scully Depo. 136:19-22.

1042. Scully also had conversations with Renee DiResta about commencing the Virality Project. Scully Depo. 139:5-14.

1043. With respect to the EIP, Alex Stamos and Renee DiResta “shared ... lessons learned,” and “what some of their big takeaways were” with Scully. Scully Depo. 141:6-8.

1044. CrowdTangle is a “Facebook-owned social media monitoring service.” Scully Depo. 144:23-24.

1045. According to the Virality Project report, “as voting-related mis- and disinformation arose in the 2020 presidential election, the Election Infrastructure Information Sharing and Analysis Center (EI-ISAC) served a critical role in sharing information with the Election Integrity Partnership and pushing its rapid response analysis back out to election stakeholders across all states.” Scully Ex. 2, at 150. Scully understands that this refers to the Center for Internet Security, which operates the EI-ISAC through CISA-provided funding, and that “it was Center for Internet Security” that engaged in direct communications with the EIP and played a critical role in sharing information with the EIP. Scully Depo. 147:17-25.

1046. During the summer of 2020, CISA was “piloting a capability that would allow us to monitor narratives online,” Scully Depo. 151:13-15—*i.e.*, the work that the EIP eventually did and does.

1047. In his public statements, Alex Stamos has identified the EIP’s “partners in government” as “most particularly those in CISA and DHS, but also in all of the local and state governments with whom we operated with.” Scully Ex. 6, at 4. Scully agrees that “CISA and DHS were partners of the EIP.” Scully Depo. 369:1-11.

1048. According to Stamos, “[t]he Election Integrity Partnership started with our team in Stanford sending a group of interns to go work with the cyber security and infrastructure security

agency at the DHS to work election security. And what these interns found is, there's a lot of opportunity for them to contribute to the technical components of election security. They also found that there was a lack of capability around election disinformation. This is not because CISA didn't care about disinformation, but at the time they lacked both kind of the funding and the legal authorizations to go do the kinds of work that would be necessary to truly understand how election disinformation was operated.” Scully Ex. 6, at 4.

1049. Stamos says that the EIP is “a project between four different institutions to try to fill the gap of the things that the government cannot do themselves.” Scully Ex. 6, at 4.

1050. Stamos states that CISA was one of “four major stakeholders” in the EIP: “There are kind of four major stakeholders that we operated with that we worked beside at EIP. Our partners in government, most particularly those in CISA and DHS, but also in all of the local and state governments with whom we operated with.” Scully Ex. 6, at 4.

1051. EIP had access to data for monitoring social-media speech that the federal government does not have: The EIP “also worked with the major platforms, Facebook, Twitter, YouTube, TikTok, Reddit, NextDoor and the like. ... [S]ome of those cases we had agreements for access of data. In other cases, we had to have individual analysts go work with them.” Scully Ex. 6, at 5.

1052. According to Stamos, there was very little foreign disinformation in 2020: “We find very little evidence that there's any foreign involvement at all. In fact, the vast majority of election disinformation in 2020 came from Americans who had verified accounts and very large follower accounts.” Scully Ex. 6, at 6.

1053. According to Stamos, its founder, the EIP targeted “large follower account political partisans who are spreading misinformation intentionally, doing so in a multi-media context. So

they're doing so online, on social media, but they're also doing so on cable news, doing so on the radio, through a variety of different outlets and are able to amplify their message and to motivate their followers to go try find evidence of the incorrect claims that they're making.” Scully Ex. 6, at 7.

1054. According to Renee DiResta, “in August 2020, students from the Stanford Internet Observatory were doing an internship with CISA and they identified a massive gap in the capability of federal, state, and local governments to become aware of, to analyze, and to rapidly respond to mis and disinformation, both foreign and domestic, targeting the 2020 election.” Scully Ex. 7, at 4. The EIP was designed to fill that “gap” in the governments’ capability to “rapidly respond to mis- and disinformation ... targeting the 2020 election.” *Id.*

1055. As DiResta notes, the EIP was designed to get around “unclear legal authorities, including very real First Amendment questions,” that would arise if CISA or other government agencies were to monitor and flag misinformation for censorship on social media. Scully Ex. 7, at 4. As she states, “that gap had several components. The federal government wasn't prepared to identify and analyze election mis- and disinfo. ... There were unclear legal authorities, including very real First Amendment questions.” *Id.*

1056. DiResta agrees that “the vast majority of voting related misinformation in the 2020 election was domestic.” Scully Ex. 7, at 6.

1057. The Virality Project was immediately established on the heels of the EIP: “Following the success of EIP and the certification of the 2020 election, SIO [Stanford Internet Observatory] ... almost immediately we recognized the need to ramp back up. This time to support government health officials' efforts to combat misinformation and targeting the COVID-19 vaccines. In February 2021, we formally established the Virality Project drawing on the same

partners from EIP and adding a few more, and much like EIP, it focused on realtime observation, analysis, and understanding of cross platform vaccine-related misinformation.” Scully Ex. 7, at 7.

1058. The CISA-funded Center for Internet Security coordinated with EIP regarding online misinformation and reported it to CISA. For example, on October 1, 2020, CIS emailed Scully about alleged misinformation, noting that “the impact seems to be escalating. Our hope is the platforms can do more to take down the misinformation. The EIP has been tracking this spread under ticket EIP-243 and has more examples.” Scully Ex. 9, at 1. Scully forwarded this report to social media platforms. *Id.*

1059. EIP had advised Scully that it was using a ticketing system to track misinformation narratives. Scully Depo. 159:1-5.

1060. Scully forwarded this report tracked under EIP-243 to Twitter, as well as Facebook and YouTube, because “people generate traffic ... by posting it across platforms,” and he “would sometimes share across other platforms that we thought there might be ... relevant content showing up on their platforms.” Scully Depo. 160:2-5; Scully Ex. 9, at 1, 7, 12.

1061. Scully asked social-media platforms to report back how they were handling reports of misinformation and disinformation received from CISA. *See* Scully Ex. 9, at 11 (asking Twitter “to see if there’s anything you can share about how you’re approaching” misinformation reported by CISA). According to Scully, “periodically ... we would ask if the decision was made and if we can share back.” Scully Depo. 164:15-17.

1062. CISA maintained a “tracking spreadsheet” of its misinformation reports to social-media platforms during the 2020 election cycle. Scully Depo. 165:14-166:13. After Scully’s deposition, CISA produced this “tracking spreadsheet” in response to Plaintiffs’ Motion to Compel. Jones Decl., Ex. GG.

1063. At least six members of the MDM team “took shifts” in reporting supposed misinformation to social-media platforms, including Scully, Chad Josiah, Rob Schaul, Alex Zaheer, John Stafford, and Pierce Lowary. Scully Depo. 166:9-168:11, 183:14-16.

1064. At the time, Pierce Lowary and Alex Zaheer were simultaneously serving as interns for CISA and working for the Stanford Internet Observatory, which was then operating the Election Integrity Partnership. Scully Depo. 168:22-171:16, 183:20-22. Thus, Zaheer and Lowary were simultaneously engaged in reporting misinformation to social-media platforms on behalf of CISA, and in reporting misinformation to social-media platforms on behalf of the EIP. *Id.*

1065. Zaheer and Lowary were also two of the four Stanford interns who originated the idea of the EIP. Scully Depo. 171:14-16, 184:22-24, 185:12-14.

1066. Zaheer “was one of the people that were working the ticketing system” for EIP. Scully Depo. 181:21-23. Likewise, Lowary “did both SIO and CISA push forwarding” at the same time during the fall of 2020. Scully Depo. 183:14-16.

1067. CISA’s misinformation reporting to platforms “ramped up as we got closer to the election.” Scully Depo. 174:1-2. On election night, they “were up until at least midnight,” and “if we received anything we would push it forward.” Scully Depo. 175:12-14. Close to the election, they would “monitor their phones” for disinformation reports even during “off hours.” Scully Depo. 175:16-17. “[T]he expectation [was] ... that they would be responsible for forwarding something” to the platforms. Scully Depo. 175:19-21.

1068. Alex Zaheer, when switchboarding for CISA, forwarded detailed a report of supposed “misinformation” from the Election Integrity Partnership (EIP) to CISA’s reporting system, which called for “swift removal of ... posts and continued monitoring of the user’s account” because that user had “claimed (1) that mail-in voting is insecure, [and] (2) conspiracy

theories about election fraud are hard to discount.” Scully Ex. 9, at 62. Scully forwarded this report to Twitter, which reported back that it had taken action pursuant to its civic integrity policy. *Id.* at 61; *see also* Scully Depo. 199:6-200:17.

1069. According to Scully, forwarding such reports of misinformation from the EIP to social-media platforms “was our standard practice.” Scully Depo. 200:25. In fact, CISA’s tracking spreadsheet contains at least eleven entries of “switchboarded” reports of misinformation that CISA received directly from “EIP” and forwarded to social-media platforms for review under their policies. Jones Decl., Ex. GG, at 4-5, Column C (“From”), Lines 86-96, 115, 123 (all listing “EIP”). CISA also used EIP tracking numbers for those reports. *See id.* Column D. One of these notes that content was reported to Twitter for censorship because “EIP ... saw article on The Gateway Pundit.” *Id.* at 4 (Column F, Line 94).

1070. CIS routinely reported misinformation by sending the notice simultaneously to both CISA and to the EIP, using the EIP’s misinformation-reporting email “tips@2020partnership.atlassian.net.” Scully Ex. 9, at 33, 52, 58; Scully Ex. 10, at 1. Scully Ex. 11, at 1-2 (indicating that “tips@2020partnership.atlassian.net” is the reporting email for the EIP); Scully Depo. 229:18-230:25 (Scully admitting that this email is the EIP reporting email).

1071. State officials, likewise, simultaneously reported supposed “misinformation” to CISA, CIS, and the EIP. *See, e.g.*, Scully Ex. 9, at 59 (Colorado state official reporting misinformation to “EI-ISAC, CISA and Stanford Partners”).

1072. State officials sometimes indicated that they were reporting misinformation to platforms for censorship precisely *because* federal officials at FBI and CISA had warned them about it. *See, e.g.*, Scully Ex. 9, at 59 (noting that Colorado was reporting two Twitter accounts, one with 14 followers and one with 2 followers, because “[t]hese are concerning to us here in

Colorado because of recent FBI/CISA warnings about impersonation accounts spreading false information about the election”).

1073. One platform complained to Scully that it was receiving duplicate reports of misinformation from the EIP and Center for Internet Security, and asked if CISA could be designated reporter for the group: “Hey Brian, can we talk about CIS Misinformation reporting duplicate reports to EIP? Possible to have just you escalate?” Scully Ex. 9, at 63. Scully coordinated with CIS and EIP to set forth a coordinated reporting process involving agreed roles for all three of them—CISA, CIS, and EIP. *Id.*; Scully Depo. 209:14-212:12. Scully admits that there was “an agreement for EIP and CIS and CISA to coordinate and let each other know what they were reporting to platforms like Twitter.” Scully Depo. 212:7-12.

1074. State and local officials reported misinformation to the FBI in parallel with their reports to CIS and CISA. *See, e.g.*, Scully Ex. 10, at 10. This is because CISA “tell[s] election officials to report what they saw to either DHS or the FBI, and it would end up where it needed to be.” Scully Depo. 215:8-14.

1075. The Center for Internet Security, likewise, sometimes used EIP ticket numbers on the misinformation reports it sent to CISA for forwarding to platforms. *See, e.g.*, Scully Ex. 10, at 27 (reporting supposed misinformation in Pennsylvania under ticket number “EIP-664”); Scully Depo. 217:16-218:19. As noted, CISA’s “tracking spreadsheet” used similar EIP ticket numbers at least 13 times for misinformation reports sent to platforms. Jones Decl., Ex. GG, at 4-5.

**D. CISA Uses Switchboarding to Pressure Platforms to Censor Speech.**

1076. CISA and Scully did not just forward misinformation reports to platforms; in addition, they also engaged in fact-checking for the platforms. For example, regarding a report about election security in Pennsylvania, Facebook asked Scully if he could please “confirm” two

factual aspects of the report, and Scully responded with an explanation of why the government believed that the report was misinformation violating Facebook's terms of service. Scully Depo. 218:22-219:24; Scully Ex. 10, at 25-27; Scully Depo. 222:20-224:20; Scully Ex. 10, at 35-37 (Scully engaging in his own research to debunk an election-integrity claim on Twitter and reporting to Twitter, which relied on his research to label the Tweet).

1077. Scully admits that CISA commonly engaged in such informal fact-checking for the platforms: "if social media platforms needed additional information from an election official we would try to support that. ... "[G]enerally speaking, we would do what we did here, which is if the -- if the jurisdiction made a public statement or if there was additional information the jurisdiction could provide, and the platforms asked for it, that we would try to facilitate getting the information they asked for." Scully Depo. 220:6-20. CISA would do its own research as well as relaying statements from public officials to help debunk postings for social-media platforms. Scully Depo. 221:1-4 ("If it was a public statement, I'm sure we pulled it ourselves. If there was not a public statement, I would imagine we would go back to the election official."); Scully Depo. 221:23-222:19.

1078. In presenting such "debunking" information to platforms to urge them to remove content, CISA always assumed—without any independent research—that the *government* official was a reliable source, and that the social-media user was unreliable, even for first-hand accounts: "if there was a public statement that was put out by the jurisdiction, we would ... defer to that." Scully Depo. 221:9-12. CISA would not "take any steps to find out" if the private citizen's account might actually be truthful, and CISA would not "do further research to figure out who was telling the truth," but would simply "relay ... the official statement from the jurisdiction" to the platforms for censorship. Scully Depo. 221:13-22.

1079. CISA’s fact-checking activity included both relaying “debunking” information from state and local officials—always assuming without question that the state and local officials were truthful, not the social-media speakers—and performing its own fact-checking when the claim related to federal activities. For example, “[t]here was also one time when I believe it was Facebook had a question about DHS immigration and customs enforcement having agents going places where we also provided a response back on a specific piece.” Scully Depo. 220:8-13.

1080. CIS and CISA’s “switchboarding” activities reached, not just public postings, but private postings on social-media platforms. *See, e.g.*, Scully Ex. 10, at 45-46 (reporting a “post on a private FB page,” *i.e.*, a “(private) Facebook post that Trump already won AZ”).

1081. Social-media platforms treated CISA as a privileged reporter of misinformation, frequently responding with great promptness to CISA’s reports of misinformation, immediately “escalating” the content for moderation, and reporting back the censorship action taken. For example, on November 10, 2020, at 7:23 pm, Scully reported offending Tweets, and Twitter responded within two minutes, “Thanks Brian. We will escalate.” Shortly after midnight the same night, at 12:11 a.m., Twitter followed up with a report on censoring the Tweets. Scully Ex. 10, at 59. On November 13, 2020, Scully reported an offending tweet at 11:20 pm, and Twitter responded at 11:21 pm, “Thanks Brian. We will escalate.” Scully Ex. 18, at 26; Scully Depo. 291:15-294:3.

1082. CISA’s censorship partners also originated their own reports for censorship. CIS and the EIP sometimes reached out to state and local officials to invite them to debunk and report speech that CIS and EIP had observed on social media. For example, on December 1, 2020, the Center for Internet Security emailed local government officials stating, “The EI-ISAC, and our partners at the Election Integrity Partnership (EIP), are tracking a social-media post that is gaining

traction very quickly.” Scully Ex. 11, at 4. The CIS asked the local officials to debunk the post so that “we can work with the social media platforms to have the posts removed as misinformation. Please let us know as soon as possible.” *Id.* The local officials responded with information disputing the posts, and CIS promptly forwarded the dispute to CISA and EIP: “Brian [Scully] and EIP, misinformation tweet ... a [local official] confirmed the misinformation.” *Id.* at 2. Scully then forwarded the report to Twitter, which responded within three hours, “We have labeled the tweet and are taking steps to limit trending on this.” *Id.* at 1; Scully Depo. 228:5-231:7.

**E. CISA’s Many Misinformation Meetings with Platforms.**

1083. In its interrogatory responses, CISA disclosed five sets of recurring meetings with social-media platforms that involve discussions of misinformation, disinformation, and/or censorship of speech on social media. Scully Ex. 12, at 38-40.

1084. Scully provided the information in the interrogatory responses regarding CISA’s meetings with social-media platforms regarding misinformation and censorship. Scully Depo. 232:24-233:3. In doing so, Scully failed to disclose a long series of *bilateral* meetings between CISA and social-media platforms. *See, e.g.*, Scully Depo. 238:11-13 (“we had some Twitter-only calls, as well, that [Yoel Roth] participated in”); Scully Depo. 238:21-22 (“we had some briefings from [Twitter] on some of their public reports” about misinformation); Scully Depo. 239:8-12 (agreeing that there were “briefings in those bilateral meetings with Twitter as relating to misinformation and disinformation on social media”); Scully Depo. 239:20-240:3 (admitting that CISA conducted “bilateral meetings with other social media platforms, like this, where misinformation was discussed”); Scully Depo. 241:4-22 (admitting to a series of bilateral meetings with social-media platforms beginning in 2018 and continuing through 2020); Scully Depo. 241:7-14 (testifying that “in 2018 ... in our initial stages of trying to build those relationships, we would

go meet with each platform one-on-one”); Scully Depo. 241:20-22 (admitting that, “prior to starting the switchboarding work, in 2020, we had conversations with each platform individually”).

1085. None of these many bilateral meetings with social-media platforms about misinformation was disclosed in CISA’s interrogatory responses. Scully Ex. 12, at 38-40; Scully Depo. 243:6-21.

1086. In its interrogatory responses, CISA describes the “USG-Industry” meetings as follows: “A recurring meeting usually entitled USG – Industry meeting, which has generally had a monthly cadence, and is between government agencies and private industry. Government participants have included CISA’s Election Security and Resilience subdivision, DHS’s Office of Intelligence and Analysis, the FBI’s foreign influence task force, the Justice Department’s national security division, and the Office of the Director of National Intelligence. Industry participants generally include Google, Facebook, Twitter, Reddit, [and] Microsoft but, have also included Verizon Media, Pinterest, LinkedIn, and the Wikimedia Foundation as well. The topics discussed include, but are not limited to: information sharing around elections risk, briefs from industry, threat updates, and highlights and upcoming watch outs.” Scully Ex. 12, at 38-39.

1087. In fact, the CISA’s description of the “USG-Industry” meeting as having “a monthly cadence” is misleading. The meetings became biweekly and weekly close to elections, when they were most needed: “from summer of 2018 ... to early 2020 they were quarterly. Sometime in 2020 they became monthly and then as we got closer to the election in 2020 they became weekly.” Scully Depo. 234:7-11.

**F. CISA Worked with FBI to Suppress the Hunter Biden Laptop Story.**

1088. Scully claims that he does not recall whether or not “hack and leak” or “hack and dump” operations were raised at the USG-Industry meetings, but he does not dispute that they may

have been raised: “I don't recall a specific incident of that [*i.e.*, discussions of “hack and dump” or “hack and leak” operations], but it's definitely possible. It's a tactic that had been used in the past.” Scully Depo. 236:6-12. Scully does not dispute that he may have raised it: “Me, personally, I don't recall myself raising that, but it's possible.” Scully Depo. 236:15-16. He does not dispute that Laura Dehmlow of FBI's FITF may have raised the concern: “Again, I don't know. It was a tactic that had been used globally, previously. So it wouldn't surprise me if there was some discussion of that somewhere in these meetings.” Scully Depo. 236:20-23. He does not dispute that Elvis Chan and/or Matt Masterson may have raised the concern. Scully Depo. 237:10-22.

1089. Scully also does not dispute Yoel Roth's account of the communications to social-media platforms from federal officials about hack-and-leak operations and the possibility of a hack-and-leak operation involving Hunter Biden in Paragraphs 10-11 of Yoel Roth's Declaration dated December 17, 2020. Scully Ex. 13, at 2-3; Scully Depo. 245:23-248:11. Scully does not dispute that federal officials repeatedly raised the concern that they “expected hack and leak operations by state actors” in the USG-Industry meetings, Scully Depo. 245:23-247:17 (“it's certainly possible, because it was a common tactic ... I would definitely not be surprised if these were included in the conversations”); and Scully does not dispute Roth's statement that Roth learned in these meetings that “there were rumors that a hack and leak operation would involve Hunter Biden,” Scully Depo. 247:18-248:7.

1090. Contemporaneous emails confirm that CISA officials were warning of “hack and leak” operations during the USG-Industry and other meetings with social-media platforms during 2020. For example, on September 16, 2020, Facebook employees emailed Scully and other CISA officials a draft of a joint industry statement, which stated: “For several years, tech companies have worked together with ... U.S. government agencies ... to counter election threats across our

platforms.... At today's meeting, we specifically discussed: ... (2) Ways to counter targeted attempts to undermine the election conversation before, during, and after the election. This includes *preparing for so-called 'hack and leak' operations* attempting to use platforms and traditional media for unauthorized information drops." Scully Ex. 16, at 1 (emphasis added). This email confirms that "preparing for so-called 'hack and leak' operations" was discussed at the USG-Industry meeting on Sept. 16, 2020, which included CISA, FBI's FITF, DOJ's National Security Division, ODNI, and Google, Microsoft, Facebook, Twitter, Reddit, Verizon Media, Pinterest, LinkedIn, and Wikimedia Foundation. Scully Ex. 16, at 1; *see also* Scully Depo. 253:14-255:13.

1091. Likewise, the agenda for the July 15, 2020 USG-Industry meeting included, as a "Deep Dive Topic," a 40-minute discussion of "Hack/Leak and USG Attribution Speed/Process." Scully Ex. 17, at 16. According to Scully, "attribution" in this context means identifying the hacker and leaker, and "USG" means "United States Government." Scully Depo. 274:4-275:10.

1092. Like Elvis Chan, Scully was not aware of any "pending investigations, at that time, into possible hack and leak operations." Scully Depo. 255:9-13.

1093. At the USG-Industry meeting, CISA asked platforms to report back on "Themes / narratives / approaches you anticipate for races you think will be targeted." Scully Ex. 15, at 1.

#### **G. CISA's Ongoing and Expanding Censorship Efforts.**

1094. In the spring and summer of 2022, Lauren Protentis requested the social-media platforms to prepare "one-pagers" for state and local election officials to address their content moderation rules. *See* Scully Ex. 17, at 1 (including "One-Pager Reminder" on the agenda for the April 2020 USG-Industry meeting); Scully Depo. 260:3-261:11 ("we had asked industry to provide a one-page summary of their content moderation rules that we could share with election officials").

1095. The purpose of these “one-pagers” was to provide a summary of the platforms’ content moderation rules to state and local government officials who would be reporting misinformation to the platforms. Scully Depo. 260:3-261:11.

1096. Lauren Protentis of CISA repeatedly lobbied the social-media platforms to include in their “one-pagers” for state and local officials a description of how to report perceived misinformation to the platform for censorship. *See, e.g.*, Scully Ex. 18, at 41 (Protentis requesting that Facebook update its one-pager to include its “steps for flagging or escalating MDM content” to “make this a comprehensive product on both the critical needs for officials—account security and MDM concerns”); *id.* at 44 (Protentis asking Microsoft to create a one-pager for election officials to “provide steps to ... report MDM”); *id.* at 45 (Protentis requesting that Twitter update its one-pager for government officials to include information about “how to report disinformation”). Scully agrees that Protentis was “trying to make sure that election officials have the information they need if they want to report” disinformation. Scully Depo. 300:23-25.

1097. CISA also set up an “operation center” on and around Election Day that engaged in “switchboarding” reports of election-day misinformation to platforms: “CISA regularly set up an operation center on election day, around the election. And the platforms and some of the other agencies do the same.” Scully Depo. 262:16-19. This “operation center” received “switchboard reporting” in 2018 and 2020. Scully Depo. 263:15-18. It was also communicating with platforms and other federal agencies, including “connectivity with FBI, DOJ, NEI, I&A.” Scully Depo. 264:18. When these reports came in, CISA would “perform the same misinformation routing function and pass that along to the platforms.” Scully Depo. 265:1-7.

1098. The CISA-funded Center for Internet Security continued to report misinformation and disinformation to platforms for censorship in 2022: “CIS was up and running [in 2022].”

Scully Depo. 266:2. Scully understands that “CIS continued to receive disinformation/misinformation reports from state and local election officials during the 2022 election cycle, and relay them directly to social media platforms.” Scully Depo. 266:5-13.

1099. Scully also believes that NASS and NASED routed disinformation concerns directly to social-media platforms in 2022. Scully Depo. 268:25-269:3.

1100. Scully agrees that foreign-originated social-media content typically becomes repeated from domestic sources: “We often see what happens overseas end up showing up domestically.” Scully Depo. 279:9-11.

1101. CISA has also teamed up directly with the State Department’s Global Engagement Center (GEC) to seek removal of social-media content; for example, on one occasion, the GEC enlisted CISA’s aid to seek the removal of “a YouTube channel run by Americans falsely claiming” that a certain State Department special envoy was “Patient Zero” for COVID-19. Scully Ex. 18, at 2. Scully forwarded the report to Facebook, which reported within minutes that it had “flagged for our internal teams.” Scully Ex. 18, at 1.

1102. CISA flagged obvious parody and joke accounts for censorship, including a Colorado parody account with 56 followers whose handle stated, “dm us your weed store location (hoes be mad, but this is a parody account),” and one with 27 followers whose handle stated, “Smoke weed erry day.” Scully Ex. 18, at 11-12. The government official who reported these stated that “these are concerning to us ... because of recent FBI/CISA warnings about impersonation accounts spreading false information about the election.” Scully Ex. 18, at 11. In other words, the government official sought to censor these accounts *before* they posted any election-related speech, because (according to “FBI/CISA”), they *might* engage in misleading

election-related speech. *See id.* Scully forwarded these reports to Twitter for censorship. Scully Ex. 18, at 10.

1103. Platforms report to CISA when they update their content-moderation policies to make them more restrictive. On September 10, 2020, for example, Twitter reported to Masterson and Scully that it was “updating our Civic Integrity Policy” to “label or remove false or misleading information intended to undermine public confidence in an election or other civic process.” Scully Ex. 18, at 9. This includes censorship of “Disputed claims that could undermine faith in the process itself, e.g. unverified information about election rigging, ballot tampering, vote tallying, or certification of election results.” Scully Ex. 18, at 9. The EIP had successfully lobbied platforms to adopt such changes ahead of the 2020 election. *See infra.*

1104. CISA pushed for the censorship of content that CISA’s Director particularly disfavored, including supposed disinformation about CISA itself, and about the so-called “Hammer and Scorecard” narrative that attributed election interference to federal intelligence agencies. For example, Scully requested censorship of a “disinfo report about CISA and Director Krebs.” Scully Ex. 18, at 19. And on November 10, 2022, Scully reported to platforms that “Director Krebs is particularly concerned about the hammer and scorecard narrative that is making the rounds,” and asked for information about their tracking and “amplification” of the narrative. Scully Ex. 18, at 22, 24. Twitter and Facebook promptly reported back on their efforts to censor the narrative. Scully Ex. 18, at 21 (Facebook reporting that “our teams are labelling and downranking the content as identified”); *id.* at 24 (Yoel Roth of Twitter explaining Twitter’s attempts to censor the narrative, and asking CISA “Let us know if there are especially high-profile examples of tweets sharing the conspiracy that *haven’t* been labeled” so Twitter can censor them). *See also* Scully Depo. 286:3-289:25.

1105. CISA also purposely debunks online narratives, knowing that the social-media platforms will use its debunks as censorship. For example, Yoel Roth emailed CISA about the Hammer and Scorecard narrative stating: “We’ve tracking the Hammer/Scorecard issue closely, particularly since Director Krebs’ tweet on the subject (which was pretty unambiguous as far as debunks go).” Scully Ex. 18, at 24. Scully admits that CISA was aware that “social-media platforms were following the rumor page posted by CISA and using that as a debunking method for content on their platforms.” Scully Depo. 290:13-17 (“We had a sense they were doing that, yeah.”).

1106. CISA publicly states that it is expanding its efforts to fight disinformation heading into the 2024 election cycle. Scully Ex. 27, at 1. On August 12, 2022, Director Easterly was reported to be “beef[ing] up [CISA’s] efforts to fight falsehoods,” and “has taken several specific steps to fight the problem.” *Id.*

1107. In January 2022, Director Easterly asked Facebook for a “briefing from us on 2022 election approach.” Scully Ex. 28, at 2. Easterly responded to an email by Facebook and directed her staff to set up the meeting. *Id.* Scully does not know what was discussed at the meeting. Scully Depo. 309:12-19.

1108. Director Easterly also exchanged text messages with Matt Masterson on February 26, 2022, when he was recently employed by Microsoft. Scully Ex. 29, at 2-3. In those texts, referring to a previous unidentified group call, Easterly told Masterson that she is “Just trying to get us in a place where Fed can work with platforms to better understand the mis/dis trends so relevant agencies can try to prebunk/debunk as useful.” Scully Ex. 29, at 2. She stated that CISA is “looking to play a coord role so not every D/A [*i.e.*, department and agency] is independently reaching out to platforms which could cause a lot of chaos.” Scully Ex. 29, at 2. Masterson

responded, agreeing with Easterly, and stating, “Platforms have got to get comfortable with gov’t. It’s really interesting how hesitant they remain.” Scully Ex. 29, at 3. (Scully notes that “D/A” is “one of our common abbreviations for department and agency.” Scully Depo. 316:23-24.)

1109. Scully agrees with Director Easterly that, when multiple federal agencies contact platforms independently, “it does create challenges and provides the platforms opportunities to play departments off each other.” Scully Depo. 317:6-9. For CISA to play a “coordinating” role among the agencies, therefore, allows federal officials to keep better influence and control over the platforms.

1110. According to a September 2022 leaked draft copy of DHS’s “Quadrennial Homeland Security Review, DHS’s capstone report outlining the department’s strategy and priorities in the coming years, the department plans to target ‘inaccurate information’ on a wide range of topics, including “the origins of the COVID-19 pandemic and the efficacy of COVID-19 vaccines, racial justice, U.S. withdrawal from Afghanistan, and the nature of U.S. support to Ukraine.” Scully Ex. 30, at 4.

1111. Scully agrees that DHS has discussions about targeting misinformation regarding the efficacy of COVID-19 vaccines, Scully Depo. 322:9-21 (“our building critical infrastructure help in public health is one of the sectors of critical infrastructure, so we engage with CDC and HHS to help them”); about the origins of the COVID-19 pandemic, Scully Depo. 323:16-17 (“We did some work on the ... bio-lab narratives”); and regarding Ukraine, Scully Depo. 324:5-10 (“We saw this with COVID. ... We saw this around Ukraine. And so, again, just helping people understand ... these disinformation narratives....”). In particular, CISA participated in a “Unified Coordination Group” regarding Russia’s invasion of Ukraine, which addressed misinformation: “there was a ... Unified Coordination Group, when Russia invaded Ukraine, to coordinate DHS

activities related to the crisis. As a part of that there was an MDM component, and a member of the MDM team was detailed to lead the MDM component of the Russian/Ukraine work.” Scully Depo. 325:5-12. Scully believes that this group communicated with social-media platforms as well (again, not disclosed in CISA’s interrogatory responses). Scully Depo. 327:1-18.

1112. As of August 12, 2022, DHS’s Office of Inspector General continued to call for a more aggressive, not less aggressive, approach to combating disinformation. Scully Ex. 31, at 1 (OIG calling for DHS to adopt a “Unified Strategy to Counter Disinformation Campaigns”).

1113. DHS’s OIG reports that CISA is expanding, not contracting, its efforts to fight disinformation. OIG reports that CISA’s “MDM team focuses on disinformation activities targeting elections and critical infrastructure. According to a CISA official, the MDM team counters all types of disinformation, to be responsive to current events.” Scully Ex. 31, at 9. “An official from the MDM team stated that, through this work, CISA is building national resilience to MDM, such as COVID-19 vaccine hesitancy and foreign influence activities.” *Id.* at 10. OIG further reports that, “[a]ccording to selected Intelligence Community officials, the Office of the Director of National Intelligence and the U.S. Department of Justice worked with CISA and I&A to counter disinformation related to the November 2020 elections. For example, according to an Office of the Director of National Intelligence official, prior to the November 2020 elections, CISA and I&A joined in weekly teleconferences to coordinate Intelligence Community activities to counter election-related disinformation. The Office of the Director of National Intelligence official stated the teleconferences continued to occur every 2 weeks after the 2020 elections and were still taking place as of the time of this audit.” *Id.* at 11. Further, OIG reports that “CISA and I&A also work with the U.S. Department of State’s (State Department) Global Engagement Center on countering disinformation.” *Id.* at 11.

1114. On November 21, 2021, Director Easterly reported that CISA is “beefing up its misinformation and disinformation team in the wake of a divisive presidential election that saw a proliferation of misleading information online.” Scully Ex. 23, at 1. “I am actually going to grow and strengthen my misinformation and disinformation team,” Easterly stated publicly. *Id.* She stated that she “had a meeting with ‘six of the nation’s experts’ in the misinformation and disinformation space.” *Id.* And she “stressed her concerns around this being a top threat for CISA ... to confront.” *Id.* “One could argue that we’re in the business of protecting critical infrastructure, and the most critical infrastructure is our cognitive infrastructure,” Easterly said. *Id.* “We now live in a world where people talk about alternative facts, post-truth, which I think is really, really dangerous if people get to pick their own facts,” Easterly said. *Id.* at 2. Evidently, Easterly thinks that *government officials* should help Americans “pick their own facts” for them. *Id.*

1115. According to Scully, CISA has an expansive mandate to address all kinds of misinformation that may affect “critical infrastructure” indirectly: “mis, mal-information threatens critical infrastructure in a number of ways, it could be operational impact, so in the case of the elections, disrupting election operations .... So a multitude of ways that disinformation could impact critical infrastructure, like I said ... there's financial, there's reputational, there's just a multitude of ways that this disinformation could affect critical infrastructure.” Scully Depo. 340:10-341:1. This could include, for example, “misinformation” that undermines confidence in any kind of national institution, including banks and financial services industry: “from mis, dis and mal-information, a reputational risk could come about if the integrity or the public confidence in a particular sector was critical to that sector's functioning. So I think the financial services would probably be a good example. So if there's a loss of confidence by the American public in

financial services, financial systems of the United States, that could create national security concerns.” Scully Depo. 341:17-342:2. This is a breathtakingly broad—even limitless—interpretation of CISA’s mandate to protect “critical infrastructure,” which would allow CISA to target virtually any kind of core political speech as “mis, dis and mal-information” that “create national security concerns” by undermining “public confidence in a particular sector.” *Id.*

1116. In fact, CISA is “working with Treasury to develop a product to help the financial services sector understand MDM risks to the sector.” Scully Depo. 355:22-24.

1117. Scully has publicly stated that CISA is “trying to reduce the amount that Americans engage with disinformation,” where “engaging with disinformation” means “amplifying it, re-tweeting it, resending it, things like that.” Scully Depo. 346:7-24; Scully Ex. 49.

1118. On June 22, 2022, CISA’s Cybersecurity Advisory Committee issued a “Draft Report to the Director” calling for an extremely broad view of CISA’s mandate. The report states that “[t]he spread of false and misleading information poses a significant risk to critical functions like elections, public health, financial services, and emergency response.” Scully Ex. 46, at 1. “Pervasive MDM diminishes trust in information, in government, and in democratic processes more generally.” *Id.* The report states that “CISA should consider MD across the information ecosystem,” including “social media platforms of all sizes, mainstream media, cable news, hyper partisan media, talk radio, and other online resources.” *Id.* at 2. Scully agrees with this report that CISA is trying to make its “resilience activity ... as broad as possible so it’s applicable anywhere that someone may come across MDM.” Scully Depo. 358:7-11.

1119. In September 2022, the Center for Internet Security is still working on a “portal” for government officials to report election-related misinformation to social-media platforms. Scully Ex. 19, 21. “[W]ork on the online ‘portal’ for election officials to flag misinformation to

social-media platforms ... continues today.” Scully Ex. 21, at 4. Scully states that “my understanding is that [CIS] did do something along those lines, I just don’t know the extent of it.” Scully Depo. 365: 3-6.

1120. As of January 2023 and today, CISA’s website continues to proclaim, “[t]he MDM team serves as a switchboard for routing disinformation concerns to appropriate social media platforms and law enforcement. This activity began in 2018, supporting state and local election officials to mitigate disinformation about the time, place, and manner of voting. For the 2020 election, CISA expanded the breadth of reporting to include other state and local officials and more social media platforms. This activity leverages the rapport the MDM team has with the social media platforms to enable shared situational awareness.” Scully Ex. 24, at 3; *see also* [www.cisa.gov/mdm](http://www.cisa.gov/mdm) (visited Feb. 10, 2023). CISA thus proclaims that it is “expand[ing] the breadth of reporting,” not retreating from it. *Id.*

1121. Regarding misinformation reports, CISA “would generally share whatever we received from the election officials with the FBI, in case there was an ongoing investigation related to whatever it was that we forwarded to them.” Scully Depo. 366:17-20.

1122. CISA engaged in switchboarding and colluding with social-media platforms to promote censorship in other ways as well.

#### **VIII. The State Department’s Global Engagement Center’s Censorship Efforts.**

1123. The State Department’s Global Engagement Center (“GEC”) also conducts numerous meetings with social-media platforms about disinformation.

1124. The GEC’s “front office and senior leadership engage with social media companies.” Kimmage Dep. 29:12-13. These senior leadership meet with social-media platforms “[e]very few months, can be quarterly, but sometimes less than quarterly.” *Id.* at 32:9-10.

According to Daniel Kimmage, Principal Deputy Coordinator of the GEC, these meetings focus on the “tools and techniques” of spreading disinformation on social media, and it “would be rare” for them to discuss specific “content that’s posted on social media that might be of concern to the GEC.” *Id.* at 30:9-31:3.

1125. In addition, the GEC’s “Technology Engagement Team does engage with social media companies” as well. *Id.* at 29:11-12. The Technology Engagement Team meets with social media companies “[m]ore frequently” than the senior leadership, which meets with them “every few months.” *Id.* at 37:9-15.

1126. Kimmage recalls at least two meetings with Twitter. *Id.* at 129:22-25. At such meetings, the GEC would bring “between five and ten” people, including “the acting coordinator, me, in that capacity, then one or more of the deputy coordinators, team chiefs from the Global Engagement Center, and working-level staff with relevant subject matter expertise.” *Id.* 130:24-131:13. These GEC staff meet with the platforms’ content-moderation teams, *i.e.*, the people responsible for censorship on the platforms. *Id.* at 133:1-20, 135:1-11.

1127. In such a meeting, “the GEC would provide an overview of what it was seeing in terms of foreign propaganda and disinformation. And Twitter would, to the extent that they felt comfortable sharing information, would discuss similar topics.” 136:8-13.

1128. In addition to meeting with Twitter, the GEC’s senior leadership had similar meetings with Facebook and Google as well during the same time frames. *Id.* at 139:22-140:6. These meetings were also with Facebook and Google’s content-moderation or trust and safety teams, *i.e.*, the people responsible for censoring content on their platforms. *Id.* at 141:17-143:3.

1129. The GEC brought similar numbers of people to the meetings with Facebook and Google. *Id.* at 143:16-17 (“I believe the lineup would have been similar.”).

1130. In addition to the senior-leadership and TET meetings, the GEC also maintained a Senior Advisor as a permanent liaison in Silicon Valley, Samaruddin K. Stewart, for the purpose of meeting with social-media platforms about disinformation. *Id.* at 159:24-160:13; Kimmage Ex. 9, at 2. Stewart set up a series of meetings with LinkedIn to discuss “countering disinformation” and to “explore shared interests and alignment of mutual goals regarding the challenge.” Kimmage Ex. 9, at 2. Like the senior-leadership meetings, Stewart scheduled these meetings with the head of the trust and safety team, *i.e.*, the person responsible for censorship on the platform. *See id.* at 7 (meeting with the “Head of Threat Prevention, Trust & Safety” at LinkedIn). Kimmage confirms that Stewart set up similar meetings with other social-media platforms. Kimmage Dep. 160:12-13.

1131. On March 25, 2021, the GEC set an email to Rob Schaul of CISA flagging “a disinfo campaign on YouTube targeting a [diplomatic security] officer” on a “Youtube channel run by Americans.” Kimmage Ex. 11, at 2. Brian Scully of CISA forwarded the disinformation report to Twitter, Facebook, and YouTube. *Id.* at 1, 3, 7. Facebook responded, “Thank you so much for this! Have flagged for our internal teams.” *Id.* at 1.

1132. The GEC also coordinated with the Election Integrity Partnership. George Beebe of the GEC was in contact with the EIP. Kimmage Dep. 202:10-24. Kimmage admits that the GEC had “a general engagement with the EIP. ... the GEC was engaging with the partnership.” *Id.* at 214:11-19. In addition to Mr. Beebe, Adele Ruppe, who “liaised on election-related issues,” may have engaged with the EIP. *Id.* 214:23-215:5.

1133. Kimmage states that the GEC’s work against disinformation “equips ... technology companies to better understand” disinformation “so that they can take whatever actions they would take to stop the spread.” *Id.* 280:24-281:3.

1134. On October 17, 2022, at an event at Stanford University, Secretary of State Blinken was asked, “Stanford is one of the leading institutions to combat misinformation research and pointing out propaganda narratives and how they spread. How do you envision the cooperation between the State Department and institutions like Stanford in combatting the spread of propaganda?” Kimmage Ex. 16, at 5. Secretary Blinken responded, mentioning the GEC and noting that State is engaging in “collaborations” and “build[ing] out ... partnerships” with Stanford: “Stanford is doing remarkable work on that, and it's one of the things that we want to make sure that we're benefitting from, because this is a day-in, day-out battle for us, combating misinformation and disinformation around the world. We have at the State Department itself a big focus on this. We have something called the Global Engagement Center that's working on this every single day. But that work is both inspired by work that's being done in academia, including here at Stanford, as well as where appropriate collaborations. ...So we're trying to build out these kinds of partnerships to make sure that we're looking at every place that is actually developing answers, including Stanford, and then integrating that into what we do.” *Id.*

**IX. The Election Integrity Partnership and Virality Project – Federal Collaborators.**

1135. Federal officials also work through nonprofit organizations to achieve their censorship goals. Most notably, federal officials at CISA and the GEC, and state officials through the CISA-funded EI-ISAC, work in close collaboration with the Stanford Internet Observatory and other nonprofit organizations to achieve censorship and attempt to evade the First Amendment. Moreover, the Surgeon General’s Office and other federal officials collaborate closely with the Stanford Internet Observatory and the same entities under the aegis of the “Virality Project.”

**A. The Election Integrity Project Is a Formidable Censorship Cartel.**

1136. According to its website, “[t]he Election Integrity Partnership (EIP) was formed in July 2020 as a coalition of research entities focused on supporting real-time information exchange between the research community, election officials, *government agencies*, civil society organizations, and *social media platforms*.” *The 2020 Election Integrity Partnership*, Election Integrity Partnership (last visited Feb. 22, 2023) (emphasis added), <https://www.eipartnership.net/2020>. The EIP’s “objective was to detect and *mitigate the impact* of attempts to prevent or deter people from voting or to delegitimize election results.” *Id.* (emphasis added). As discussed further herein, “mitigate[ing] the impact” means pushing social-media platforms to censor supposed “misinformation.”

1137. “In March 2021 [the EIP] published [its] final report. This page displays an archive of the work carried out by the EIP and its partners during the 2020 U.S. election.” *Id.* The EIP report is publicly available, it provides a detailed account of the EIP’s activities in the 2020 election, and it is Exhibit 1 to the deposition of Brian Scully. Scully Ex. 1 (containing Stanford Internet Observatory et al., Election Integrity P’Ship, *The Long Fuse: Misinformation and the 2020 Election* (v1.3.0 2021), <https://www.eipartnership.net/report> [<https://purl.stanford.edu/tr171zs0069>]).

1138. The EIP was created “in consultation with CISA [the Cybersecurity and Infrastructure Security Agency at the Department of Homeland Security] and other stakeholders.” *Id.* at 20 (2).<sup>1</sup> After “consultation with CISA,” the EIP “assembled” a “coalition ... with like-minded partner institutions.” *Id.*

1139. CISA interns originated the EIP: “The initial idea for the Partnership came from four students that the Stanford Internet Observatory (SIO) funded to complete volunteer

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<sup>1</sup> Citations of this exhibit are formatted “Scully Ex. 1, at [page of exhibit] ([page of report]).”

internships at the Cybersecurity and Infrastructure Security Agency (CISA) at the Department of Homeland Security.” *Id.*

1140. The EIP agrees with Scully that the EIP was formed to fill in a perceived “gap” in the ability of the government to “monitor and correct” misinformation: “Responsibility for election information security is divided across government offices: CISA has authority to coordinate on cybersecurity issues related to the election, the FBI to investigate cyber incidents and enforce election laws, and intelligence agencies to monitor for foreign interference. Yet, no government agency in the United States has the explicit mandate to monitor and correct election mis- and disinformation.” *Id.*

1141. The EIP acknowledges that the federal government directly targeting misinformation posted Americans would “likely” violate the First Amendment and exceed agencies’ lawful authority: “This is especially true for election disinformation that originates from within the United States, which would likely be excluded from law enforcement action under the First Amendment and not appropriate for study by intelligence agencies restricted from operating inside the United States.” *Id.* As noted below, the EIP’s founders publicly admit that virtually all the misinformation targeted by the EIP was domestic in origin, not foreign, and thus subject to the First Amendment.

1142. The EIP specifically notes CISA and the FBI in discussing the need to fill this “gap” in their ability to police “election misinformation originating from domestic sources”: “none of these federal agencies has a focus on, or authority regarding, election misinformation originating from domestic sources within the United States. This limited federal role reveals a critical gap for non-governmental entities to fill. Increasingly pervasive mis- and disinformation, both foreign and

domestic, creates an urgent need for collaboration across government, civil society, media, and social media platforms.” *Id.* at 9 (v).

1143. “As a result” of the First Amendment and lack of legal authority, according to the EIP, “during the 2020 election, local and state election officials, who had a strong partner on election-system and overall cybersecurity efforts in CISA, were without a clearinghouse for assessing mis- and disinformation targeting their voting operations.” *Id.* at 20 (2). The EIP was deliberately formed to fill this “gap.”

1144. The EIP “was formed between four of the nation’s leading institutions focused on understanding misinformation and disinformation in the social media landscape: the Stanford Internet Observatory, the University of Washington’s Center for an Informed Public, Graphika, and the Atlantic Council’s Digital Forensic Research Lab.” *Id.*

1145. The EIP makes clear that its “aim” was not just to observe but to “defend[]” the public from misinformation: “With the narrow aim of defending the 2020 election against voting-related mis- and disinformation, it bridged the gap between government and civil society, helped to strengthen platform standards for combating election-related misinformation, and shared its findings with its stakeholders, media, and the American public.” *Id.* at 9 (v).

1146. The EIP’s statement that it “helped to strengthen platform standards for combating election-related misinformation” refers to the fact that the EIP successfully pushed virtually all major social-media platforms to adopt or increase censorship policies targeted at election-related “misinformation” during the 2020 election cycle. *See id.*

1147. The EIP notes that its efforts to push social-media platforms to adopt more restrictive censorship policies were highly effective, both in procuring changes in policies and censoring speech: “Many platforms expanded their election-related policies during the 2020

election cycle. ... Platforms took action against policy violations by suspending users or removing content, downranking or preventing content sharing, and applying informational labels.” *Id.* at 12 (viii).

1148. Alex Stamos, the director of the Stanford Internet Observatory who founded the EIP, has publicly stated that the EIP successfully pushed social-media platforms to adopt more restrictive policies about election-related speech in 2020: “My suggestion, if people want to get the platforms to do stuff is, first, you've got to push for written policies that are specific and that give you predictability; right? And so this is something we started in the summer, in August, is as Kate [Starbird] talked about Carly Miller led a team from all four institutions to look at the detailed policies of the big platforms and to measure them against situations that we expected to happen. Now we're not going to take credit for all of the changes they made, but there -- we had to update this thing, like, eight or nine times; right? And so like putting these people in a grid to say, you're not handling this, you're not handling this, you're not handling this, creates a lot of pressure inside of the companies and forces them to kind of grapple with these issues, because you want specific policies that you can hold them accountable for.” Scully Ex. 4, at 7 (Audio Tr. 4).

1149. Alex Stamos notes that the EIP then pressured the platforms to aggressively enforce the new policies that the EIP had pushed them to adopt: “The second is, when you report stuff to them, report how it's violating those written policies; right? So there's two steps here. Get good policies, and then say, this is how it's violated it.” *Id.*

1150. Other EIP participants have also publicly stated that the EIP induced social-media platforms to adopt much more aggressive censorship policies on election-related speech. On March 3, 2021, at an EIP-hosted conference on the release of the EIP report, Emerson Brooking of the Atlantic Council’s DRFLab, an EIP participant, stated: “I think the EIP really helped push

the envelope with things like just the notion that ... this delegitimization of electoral processes that we were seeing in the summer and early fall that this should be against content moderation policies on these platforms, and begin to take proactive steps there....” Scully Ex. 5, at 6 (Audio Tr. 2). He also stated, “after November 3rd, we saw that market shift where content moderation actions that ... we could hardly contemplate a few weeks before began to be taken. There was a much stronger emphasis on cracking down on the sort of content we've been tracking from the beginning.” *Id.*

1151. The EIP treats “Government” and Social-Media “Platforms” as two of its “Four Major Stakeholders,” providing input to the EIP and receiving feedback from the EIP. Scully Ex. 1, at 26 (8) & fig.1.2 (graphic showing “Government” as the EIP’s first “Major Stakeholder,” submitting information to EIP’s “Intake Queue” and receiving feedback on the EIP’s “Mitigation”—*i.e.*, censorship—efforts).

1152. The EIP organizes its misinformation reports under groups called “tickets,” and it notes that “[t]ickets were submitted by ... trusted external stakeholders...” *Id.* at 26 (8). “Trusted external stakeholders” include “government”: “External stakeholders included government, civil society, social media companies, and news media entities.” *Id.* at 30 (12). Thus, it is clear that “government” submitted “tickets,” *i.e.*, reports of misinformation to be processed for censorship on social media, to the EIP. *See id.* at 26, 30 (8, 12).

1153. And it is clear that the “government” partners who submit tips to the EIP are CISA, the State Department’s Global Engagement Center (GEC), and the Elections Infrastructure Information Sharing & Analysis Center (EI-ISAC), an organization of state and local government officials coordinated by the Center for Internet Security (CIS) pursuant to funding from CISA, *see EI-SAC, Center for Internet Security* (last visited Fed. 22, 2023)

(“The EI-ISAC is federally funded by CISA.”), <https://www.cisecurity.org/ei-isac>. Specifically, the “Government” “stakeholders” listed under the EIP’s “Four Major Stakeholder Groups” are CISA, GEC, and the EI-ISAC. Scully Ex. 1, at 30 (12).

1154. These “Government” stakeholders report misinformation to the EIP: “Government and civil society partners could create tickets or send notes to EIP analysts, and they used these procedures to flag incidents or emerging narratives to be assessed by EIP analysts.” *Id.*

1155. The CISA-funded EI-ISAC and CISA itself worked in collaboration with the EIP to report misinformation to social-media platforms: “[T]he EI-ISAC served as a singular conduit for election officials to report false or misleading information to platforms. By serving as a one-stop reporting interface, the EI-ISAC allowed election officials to focus on detecting and countering election misinformation while CIS and its partners reported content to the proper social media platforms. Additionally, the Countering Foreign Influence Task Force (CFITF), a subcomponent of CISA, aided in the reporting process and in implementing resilience efforts to counter election misinformation.” *Id.* at 31 (13).

1156. The EIP report mentions *The Gateway Pundit*, the website operated by Plaintiff Jim Hoft, 47 times. *See id.* at 51, 74, 76, 101, 103, 110, 112, 145, 150-51, 153, 155-56, 172, 175, 183, 194-95, 206-09, 211-12, 214-16, 226-27.<sup>2</sup>

1157. The EIP boasts that it “used an innovative internal research structure that leveraged the capabilities of the partner organizations through a tiered analysis model based on ‘tickets’ collected internally and from our external stakeholders. Of the tickets we processed, 72% were related to delegitimization of the election,” *i.e.*, core political speech. *Id.* at 10 (vi).

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<sup>2</sup> Report pages 33, 56, 58, 83, 85, 92, 94, 127, 132-33, 135, 137-38, 154, 157, 165, 176-77, 188-91, 193-94, 196-98, 208-09.

1158. The EIP admits that the speech it targets for censorship is domestic, grassroots speech by American citizens: “The production and spread of misinformation was multidirectional and participatory. Individuals participated in the creation and spread of narratives. Bottom-up false and misleading narratives started with individuals identifying real-world or one-off incidents and posting them to social media. Influencers and hyperpartisan media leveraged this grassroots content, assembling it into overarching narratives about fraud, and disseminating it across platforms to their large audiences. Mass media often picked up these stories after they had reached a critical mass of engagement. Top-down mis- and disinformation moved in the opposite direction, with claims first made by prominent political operatives and influencers, often on mass media, which were then discussed and shared by people across social media properties.” *Id.* at 11 (vii). In other words, virtually everything it targets is quintessential First Amendment-protected political speech.

1159. This included censorship of highly visible political figures: “The primary repeat spreaders of false and misleading narratives were verified, blue-check accounts belonging to partisan media outlets, social media influencers, and political figures, including President Trump and his family.” *Id.* at 12 (viii).

1160. One key point that the EIP emphasizes is that it wants greater “access” to platforms’ internal data to achieve greater monitoring of Americans’ speech on social media. The EIP complains that “

.” *Id.* (emphasis added). “API” stands for “Application Programming Interface,” so the EIP wants greater direct access to platforms’ internal data about so-called “misinformation” on their platforms. *See id.* This directly echoes the repeated demands from the White House and the Surgeon General that social-media platforms

provide access to their internal data about misinformation on their platforms, both to government and “researchers.” The relevant “researchers” include Stanford Internet Observatory and the other constituents of the EIP and the Virality Project, who are working hand-in-glove with federal officials.

1161. The EIP contends that not enough censorship was achieved during 2020 as a result of their lack of direct access to platforms’ APIs: “Many platforms expanded their election-related policies during the 2020 election cycle. However, application of moderation policies was inconsistent or unclear.” *Id.*

1162. The EIP recommends that platforms increase enforcement of censorship policies: “Impose clear consequences for accounts that repeatedly violate platform policies. These accounts could be placed on explicit probationary status, facing a mixture of monitoring and sanctions.” *Id.* at 14 (x).

1163. The EIP report acknowledges the contributions of Alex Stamos, Renee DiResta, Kate Starbird, Matt Masterson, Pierce Lowary, and Alex Zaheer. *Id.* at 16 (xii). All of these individuals have or had formal roles in CISA.

1164. The EIP is partially funded by the federal government: “Researchers who contributed to the EIP ... receive partial support from the U.S. National Science Foundation (grants 1749815 and 1616720).” *Id.* at 17 (xiii).

1165. In addition, the Atlantic Council, one of the four nonprofit organizations in the EIP, is partially government-funded. Kimmage Dep. 294:8-18.

1166. “The initial idea for the Partnership came from four students that the Stanford Internet Observatory (SIO) funded to complete volunteer internships at the Cybersecurity and

Infrastructure Security Agency (CISA) at the Department of Homeland Security.” Scully Ex. 1, at 20 (2).

1167. “The students approached SIO leadership in the early summer, and, in consultation with CISA and other stakeholders, a coalition was assembled with like-minded partner institutions.” *Id.*

1168. “The Election Integrity Partnership (EIP) was officially formed on July 26, 2020—100 days before the November election—as a coalition of research entities who would focus on supporting real-time information exchange between the research community, election officials, government agencies, civil society organizations, and social media platforms.” *Id.*

1169. As a key point in its “Operational Timeline,” the EIP lists a July 9, 2020, “Meeting with CISA to present EIP concept.” *Id.* at 21 (3). In other words, the Stanford Internet Observatory “present[ed]” the “EIP concept” to CISA two weeks before the EIP was formed. *Id.*

1170. The SIO’s EIP team was “led by ... Research Manager Renee DiResta ... and Director Alex Stamos.” *Id.* at 22 (4). The University of Washington’s “contributing team” was “led by ... Kate Starbird.” *Id.*

1171. Alex Stamos and Kate Starbird are members of CISA’s Cybersecurity Advisory Committee. *See CISA Cybersecurity Advisory Committee*, Cybersecurity & Infrastructure Security Agency (last visited Feb. 24, 2023), <https://www.cisa.gov/resources-tools/groups/cisa-cybersecurity-advisory-committee>. Starbird chairs CISA’s Subcommittee on “Protecting Critical Infrastructure from Misinformation and Disinformation.” *See CISA Cybersecurity Advisory Committee*, Subcommittee Factsheet 1 (April 13, 2022), [https://www.cisa.gov/sites/default/files/publications/CSAC%20Subcommittee%20Factsheet\\_April%2013%202022.pdf](https://www.cisa.gov/sites/default/files/publications/CSAC%20Subcommittee%20Factsheet_April%2013%202022.pdf). Renee DiResta gives lectures on behalf of CISA. *See CISA, Cybersecurity*

*Summit 2021: Responding to Mis, Dis, and Malinformation*, YouTube (Oct. 27, 2021), <https://www.youtube.com/watch?v=yNe4MJ351wU>.

1172. One of the EIP's goals was to "flag policy violations to platforms." Scully Ex. 1, at 24 (6).

1173. As noted above, the EIP describes "Government" as one of "four major stakeholders," who both provided input into the "intake queue" for "tickets" (*i.e.*, reporting misinformation) and received feedback on "mitigation" (*i.e.*, censorship). *Id.* at 26 (8).

1174. The EIP tracked misinformation using "tickets," which tracked "informational event[s]" that could encompass many social-media postings: "The EIP tracked its analysis topics and engaged with outside stakeholder organizations using an internal ticketing workflow management system. Each identified informational event was filed as a unique ticket in the system." *Id.*

1175. "Tickets were submitted by both trusted external stakeholders (detailed in Section 1.4 on page 11) and internal EIP analysts." *Id.* "Section 1.4" on pages 11-12 of the report identifies government as a trusted external stakeholder: "Trusted external stakeholders" include "government, civil society, social media companies, and news media entities." *Id.* at 29-30 (11-12). Page 12 specifically identifies CISA, the EI-ISAC, and the State Department's GEC as the EIP's "Government" stakeholders. *Id.* at 30 (12) fig.1.3.

1176. A "ticket" could encompass many individual postings: "A single ticket could map to one piece of content, an idea or narrative, or hundreds of URLs pulled in a data dump." *Id.* at 27 (9).

1177. The EIP's managers both report misinformation to platforms and communicate with government partners about their misinformation reports: "The manager had the ability to tag

platform partners on a ticket for action. They also communicated with the EIP's partners in government, and could request further information from election officials if necessary," thus serving as a conduit for a back-and-forth about misinformation reports between government officials and platforms. *Id.* at 27-28 (9-10).

1178. The scope of the EIP's monitoring of Americans' speech on social media is enormous: "Team members from each of these tiers were divided into on-call shifts. Each shift was four hours long and led by one on-call manager. It was staffed by a mix of Tier 1 and Tier 2 analysts in a 3:1 ratio, ranging from five to 20 people. Analysts were expected to complete between two to five shifts per week. The scheduled shifts ran from 8:00 am to 8:00 pm PT for most of the nine weeks of the partnership, ramping up only in the last week before the election from 12-hour to 16- to 20-hour days with all 120 analysts on deck." *Id.* at 28 (10).

1179. The "Government" stakeholders flag misinformation to the EIP for censorship: "Government and civil society partners could create tickets or send notes to EIP analysts, and they used these procedures to flag incidents or emerging narratives to be assessed by EIP analysts." *Id.* at 30 (12).

1180. Of the "Four Major Stakeholder Groups" who participated in the EIP, the first listed is "Government," which includes three government entities: the Elections Infrastructure ISAC, CISA, and the State Department's GEC. *Id.*

1181. The EIP reports that CISA, CIS, and the EI-ISAC collaborated with the EIP in reporting misinformation: "In this election cycle, the EI-ISAC served as a singular conduit for election officials to report false or misleading information to platforms. By serving as a one-stop reporting interface, the EI-ISAC allowed election officials to focus on detecting and countering election misinformation while CIS and its partners reported content to the proper social media

platforms. Additionally, the Countering Foreign Influence Task Force (CFITF), a subcomponent of CISA, aided in the reporting process and in implementing resilience efforts to counter election misinformation.” *Id.* at 31 (13).

1182. The EI-ISAC jointly reports misinformation flagged by state and local election officials to CISA and to the EIP: “Content reported by election officials to the EI-ISAC was also routed to the EIP ticketing system. This allowed analysts to find similar content, ascribe individual content pieces to broader narratives, and determine virality and cross-platform spread if applicable. This analysis was then passed back to election officials via the EI-ISAC for their situational awareness, as well as to inform potential counter-narratives. Additionally, if an internally generated EIP ticket targeted a particular region, analysts sent a short write-up to the EI-ISAC to share with the relevant election official. This allowed the state or local official to verify or refute the claim, and enabled analysts to properly assess whether or not the content violated a platform’s civic integrity policies. In this way, the EIP demonstrated the upside of using the EI-ISAC coordinating body to connect platforms with authoritative voices to determine truth on the ground and help election officials effectively counter viral falsehoods about election infrastructure.” *Id.*

1183. The EIP created established channels for reporting misinformation to platforms for censorship: “The EIP established relationships with social media platforms to facilitate flagging of incidents for evaluation when content or behavior appeared to violate platform policies.” *Id.* at 35 (17).

1184. The EIP receives real-time reports on censorship actions from the platforms, who communicate directly with EIP managers about censorship through the EIP’s system: “Analysts conducted their initial assessment on all tickets, and, if content in a ticket appeared to be a violation of a platform’s published content policies, an analyst or manager added the platform representative

to the ticket. If questions arose, a manager communicated with the platform representative in the ticket comments. Analysts put the ticket back in the queue and updated the ticket to note if the content in question received a moderation action.” *Id.*

1185. Virtually all major social-media platforms participate directly in the EIP: “The EIP onboarded the following social media companies: Facebook and Instagram, Google and YouTube, Twitter, TikTok, Reddit, Nextdoor, Discord, and Pinterest.” *Id.*

1186. In the 2020 election cycle, the EIP “processed 639 in-scope tickets. 72% of these tickets were related to delegitimizing the election results.” *Id.* at 45 (27).

1187. The EIP had a high level of success in pushing the platforms to censor speech: “35% of the URLs we shared with Facebook, Instagram, Twitter, TikTok, and YouTube were either labeled, removed, or soft blocked.” *Id.* “In total, we believe the four major platforms we worked with all had high response rates to our tickets.” *Id.* at 55 (37). “We find, overall, that platforms took action on 35% of URLs that we reported to them.” *Id.* at 58 (40).

1188. The Center for Internet Security, which runs the EI-ISAC using funding from CISA, is a major reporter of misinformation to the EIP: “16% of tickets were filed by the Center for Internet Security (CIS), an election official community partner, in the form of tips.” *Id.* at 46 (28); *see also* Center for Internet Security, *EI-ISAC* (last visited Feb. 24, 2023), <https://www.cisecurity.org/ei-isac>.

1189. The EIP “prioritize[es] ... swing states over non-swing states.” Scully Ex. 1, at 46 (28).

1190. The EIP’s “dataset included 639 distinct, in-scope tickets.” *Id.* A “ticket” could be extremely broad, “map[ping] to” and entire “idea or narrative.” *Id.* at 27 (9). For example, the “SHARPIEGATE” ticket was submitted on November 4, 2020, to “try and consolidate all the

content” regarding the Sharpiegate story from “a variety of different states across Twitter, FB, TikTok, and Youtube.” *Id.* at 47 (29) fig.2.1.

1191. The EIP includes extensive collaboration with a “government partner” in its Sharpiegate ticket. *Id.* at 48 (30). Its internal ticket-management software (“Jira”) simultaneously allowed the “government partner” to communicate directly with the “platform partner” to debunk the online claim. *Id.* at 48 (30) fig.2.2.

1192. The EIP reports that it repeatedly flagged *The Gateway Pundit*, Plaintiff Jim Hoft’s website, as a purveyor of social-media misinformation: “The top misinformation-spreading websites in our dataset were ... thegatewaypundit[.]com, a far-right news website. 65% of these tickets involved an exaggeration of the impact of an issue within the election process.” *Id.* at 51 (33) (alteration in original).

1193. The EIP does not claim that most of *The Gateway Pundit*’s content was false, only that it involved the “exaggeration of the impact of an issue within the election process.” *Id.*

1194. As noted above, the EIP Report cites *The Gateway Pundit* 47 times. *See supra* paragraph 1156 and accompanying citation.

1195. The EIP “coded tickets based on whether they ... had an element of foreign interference. Interestingly ... less than 1% related to foreign interference.” Scully Ex. 1, at 53 (35). Thus, virtually all the speech targeted for censorship comes from American speakers.

1196. The EIP targeted speech for censorship or debunking in most tickets: “Of our 639 tickets, 363 tickets tagged an external partner organization to either report the content, provide situational awareness, or suggest a possible need for fact-checking or a counter-narrative.” *Id.* at 55 (37).

1197. “[G]roups that reported tickets include the State Department’s Global Engagement Center...” *Id.* at 60 (42). Daniel Kimmage testified that George Beebe of the GEC was in contact with the EIP. Kimmage Dep. 202:10-24. Kimmage attests that the GEC had “a general engagement with the EIP. ... the GEC was engaging with the partnership.” *Id.* at 214:11-19. In addition to Mr. Beebe, Adele Ruppe, who “liaised on election-related issues,” may have engaged with the EIP. *Id.* 214:23-215:5.

1198. In addition, left-wing advocacy groups like “MITRE, Common Cause, the DNC, the Defending Digital Democracy Project, and the NAACP” submitted tickets to the EIP. Scully Ex. 1, at 60 (42).

1199. The EIP indicates that the “misinformation” it targeted during the 2020 election cycle was core political speech of American citizens protected by the First Amendment: “Our analysis demonstrates that the production and spread of misinformation and disinformation about Election 2020 ... was participatory. In other words, these dynamics were not simply top-down from elites to their audiences, but were bottom-up as well, with members of the ‘crowd’ contributing in diverse ways—from posting raw content, to providing frames for that content, to amplifying aligned messages from both everyday members of the crowd and media (including social media) elites. Repeatedly, our data reveal politically motivated people sincerely introducing content they mistakenly believed demonstrated real issues with election integrity...” *Id.* at 181 (163). “Well-meaning, though often politically motivated, individuals repeatedly introduced this content into the broader information sphere, often via social media...” *Id.* at 182 (164).

1200. EIP analysts collected data from Twitter “contemporaneously,” and they also have access to “CrowdTangle and Facebook search functionality.” *Id.* at 199-200 (181-82).

1201. The EIP's tickets encompassed almost 5,000 URLs: "Through our live ticketing process, analysts identified social media posts and other web-based content related to each ticket, capturing original URLs (as well as screenshots and URLs to archived content). In total, the EIP processed 639 unique tickets and recorded 4,784 unique original URLs." *Id.* at 200 (182).

1202. These tickets and URLs encompass millions of social media posts, including almost 22 million posts on Twitter alone: "In total, our incident-related tweet data included 5,888,771 tweets and retweets from ticket status IDs directly, 1,094,115 tweets and retweets collected first from ticket URLs, and 14,914,478 from keyword searches, for a total of 21,897,364 tweets." *Id.* at 201 (183).

1203. The EIP "collected data from Twitter in real time from August 15 through December 12, 2020," and did so "[u]sing the Twitter Streaming API" to "track[] a variety of election-related terms .... The collection resulted in 859 million total tweets." *Id.* at 200-01 (182-83). Thus, the EIP had privileged access to Twitter's internal data about speech on its own platform.

1204. The EIP did not have privileged access to Facebook's internal data, however: "To understand how the information ecosystem looks from the perspective of Facebook and Instagram, we collected public posts through the CrowdTangle API from Facebook Groups, Facebook Pages, Facebook verified profiles and public Instagram accounts." *Id.* at 201 (183). This explains the White House's and Surgeon General's insistence in 2021 that Facebook grant "researchers" such as Renee Diresta access to Facebook's internal data.

1205. The EIP treats as "misinformation" truthful reports that the EIP believes "lack[] broader context." *Id.* at 203 (185).

1206. The EIP admits that it focuses on speech from the “political right” because it believes that the right spreads misinformation: “Influential accounts on the political right ... were responsible for the most widely spread of false or misleading information in our dataset. Right-leaning accounts also more frequently augmented their misinformation posts with narrative-related hashtags ... which persisted across multiple incidents and were shared millions of times in our dataset.” *Id.* at 204-05 (186-87).

**B. The EIP Targets Plaintiff Jim Hoft and .**

1207. According to the EIP, “[t]he 21 most prominent repeat spreaders on Twitter ... include political figures and organizations, partisan media outlets, and social media all-stars. ... [A]ll 21 of the repeat spreaders were associated with conservative or right-wing political views and support of President Trump.” *Id.* at 205 (187).

1208. The EIP lists *The Gateway Pundit* as the second-ranked “Repeat Spreader[] of Election Misinformation” on Twitter, ranking it above Donald Trump, Eric Trump, Breitbart News, and Sean Hannity. *Id.* at 206 (188) tbl.5.2. In the 2020 election cycle, the EIP flagged *The Gateway Pundit*’s speech in 25 incidents with over 200,000 retweets. *Id.*

1209. The EIP claims that “[f]ar-right hyperpartisan media outlets also participated in a wide range of [Twitter] incidents, including The Gateway Pundit, which ranked #2 in the dataset.” *Id.* at 206 (188).

1210. In addition, the EIP lists *The Gateway Pundit*’s website as the domain cited in the most “incidents”—its website content was tweeted by others in 29,207 original tweets and 840,740 retweets. *Id.* at 207 (189) tbl.5.3. *The Gateway Pundit* ranks above Fox News, the New York Post, the New York Times, and the Washington Post on this list. *Id.*

1211. In fact, the EIP dedicates an entire subsection of its report to *The Gateway Pundit*. *Id.* at 214-16 (196-98). The EIP reports that “The Gateway Pundit was among the most active spreaders of election-related misinformation in our analyses. ... It appeared as a top repeat spreader through its website, its Twitter account, its YouTube channel, and its Instagram account.” *Id.* at 214 (196).

1212. The EIP report notes that “Twitter suspended [*The Gateway Pundit*’s] account on February 6, 2021,” indicating that *The Gateway Pundit*’s deplatforming on Twitter was the result of the EIP’s efforts. *Id.*

1213. The EIP states that “The Gateway Pundit was highly active throughout the election lifecycle, including during the weeks leading up to the election, when it repeatedly spread content—in distinct information incidents—that sought to undermine trust in mail-in voting specifically and the eventual election results more generally.” *Id.*

1214. According to the EIP, “[o]n Twitter, The Gateway Pundit’s account was highly retweeted across 26 different incidents (#2 among repeat spreaders). Evidence from our data suggest that its prominence was due both to production of its own material and to amplification (via original and quote tweets) of other partisan content.” *Id.* at 215 (197).

1215. According to the EIP, “[o]f all the domains linked to in our Twitter data, The Gateway Pundit’s website was connected to the largest number of incidents (46) while also garnering the most related original tweets (29,207) and retweets (840,750). Their YouTube channel appeared in five incidents, and their 13 incident-related videos had more than 4 million views on YouTube.” *Id.* at 215-16 (197-98).

1216. According to the EIP, “[t]he Gateway Pundit[’s] ... Instagram account was tied for #2 among repeat spreaders, appearing in 10 incidents for 20 posts that received more than 132,000 engagements.” *Id.* at 216 (198).

**C. The EIP Induces Major Changes in Platform Censorship Policies.**

1217. The EIP notes that “during the 2020 election, all of the major platforms made significant changes to election integrity policies, both as the campaigns kicked off and through the weeks after Election Day—policies that attempted to slow the spread of specific narratives and tactics that could potentially mislead or deceive the public....” *Id.* at 229 (211).

1218. The EIP notes that “[m]ajor social media platforms such as Facebook, Twitter, YouTube, Pinterest, and TikTok introduced changes to their community standards in the months leading up to the election and in the aftermath.” *Id.* at 230 (212).

1219. In particular, starting just over a month after the EIP launched, in “September 2020,” “[a] number of platforms announced the first updates to election-specific policies: making large additions; adding more clarity and specificity; or stating clearly that they will label or remove content that delegitimizes the integrity of the election.” *Id.*

1220. The policy changes reflected that the EIP and the platforms anticipated that they would have to target speech by *domestic* speakers, not supposed “foreign disinformation,” during the 2020 election: “[M]uch of the misinformation in the 2020 election was pushed by authentic, domestic actors, and platforms shifted their focus to address downstream harms related to the content itself. As a result, most subsequent updates introduced policies related to specific content categories.” *Id.* at 231 (213).

1221. The EIP lobbies platforms to “remove” so-called “repeat spreaders” like *The Gateway Pundit*, and complains that they are not removed often enough: “Despite what appeared

to be clear policy to penalize or remove repeat spreaders and high-profile disinformation actors, platforms appeared to shy away from using this particular intervention. In some cases, this was a result of a variety of ‘newsworthiness’ exceptions, which allowed some high-profile repeat spreaders, including politicians, to evade bans. Yet many of the repeat spreaders we saw were not politicians”—including *The Gateway Pundit*, among many others. *Id.* at 233 (215).

1222. The EIP indicates that it will continue its censorship activities in future elections: “The next election will have its own unique set of misinformation narratives, yet many of the tactics, dynamics, and basic structures of these narratives will likely remain the same.” *Id.* at 243-44 (225-26).

1223. The EIP reinforces this intention by calling for even more aggressive, more expansive censorship of social-media speech, including into other areas such as “public health”: “Doing nothing is not an option. ... Not pursuing structural policy change will accelerate our country’s slide toward extremism, erode our shared national and inclusive identity, and propel yet more individuals toward radicalization via mis- and disinformation. The problem is larger than elections: it spans politics, self-governance, and critical policy areas, including public health.” *Id.* at 251 (233). The EIP acted on this statement promptly by forming the “Virality Project” in 2021. *See infra.*

1224. The EIP proclaims that the “EIP’s novel structure, enabling rapid-response analysis and a multistakeholder reporting infrastructure, could prove effective to many information spaces blighted by pervasive misinformation,” in addition to election-related speech. *Id.* at 259 (241).

1225. The EIP calls for more aggressive penalties to enforce censorship on social media, in language that was copied and parroted by the demands of Jen Psaki and the Surgeon General: “Establish clear consequences for accounts that repeatedly violate platform policies.” *Id.* at 256

(238). “Prioritize quicker action on verified or influential accounts if they have already violated platform policies in the past.” *Id.* at 257 (239).

1226. The EIP even advocates for an express system of pre-publication approval for disfavored speakers—the ultimate prior restraint: “Consider implementing holding areas for content from high-visibility repeat spreaders, where content can be evaluated against policy before posting.” *Id.*

1227. The EIP proclaims that it offers “a whole-of-society response,” in words parroted by the Surgeon General’s Health Advisory. *Id.* at 259 (241).

1228. The EIP boasts that “[t]he EIP, in its structure and its operations ... *united government, academia, civil society, and industry*, analyzing across platforms, to address misinformation in real time.” *Id.* (emphasis added).

1229. The EIP states that “[t]he lessons from EIP should be both learned and applied. The fight against misinformation is only beginning. The collective effort must continue.” *Id.* at 259-60 (241-42).

1230. The EIP specifically advocates for a broader role for CISA in federal efforts to combat election-related “misinformation.” *Id.* at 252-53 (234-35).

1231. Alex Stamos, the director of the Stanford Internet Observatory who launched the EIP, publicly states that virtually all the speech targeted by the EIP is by domestic speakers engaging in core political speech. He has publicly stated: “almost all of this is domestic: right? ... It is all domestic, and the second point on the domestic, a huge part of the problem is well-known influencers .... you have ... a relatively small number of people with very large followings who have the ability to go and find a narrative somewhere, pick it out of obscurity and ... harden it into these narratives.” Scully Ex. 4, at 5 (Audio Tr. 2).

1232. Likewise, on October 3, 2020, at a CISA-hosted cybersecurity conference, Clint Watts of the EIP stated that election misinformation “is overwhelmingly more domestic than foreign this time around in 2020.” Scully Ex. 3, at 4 (Audio Tr. 2).

1233. At the same conference, Alex Stamos stated: “The bigger issue in 2020, is going to be domestic ... we have set up this thing called the [E]lection [I]ntegrity [P]artnership, so we went and hired a bunch of students. We're working with the University of Washington, Graphika, and DFRLab, and the vast, vast majority of the contact we see we believe is domestic. You know, some of it you can't tell, but a lot of it is coming from domestic blue checkmark verified elites; right? And so I think a much bigger issue for the platforms is elite disinformation. The stuff that is being driven by people who are verified that are Americans who are using their real identities.” *Id.* at 5 (Audio Tr. 3). He also stated, “the truth is, that the vast majority of these problems or the kind of problems in the information environment are domestic problems.” *Id.* at 6 (Audio Tr. 4).

1234. Alex Stamos has noted that the fear of government regulation pushes the platforms to respond to government pressure and increase censorship. On November 10, 2020, at a conference hosted by the Atlantic Council, Alex Stamos stated: “So, you know, on effectively pushing the platforms to do stuff ... they will always be more responsive in the places that are both economically highly important and that have *huge potential regulatory impact*, most notably right now that would be the United States and Europe.” Scully Ex. 4, at 6 (Audio Tr. 3) (emphasis added).

1235. On November 17, 2021, at a conference hosted by the Digital Publics Symposium, Kate Starbird of CISA’s Subcommittee and the University of Washington’s Center for an Informed Public, an EIP participant, stated: “Now fast forward to 2020, we saw a very different story around disinformation in the U.S. election. It was largely domestic coming from inside the United States.

... Most of the accounts perpetrating this ... they're authentic accounts. They were often blue check and verified accounts. They were pundits on cable television shows that were who they said they were ... a lot of the major spreaders were blue check accounts, and it wasn't entirely coordinated, but instead, it was largely sort of cultivated and even organic in places with everyday people creating and spreading disinformation about the election.” Scully Ex. 8, at 4 (Audio Tr. 2). She also stated: “So we see this – the disinformation campaign was top down ... but this campaign was also bottom up with everyday people sharing their own experiences, their own misperceptions of being disenfranchised or finding what they thought to be evidence of voter fraud.” *Id.* at 5 (Audio Tr. 3). These are the voices that the EIP silenced.

**D. The Virality Project Expands EIP’s Censorship Work with Federal Officials.**

1236. Soon after the 2020 election cycle, beginning in early 2021, the same four entities that launched the Election Integrity Partnership established a similar program to address COVID-19-vaccine-related “misinformation” on social media, which they called the “Virality Project.” *See* Scully Ex. 2 (containing Stanford Internet Observatory, et al., *The Virality Project, Memes, Magnets, and Microchips: Narrative Dynamics Around COVID-19 Vaccines* (v.1.0.1 2022), <https://purl.stanford.edu/mx395xj8490>).

1237. The Virality Project’s final report, dated April 26, 2022, lists Renee DiResta as the principal Executive Editor, and lists Renee DiResta, Kate Starbird, and Matt Masterson as contributors. Scully Ex. 2, at 4 (i).<sup>3</sup> Current and former CISA interns Jack Cable, Isabella Garcia-Camargo, Pierce Lowary, and Alex Zaheer are listed as “researchers and analysts” who participated in social-media “monitoring” for the project. *Id.*

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<sup>3</sup> Citations of this exhibit are formatted “Scully Ex. 2, at [page of exhibit] ([page of report]).”

1238. The same four entities that operated the EIP launched the Virality Project (“VP”) in 2021: Stanford Internet Observatory, University of Washington’s Center for an Informed Public, Graphika, and the Atlantic Council’s Digital Forensics Research lab. *Id.* at 8-9 (1-2). Three new nonprofit entities were added as well. *Id.*

1239. According to its report, “[t]he VP team developed technology to identify emerging narratives, to understand what communities they appeared within, and to gauge their scope, speed, and spread. In addition, the analysts assessed social media platforms’ published policies to understand how (if at all) platforms might limit or action the spread of misleading vaccine-related content.” *Id.* at 9 (2). As discussed below, like the EIP, the VP took action to push “platforms [to] limit or action the spread of misleading vaccine-related content.” *Id.*

1240. According to the VP, “[v]accine mis- and disinformation was largely driven by a cast of recurring actors,” including “long-standing anti-vaccine influencers and activists, wellness and lifestyle influencers, pseudomedical influencers, conspiracy theory influencers, right-leaning political influencers, and medical freedom influencers.” *Id.*

1241. Like the EIP, the VP admits that the speech it targets is heavily speech by “domestic actors,” *i.e.*, American citizens: “Foreign ... actors’ reach appeared to be far less than that of domestic actors.” *Id.*

1242. Like the EIP, the VP indicates that it pushes platforms to adopt more aggressive censorship policies on COVID vaccine-related content: “While online platforms have made progress in creating and enforcing vaccine related policies, gaps still exist.” *Id.* at 10 (3).

1243. Like the EIP, the VP notes that it did not only observe and report on misinformation but took action to stop the spread of misinformation: “Detection, however, was only part of the

work. The Virality Project also sought to relate its findings to the public and to stakeholders in public health, government, and civil society.” *Id.*

1244. The VP indicates that it should increase the efficiency of having “government partners” share “tips” of misinformation with entities like the VP, stating that “[r]esearch institutions” should “[s]treamline a tip line process to make it easy for civil society and government partners to share observations. Establish a feedback loop to discuss what types of analysis or tips are most relevant.” *Id.*

1245. The VP strives to “[d]evelop and maintain clear channels of communication that enable federal, state, and local agencies to understand and learn from what might be happening in other regions. Federal Information Sharing and Analysis Centers (ISAC) are one path forward.” *Id.* at 11 (4).

1246. The VP recommends that the federal government “[i]mplement a Misinformation and Disinformation Center of Excellence housed within the Cybersecurity and Infrastructure Security Agency.” *Id.*

1247. The VP states that social-media “[p]latforms owe the public *transparency and accountability* as they face the challenges of deciding what to surface, what to curate, and how to minimize the virality of harmful false claims. Tech platform policies against public health misinformation should be clear and precise, and their enforcement should be consistently applied.” *Id.* (emphasis added). The Surgeon General copied this messaging verbatim in his Health Advisory, which he launched at the VP.

1248. The VP calls for more aggressive censorship of COVID-19 “misinformation,” stating: “To these ends, platforms should: Consistently enforce policies, particularly against recurring actors,” and “Continue to improve data sharing relationships with researchers.” *Id.* The

emphasis on “data sharing relationships” is directly echoed in the White House’s and the Surgeon General’s demands that platforms share their internal data with researchers.

1249. The VP boasts that the “Office of the Surgeon General incorporated VP’s research and perspectives into its own vaccine misinformation strategy,” and specifically cites the Surgeon General’s Health Advisory on this point. *Id.* at 11 (4) & 13 (6) n.5 (citing Off. U.S. Surgeon Gen., *Confronting Health Misinformation: The U.S. Surgeon General’s Advisory on Building a Healthy Information Environment* (July 15, 2021), <https://hhs.gov/sites/default/files/surgeon-general-misinformation-advisory.pdf>).

1250. “Over the course of its seven months of work, the Virality Project observed narratives that questioned the safety, distribution, and effectiveness of the vaccines.” *Id.* at 11 (4).

1251. Like the EIP, the VP states that “[t]he enormity of the challenge demands a *whole-of-society response*,” *id.* at 12 (5) (emphasis added), and calls for more federal agencies to be involved through “cross-agency collaboration,” *id.* The Surgeon General adopted and echoed the VP’s call for a “whole-of-society” response.

1252. The VP admits that “it was not always clear what *was* misinformation; in the case of the novel coronavirus, it was often simply not yet clear what was true or where scientific consensus lay,” *id.* at 14 (7), and that “[g]round truth about COVID-19 was rapidly evolving, and even institutional experts were not always aligned on the facts,” *id.* at 15 (8).

1253. According to the VP, “[v]iral posts that claimed to have the answers to the public’s most pressing questions appeared online; fact-checkers struggled to evaluate them, and platforms wrestled with whether to leave them up or take them down. Social media influencers of varying backgrounds debated the merits and efficacy of masking, providing detailed breakdowns of their analyses in public posts.” *Id.*

1254. The VP attributes opposition to mask mandates and lockdowns to right-wing political ideology: “In the months before vaccines or treatments emerged, governments worldwide turned to preventative measures such as masking requirements and lockdowns. In the US, these measures were quickly framed as affronts to liberty by facets of the US right-wing political spectrum, turning individual responses to the virus into a function of political identity.” *Id.*

1255. The VP suggests that it flagged for censorship COVID-related posts with enormous engagement on social media, reporting for example that “[b]efore the major social media platforms began to take down [one] video—which was in violation of their COVID-19 misinformation policies—[it] amassed tens of millions of views and was shared into a wide variety of communities.” *Id.* at 16 (9).

1256. The speech that the VP decries is all quintessential First Amendment–protected speech. *See, e.g., id.* (“Several prominent anti-vaccine activists began to post regularly about COVID-19; their followings began to increase, despite prior platform efforts to reduce the spread of false and misleading claims from anti-vaccine figures. As the possibility of a vaccine became more of a reality as 2020 progressed, anti-vaccine activists focused on preemptively undermining uptake. Several of the vaccines in development used relatively novel mRNA technology, which afforded an opportunity to present them as untested, unsafe, rushed, or risky, even to audiences who had taken all previously recommended vaccines.”).

1257. “It was against this backdrop” of widespread First Amendment–protected speech on social media “that the Virality Project (VP) came together. A collection of research institutions had previously collaborated through the Election Integrity Partnership (EIP) to identify and understand the spread of election mis- and disinformation in the US during the 2020 presidential campaign. In December 2020, these partners jointly observed that the same tactics used to great

effect during the 2020 election were already in use to expand the spread of COVID-19 vaccine mis- and disinformation.” *Id.* The VP used the same tactics as the EIP to engage in “rapid response” to misinformation: “The Project’s broad array of institutions enabled information sharing and *rapid response* when false and misleading information percolated across social platforms.” *Id.* (emphasis added).

1258. The VP was overtly biased against “anti-vaccine” viewpoints from the beginning: “The Project’s original framing document articulated the threat: **A surge of anti-vaccine disinformation will pose significant challenges to the rollout and public adoption of COVID-19 vaccines in the United States.**” *Id.* (bold in original).

1259. Just like the EIP, the VP boasts that it is a “multistakeholder collaboration” that includes “government entities” among its key stakeholders: “The Virality Project adopted *a multistakeholder collaboration with civil society organizations, social media platforms, and government entities* to respond to misand disinformation around the novel vaccines.” *Id.* at 17 (10) (emphasis added).

1260. “The research institutions that comprised the Election Integrity Partnership—the Stanford Internet Observatory, the University of Washington’s Center for an Informed Public, the Atlantic Council’s Digital Forensic Research Lab, and Graphika—along with new partners the National Conference on Citizenship (NCoC)’s Algorithmic Transparency Institute and New York University’s Center for Social Media and Politics and Tandon School of Engineering—all elected to participate in this new initiative: the Virality Project.” *Id.*

1261. The VP report complains that “the internet has no editorial gatekeepers.” *Id.* at 18 (11).

1262. The VP decries the influence of “social media influencers” such as “Doctors” and “Mommy Bloggers.” *Id.* at 19 (12).

1263. According to the VP, “[t]hese influencers have adopted the best practices of communication in the internet age, and their effectiveness in drawing in online users is made evident by the mass followings they have acquired across social media sites: platforms as varied as Pinterest, Instagram, and YouTube...” *Id.*

1264. The VP targets misinformation “tactics” that involve speech that the VP does not contend is false or even falsifiable. It states that speakers “use tactics that have persisted over time, many of which have been used in service of spreading mis- and disinformation in contexts beyond the vaccine conversation; for example, the Election Integrity Partnership observed several of these tactics during the lead-up to the 2020 US election.” *Id.*

1265. These “tactics” include such things as “**Hard-to-Verify Content:** Using content that is difficult to fact-check or verify, such as personal anecdotes”; “**Alleged Authoritative Sources:** Using or pointing to information from an alleged public health official, doctor, or other authoritative source”; “**Organized Outrage:** Creating events or in-person gatherings, or using or co-opting hashtags”; and “**Sensationalized/Misleading Headlines:** Using exaggerated, attention-grabbing, or emotionally charged headlines or click-bait.” *Id.* (bold in original). Notably, none of these “tactics” involves false speech, and all are protected by the First Amendment.

**E. The Virality Project Targets Plaintiff Jill Hines and Health-Freedom Groups.**

1266. According to the VP report’s taxonomy, Plaintiff Jill Hines, the founder of Health Freedom Louisiana, constitutes a “medical freedom influencer[.]” who engages in the “tactic” of “**Organized Outrage**” simply because she “create[ed] events or in-person gatherings” to oppose

mask and vaccine mandates in Louisiana. *See id.* at 9, 19 (2, 12) (bold in original). But this “tactic” is First Amendment–protected activity.

1267. Another “tactic” decried by the VP is “**Group super-spreader:** An individual account sharing posts into multiple online groups.” *Id.* at 20 (13) (bold in original). This is also quintessential First Amendment expression.

1268. The VP report repeatedly emphasizes the problem of “health freedom” or “medical freedom influencers” like Plaintiff Jill Hines. It identifies “Liberty” as a “trope” of social-media disinformation: “*Liberty*: Individuals have the right to ‘**health freedom**’; no government or employer should be able to tell people what to put in their bodies.” *Id.* (italics in original) (bold added).

1269. The VP also identifies political and religious opinions—including well-established and widespread views—as “themes” and “tropes” of anti-vaccine “misinformation,” such as: “*Distrust of industry*: Vaccines are produced by profit-motivated pharmaceutical companies that have repeatedly concealed harm in pursuit of profit”; “*Religiosity*: Vaccines contain materials that are objectionable on religious grounds”; and “*Conspiracy*: ... Governments have covered up information proving vaccines are dangerous, [and] Doctors and politicians who advocate for vaccines have been bought off by ‘Big Pharma.’” *Id.*

1270. Like the EIP, the VP agrees that government pressure pushes social-media platforms to adopt more aggressive censorship policies: “Platforms had started adapting their policies to address vaccine misinformation in early 2019, spurred by public outcry, negative press coverage, and *government inquiries...*” *Id.* at 21 (14) (emphasis added).

1271. The VP boasts that its “analysts had to develop a nuanced and nimble understanding of what content constituted policy violations”—evidently because it was flagging content to platforms for censorship in real time. *Id.* at 21-22 (14-15).

1272. The VP extensively monitored and tracked Americans’ speech about COVID-19 and vaccines on social media: “To surface in-scope content, VP’s team of analysts were divided into topical detection teams, referred to as pods.... These pods ... enabled analysts to develop and ensure sustained familiarity with how the COVID-19 vaccine conversation was evolving within particular communities on public platforms.” *Id.* at 22 (15).

1273. This monitoring involved VP analysts reading and searching Americans’ social-media accounts in real time: “Analysts in each pod assessed emerging narratives that were within scope ... , surfacing content both via qualitative observation of the pages and accounts, and by using lists of common terms associated with vaccine hesitancy and long-standing anti-vaccine rhetoric.” *Id.*

1274. The VP states that “Anti-vaccine activists and influencers, including those discussed in the Center for Countering Digital Hate’s ‘Disinformation Dozen’ Report ... surfaced the greatest amount of content ...” *Id.* at 23 (16).

1275. This covert monitoring of Americans’ online speech about vaccine was extensive, sophisticated, and adaptive: “At the beginning of the project, analysts used broad search terms (“vaccine,” “jab”) to surface relevant content and incidents (specific events or stories), but gradually began to incorporate a combination of machine learning and hand coding to identify additional recurring narratives relevant to the four in-scope categories. This included terms related to medical freedom under “Vaccine Distribution,” or severe adverse effects and death under

“Vaccine Safety,” among others. As narratives and new keywords emerged throughout the analysis period, analysts continually refined their searches.” *Id.*

1276. This mass-social-media-surveillance project included federal agencies as key “stakeholders”: “The Virality Project established a nonpartisan, multi-stakeholder model consisting of health sector leaders, federal health agencies, state and local public health officials, social media platforms, and civil society organizations. These stakeholders provided tips, feedback, and requests to assess specific incidents and narratives, and each entity type brought specific expertise to bear on understanding COVID-19 vaccine hesitancy.” *Id.* at 24 (17).

1277. Thus, the VP’s “multi-stakeholder model” included government agencies and officials, including “federal health agencies” and “state and local public health officials,” working alongside “social media platforms” to combat vaccine-related “misinformation.” *Id.*

1278. The government “stakeholders” such as “federal health agencies” and “state and local public health officials” were among those who “provided tips” and “requests to assess specific incidents and narratives,” *i.e.*, flagging content for social-media censorship. *Id.*

1279. The VP emphasizes the role of “Federal government agencies” in the VP, including the CDC and the Office of Surgeon General: “**Federal government agencies** served as coordinators for national efforts. The Virality Project built strong ties with several federal government agencies, most notably the Office of the Surgeon General (OSG) and the CDC, to facilitate bidirectional situational awareness around emerging narratives. The CDC’s biweekly “COVID-19 State of Vaccine Confidence Insights” reports provided visibility into widespread anti-vaccine and vaccine hesitancy narratives observed by other research efforts.” *Id.* (bold in original).

1280. Social media platforms served as stakeholders alongside federal and state officials: “**Platforms** were the final stakeholders in the VP effort. Six social media platforms engaged with VP tickets—Facebook (including Instagram), Twitter, Google (including YouTube), TikTok, Medium, and Pinterest—*acknowledging content flagged for review and acting on it in accordance with their policies*. On occasion, platforms also provided information on the reach of *narratives previously flagged by VP*, which provided a feedback loop leveraged to inform the Project’s understanding of policies and ongoing research.” *Id.* at 25 (18) (bold in original) (italics added).

1281. Thus, the VP openly proclaims that it “flagged” “content ... for review” to platforms to “act[] on it in accordance with their policies.” *Id.* Government officials provided “tips” to the VP about misinformation on social media, and the VP flagged it for platforms for censorship.

1282. The VP emphasizes the importance of federal officials and social-media platforms in its collaboration on censorship: “As the effort progressed, *input from these partners was crucial* in defining the VP’s output formats and in surfacing where the impacts of vaccine mis- and disinformation were being felt offline.” *Id.*

1283. The VP engaged in continuous, ongoing communication with federal officials, platforms, and other stakeholders: “The Virality Project delivered 31 weekly briefings focused on increasing situational awareness and enabling the stakeholders working on countering vaccine mis- and disinformation to develop the most effective possible response.” *Id.*

1284. The VP boasts that it “provided strategic insights” to federal officials in combating misinformation: “Briefings directly informed counter-messaging efforts by public health stakeholders ... and public health officials (for example, the CDPH), and *provided strategic*

*insights to government entities such as the OSG, CDC, and the Department of Health and Human Services.” Id. (emphasis added).*

1285. Further, the “Stanford Internet Observatory and the Virality Project also hosted Surgeon General Vivek Murthy for a seminar on vaccine mis- and disinformation, including the rollout of the Surgeon General’s advisory on health misinformation.” *Id.* at 27 (20).

1286. Like the EIP, the VP used “tickets” to track social-media narratives, where each “ticket” could encompass many postings: “As part of the Virality Project, analysts created tickets documenting URLs of in-scope content. In total, 911 tickets were created, tracking both specific pieces of misinformation and broader narratives. At the end of the monitoring period, analysts had created 845 tickets tracking specific vaccine misinformation incidents (events or pieces of content) and 66 tickets tracking broad narratives.” *Id.* at 34 (27).

1287. The VP aimed, not just to track, but to “respond to” misinformation: “The Virality Project operated with a team of analysts drawn from across the partner organizations. Workflows were designed to detect, analyze, and *respond to* incidents of COVID-19 vaccine-related disinformation in online ecosystems.” *Id.* (emphasis added).

1288. “From February to August 2021, VP analysts *systematically monitored activity across social media platforms* to document emerging narratives and trends in public discourse while also tracking the popularity and spread of older content.” *Id.* (emphasis added).

1289. “The [VP] used the Jira Service Desk software to log mis- and disinformation incidents that were determined to be in scope for specific areas of the public COVID-19-related conversation. For each single incident of anti-vaccine mis- or disinformation surfaced during monitoring, an analyst filed a ticket that provided a brief description of the incident, including

engagement numbers at the time of creation and links to relevant social media posts.” *Id.* at 35 (28).

1290. The VP boasts that it targeted online speech for censorship before it could go viral, thus imposing massive prior restraints on the amplification of targeted content: “Tickets also enabled analysts to quickly tag platform or health sector partners to ensure their situational awareness of high-engagement material that appeared to be going viral, so that *these partners could determine whether something might merit a rapid public or on-platform response* (such as a label).” *Id.* at 37 (30) (emphasis added).

1291. The VP reported the content in 174 “tickets” to social-media platforms for censorship: “Managers gave all incident analyses a final review for quality-control purposes, to determine appropriate next steps and to make a final decision about whether tickets should be shared with external stakeholders. *Of the 911 incidents monitored, 174 were referred to platforms for potential action.*” *Id.* (emphasis added).

1292. Like the EIP, the VP appears to have had direct access to Twitter’s and YouTube’s internal data about speech spreading on its platform, but not Facebook’s: “The engagement data or video view data for links associated with each ticket was collected differently depending on the social media platform in question: Facebook and Instagram: CrowdTangle API; Twitter: Twitter API...” *Id.* at 38 (31).

1293. Like the Surgeon General and the White House, the VP complains that the platforms must make their internal data more available to VP: “Due to limited transparency from social media platforms, engagement is the closest proxy researchers can use to understand what content users are seeing on social media platforms. Metrics such as impression counts are generally unavailable to outside researchers.” *Id.*

1294. The VP’s monitoring tracked content with about 6.7 million engagements on social media per week, or over 200 million over the seven months of the reported project: “Average weekly engagement with content tracked across all Virality Project tickets was 6.7 million.” *Id.* at 39 (32).

1295. The vast majority of speech flagged and tracked by the VP was not false or incorrect speech: “The most commonly employed tactics were Hard-to-Verify Content and Alleged Authoritative Source.” *Id.* at 41 (34); *see also id.* at 42 (35) fig.2.6 (showing predominance of these two “tactics”).

1296. According to the VP, “[o]f the engagement captured by tickets, more than a third came from content primarily spread by accounts that demonstrated recurring success making content go viral; we refer to them here as ‘recurring actors.’” *Id.* at 41 (34).

1297. The VP boasts that it induced “platform action” against such “recurring actors” in 2021: “Recurring actors drove a majority of engagement in the first half of the study period, but fell off in importance after that, most likely due to platform action against certain users beginning in the late spring of 2021.” *Id.* at 43 (36).

1298. Like Jennifer Psaki at the White House, the VP repeatedly cites the Center for Countering Digital Hate’s report on the “Disinformation Dozen.” *Id.* at 23 & 32 n.43, 43 & 48 n.7, 111 & 129 n.179.<sup>4</sup>

1299. “Four distinct weeks during the monitoring period had incidents observed by Virality Project analysts that generated more than 10 million engagements.” *Id.* at 43 (36).

1300. One of these “Viral Incidents” tracked by the VP was: “In July, posts went viral expressing outrage at attempts by the Biden administration to engage in vaccine outreach.” *Id.* at

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<sup>4</sup> Report pages 16 & 25 n.43, 36 & 41 n.7, 104 & 122 n.179.

45 (38). This incident did not involve any vaccine-related misinformation at all, but core political speech: “the Biden administration used the phrase ‘door-to-door’ to describe a push for on-the-ground community-led efforts to persuade more Americans to get vaccinated. Prominent Republican politicians miscast this as a forced vaccination campaign by ‘Needle Nazis’ and a prelude to the government knocking on the door to take away guns.” *Id.* at 46 (39).

1301. The VP boasts that censorship enforcement was effective, especially in “deplatforming” key actors: “The decline of content from recurring actors midway through the monitoring period potentially reflects a policy impact, as deplatforming these actors led to an apparent reduction in false or misleading content.” *Id.* at 47 (40).

1302. The VP tracked and flagged “Claims that [supposedly] misrepresent ... vaccine mandates,” not just misinformation about the vaccines. *Id.* at 50 (43).

1303. According to the VP, “content” that “leveraged decontextualized statistics from the US Department of Health and Human Services’ Vaccine Adverse Event Reporting System (VAERS) database” is misinformation. *Id.* at 51 (44).

1304. According to VP, it was also misinformation when true adverse health events from vaccines were “shared absent context”: “Rare incidents documenting verified adverse health events, including blood clotting and heart inflammation, were shared absent context, often in an effort to present them as common and significant risks.” *Id.*

1305. According to the VP, discussing “breakthrough” cases and “natural immunity” was also misinformation: “False and misleading narratives related to efficacy sought to undermine the perceived benefits of vaccines. These narratives included stories of people diagnosed with COVID-19 after being vaccinated—“breakthrough” cases, particularly in the time of the Delta variant—to promote the idea that the vaccines aren’t effective. Later, the idea that natural

immunity from infection is superior to immunity from vaccination became a political talking point raised repeatedly by right-leaning political influencers, despite inconclusive scientific evidence.”

*Id.*

1306. According to VP, misinformation also included “discussions of vaccine passports and mandates (including months before any state or federal officials began advocating for them).”

*Id.*

1307. The VP also counts as misinformation “claims that the government was headed toward mandating an unsafe vaccine.” *Id.* The government did, of course, eventually mandate the vaccines for most Americans.

1308. The VP also treated Americans’ “long-standing mistrust of pharmaceutical companies’ profit motives” as part of anti-vaccine misinformation. *Id.*

1309. “Conspiracy Theories” that “assign blame to ... government” are also misinformation to be tracked and censored, according to VP. *Id.*

1310. According to VP, “personal anecdotes” about “vaccine injuries and severe side effects—ranging from rashes, to blood clots, to death” are also misinformation.” *Id.* at 52 (45).

1311. “Personal anecdotes often made their way into mainstream media coverage after gaining traction online. Distortions of official government statistics—most often from VAERS, described in more depth later in this section—were used both to reinforce the personal anecdotes and for focused misinformation solely discussing the statistics.” *Id.*

1312. According to VP, “stripp[ing] both individual stories and official statistics of important context” is misinformation. *Id.*

1313. According to VP, “adverse event stories” were objectionable because they were “employed to push back against vaccine mandates.” *Id.* at 52-53 (45-46).

1314. Like the White House and Dr. Fauci, the VP treats Alex Berenson as a major malefactor in spreading COVID-19 vaccine “misinformation.” *See id.* at 54, 57 (47, 50).

1315. Like the White House and Rob Flaherty, the VP flagged and tracked Fox News host Tucker Carlson as a spreader of vaccine misinformation: “*In May 2021, Tucker Carlson misrepresented VAERS data on his talk show, decontextualizing it while claiming that 3,362 Americans had died following COVID-19 vaccinations between December 2020 and April 2021, equating to roughly 30 people every day.*” *Id.* at 57 (50) (emphasis added).

1316. Health Freedom groups, like Plaintiff Jill Hines’s group Health Freedom Louisiana, are particular targets of the VP’s tracking and censorship activities.

1317. The VP report includes an entire section on such groups: “Section 3.2.2 – Government Overreach and Medical Freedom Narratives.” *Id.* at 59 (52).

1318. According to the VP, “[o]ne of the primary long-standing themes of anti-vaccine distribution narratives is that mass vaccine distribution constitutes a government overreach. The movement sees vaccine mandates, including, historically, school vaccine requirements, as an assault on ‘health freedom’ or ‘medical freedom.’” *Id.*

1319. According to the VP, “[i]n 2020, following the emergence of COVID-19, these same health freedom groups expanded their vaccine protests to social distancing, masks, and other prevention measures.” *Id.* This includes Plaintiff Jill Hines.

1320. The VP describes the role of Facebook groups—also employed by Jill Hines—in organizing health freedom groups to oppose vaccine mandates: “groups emerged on platforms such as Facebook during the pandemic, with names specifically related to COVID-19 or mRNA vaccines, to assist in discoverability; some grew their numbers into the tens of thousands.” *Id.*

1321. The VP focused, not just on misinformation about vaccines, but political speech and political organizing against “vaccine passports and vaccine mandates”: “During the VP’s period of analysis, narratives about government overreach and medical freedom focused on two areas of controversy: vaccine passports and vaccine mandates.” *Id.*

1322. The VP treats as misinformation political speech and political opinions on these topics: “This amplification hinged upon misleading framing that suggested the implementation of any form of vaccine passport would be compulsory. In reality, the plans for many programs were entirely optional. Other framing from domestic right-leaning political actors created a portrait of governments as prying or snooping into citizens’ private matters.” *Id.* at (60) 53.

1323. The VP views virtually all conservative speech opposing government-imposed COVID mandates as misinformation: “Activists pushed the idea that through a passport system, governments and ‘Big Tech’ were limiting the public’s freedoms—situating the conversation within a larger set of narratives surrounding pandemic public health regulations like mask mandates, lockdowns, and social distancing.” *Id.*

1324. Like the EIP, the VP specifically flagged Jim Hoft’s *The Gateway Pundit* as a purveyor of misinformation and COVID “conspiracy theories: “Headlines sometimes hawked conspiracy theories: one Gateway Pundit headline, “The Great Reset: Big Tech and Big Pharma Join Forces to Build Digital COVID Vaccination Passport,” was a nod to groups such as QAnon.... The article alleged collusion between Big Tech and Big Pharma that would threaten ‘individual rights.’” *Id.* at 60-61 (53-54) & 68 (75) n.49 (citing Joe Hoft, *The Great Reset: Big Tech and Big Pharma Join Forces to Build Digital COVID Vaccination Passport*, Gateway Pundit (January 17, 2021), <https://thegatewaypundit.com/great-reset-big-tech-big-pharma-joining-forces-build-digital-covid-vaccination-passport>).

1325. Other right-leaning speakers flagged by the VP include One America News Network, Breitbart News, and others. *Id.* at 60 (53).

1326. The VP attributes political successes such as state-level bans on vaccine passports to such supposed misinformation. *Id.* at 61 (54).

1327. The VP attributes opposition to vaccine mandates by employers to such supposed misinformation: “The backlash to COVID-19 vaccine requirements for employment and other activities parallels the conversation about vaccine passports. It, too, relies on and attempts to exacerbate distrust in public health officials and government institutions.” *Id.*

1328. According to VP, even truthful information about vaccine effects on health that are still being studied constitutes misinformation: “In early 2021, users on Twitter, Facebook, and Reddit reported unverified reproductive side effects, ranging from abnormal menstrual cycles to miscarriages and infertility. ... At the time there was no medical consensus on the vaccine’s effect on reproductive health, yet anti-vaccine activists presented the theory as fact and evidence of harm. Research is ongoing....” *Id.* at 66-67 (59-60).

1329. According to VP, even “videos that appeared to be created satirically” are misinformation when they “were taken seriously.” *Id.* at 68 (61).

1330. Alex Berenson is mentioned 49 times in the Virality Project report. *Id.* at 54, 57, 71, 73, 96-97, 122-23, 188-90, 195, 207-08.<sup>5</sup>

1331. “Health freedom” or “medical freedom” groups are discussed dozens of times in the VP report. The word “freedom” occurs 100 times, almost always in direct connection with a discussion of “health freedom” or “medical freedom” groups, influencers, or content. *See id.* at 6,

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<sup>5</sup> Report pages 47, 50, 64, 66, 89-90, 115-16, 181-83, 188, 200-01.

9, 20, 23, 59-62, 66, 70, 74, 77, 82, 84-86, 93-96, 105, 117-18, 121-22, 130-31, 137-38, 141, 143, 187, 197-98, 201, 204, 210, 220-22.<sup>6</sup>

1332. The VP defines “Medical freedom influencers” as actors who “are averse to government interference in individuals’ personal lives. While they explicitly advocate for “health freedom” or “vaccine choice,” these actors often propagate vaccine doubt by contextualizing the choice with misleading claims of vaccines’ adverse medical consequences.” *Id.* at 82 (75).

1333. Fox News host Tucker Carlson, who has wide audiences in Missouri and Louisiana, is cited 42 times in the Virality Project report. *See id.* at 57, 73, 87, 91-92, 98, 115, 119-20, 122-23, 193, 201, 208, 215-16, 218.<sup>7</sup>

1334. In fact, the VP report cites the entire Fox News channel as a source of vaccine misinformation: “Fox News has played a particularly pivotal role in spreading vaccine misinformation and anti-vaccine beliefs during the COVID-19 pandemic.... [B]etween June 28 and July 11, 2021, Fox News ran 129 segments about the COVID-19 vaccine on its cable broadcast; more than half of those segments included unverified claims that undermined vaccination efforts.” *Id.* at 91 (84).

1335. According to VP, “Fox News television host Tucker Carlson has been one of the most prominent and sensationalist spreaders of false or misleading information about vaccines throughout the COVID-19 pandemic.” *Id.*; *see also id.* at 91 (describing “Right-wing media personality Tucker Carlson” as part of a “cast of recurring characters” that influenced vaccine hesitancy in Spanish- and Chinese-speaking communities).

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<sup>6</sup> Report pages iii, 2, 13, 16, 52-55, 59, 63, 67, 70, 75, 77-79, 86-89, 98, 110-11, 114-115, 123-24, 130-31, 134, 136, 180, 190-91, 194, 197, 203, 213-15.

<sup>7</sup> Report pages 50, 66, 80, 84-85, 91, 108, 112-13, 115-16, 186, 194, 201, 208-09, 211.

1336. The VP also cites Candace Owens and The Daily Wire as purveyors of vaccine misinformation. *See, e.g., id.* at 86, 92 (79, 85).

1337. The VP cites Robert F. Kennedy, Jr., a well-known anti-vaccine activist with wide followings in Missouri and Louisiana, as one of the most influential purveyors of vaccine misinformation. *Id.* at 83 (76). The VP describes Kennedy as “especially pernicious” because he has a large audience: “RFK Jr.’s activism is especially pernicious because, like other long-standing influencers, he has a large and committed following and has become somewhat of a household name in the US.” *Id.*

1338. The VP also cites America’s Frontline Doctors and its founder, Dr. Simone Gold, as a source of vaccine misinformation. *Id.* at 87-88 (80-81).

1339. The VP notes that “Simone Gold, a licensed emergency room physician, was the second most prominent PMI across Virality Project’s tickets. Gold is the leader of America’s Frontline Doctors.... Gold has been influential since the summer of 2020, when the White Coat Summit, an event broadcast online in which members of America’s Frontline Doctors spoke on the steps of the Supreme Court. The White Coat Summit promoted hydroxychloroquine both as a preventative measure and as a cure for COVID-19.” *Id.*

1340. The VP treats Dr. Joseph Mercola, another anti-vaccine speaker with wide audiences in Missouri and Louisiana, as a purveyor of vaccine misinformation. *Id.* at 87 (80). Again, the VP criticizes Mercola precisely because his speech reaches wide audiences. *Id.*

1341. The VP asserts that Gold’s “false and misleading claims about the COVID-19 vaccine” include core political speech like “encouraging her followers to boycott companies for their vaccine protocols” and “organizing a cross-country tour to fight back against ‘censorship, chaos, and the undeniable slide towards communism that lurks beneath the tyrannical lockdowns

for governmental ‘public health’ policy.’” *Id.* at 88 (81). To the VP, political “organizing” to oppose vaccine mandates and lockdowns constitutes a “false and misleading claim[.]” *Id.*

1342. The VP asserts that “the right-leaning media ecosystem differs from the rest of the media environment in ways that make it especially vulnerable to the spread of mis- and disinformation.” *Id.* at 91 (84).

1343. The VP states that “[t]he newest iteration of medical freedom, adapted for COVID-19, challenges the legitimacy of government or corporate vaccine mandates and public health interventions specific to COVID-19, including vaccine passport systems and masking requirements.” *Id.* at 93 (86).

1344. The VP states that “medical freedom” groups spread misinformation “across all 50 states”: “Medical freedom influencers (MFIs) active in the anti-COVID-19-vaccine movement were fairly distinct from other categories of influencer in that rather than hinging on a handful of key (and often celebrity-status) individuals, they spread their narratives via a franchise model *across all 50 states.*” *Id.* (emphasis added).

1345. The VP indicates that it tracked and flagged “medical freedom” groups “at a messaging and organizing level,” *i.e.*, the level where Jill Hines was targeted: “As medical freedom activists have fought requirements imposed by states, cities, or private employers, they have learned from each others’ successes and failures—at a messaging and an organizing level—and have brought those lessons to their local communities. What one state does, another state will often echo.” *Id.* at 94 (87).

1346. Like Andrew Slavitt, the VP treats Alex Berenson as one of the “most significant influencer[s]” who opposes vaccines: “Alex Berenson is perhaps the most significant influencer who defies categorization. A former New York Times reporter and a bestselling novelist with no

specific anti-vaccine background . . . , Berenson . . . over time evolved into a key player in repeatedly spreading false and misleading information about the COVID-19 pandemic and vaccines. He underplayed the danger of the virus and challenged the efficacy of vaccines and masks, even as evidence supported their value as life-saving public health measures.” *Id.* at 96 (89) (providing an image of Berenson’s tweets).

1347. The VP disfavors Berenson because he reaches wide audiences and criticizes the government: “Berenson’s popular posts on Twitter notably claimed to be “digging up” or “uncovering” information that was hidden from the public about vaccine safety or effectiveness. In one incident in July 2021, Berenson amplified a conspiracy theory from a statement filed with a lawsuit from America’s Frontline Doctors stating that the government was covering up more than 45,000 vaccine-related deaths. Berenson’s 17-tweet thread, which received over 16,000 interactions on July 21, 2021, claimed that the CDC had “quietly more than DOUBLED” the number of deaths reported in VAERS, suggesting the CDC had misled the public.” *Id.* at 96-97 (89-90).

1348. The VP notes that Berenson had wide audiences nationwide when he was censored: “Twitter permanently deplatformed Berenson in August 2021 for repeated violations of Twitter’s COVID-19 falsehoods policy. At the time he lost his account, he had more than 200,000 followers.” *Id.* at 97 (90).

1349. The VP states that the government pushed for “accountability” from platforms in successfully pressuring them to adopt vaccine-related censorship policies in the years leading up to COVID-19: “During and after the [2018-19 measles] outbreaks, scientists and congressional leaders sought accountability from the platforms, inquiring about the extent to which vaccine

hesitancy among impacted communities had been exacerbated by misinformation on their products.” *Id.* at 131 (124).

1350. The VP provides a timeline of policy changes becoming more restrictive of vaccine-related misinformation that shows repeated tightening of policies by Facebook, Twitter, and YouTube once President Biden had been elected. *Id.* at 133 (126) fig.5.1.

1351. The VP calls for more aggressive censorship policies to target speech that is not false or incorrect and that constitutes core political speech: “While progress has been made since platforms first developed vaccine-related policies in 2019, clear gaps in platform policy exist with respect to moderating vaccine-related content, including posts that employ personalized stories, medical freedom claims, and misleading headlines and statistics.” *Id.* at 143 (136).

1352. The VP also calls for more aggressive action to “suppress content” and “deplatform accounts”: “In addition, policies about the actions platforms can take to suppress content, promote trusted voices, and deplatform accounts vary widely from platform to platform and are still not enforced consistently, both within and across platforms.” *Id.*

1353. Just like the Surgeon General, the VP demands “more transparency” for “external researchers” (like those at the VP, working closely with government) to oversee the platforms’ censorship efforts: “It should be noted that understanding the impact of platform policy is limited by what information is publicly available. It is crucial that platforms provide more transparency on each moderation approach and allow external researchers the ability to independently verify the success and impacts of these interventions.” *Id.*

1354. Like the Surgeon General, the VP argues that “a whole-of-society effort is needed” to stop the spread of so-called misinformation: “[A] whole-of-society effort is needed in which

stakeholders build robust and persistent partnerships to ensure that significant high-harm claims can be addressed as they arise.” *Id.* 147 (140).

1355. This “whole-of-society” effort includes an active role for the government in censoring disfavored speech: “The Virality Project sought to do just that by bringing together four types of stakeholders: (1) research institutions, (2) public health partners, (3) government partners, and (4) platforms. Our recommendations recognize the collective responsibility that all stakeholders have in mitigating the spread of mis- and disinformation...” *Id.*

1356. According to the VP, “The Virality Project offers an early template for structuring interaction between research institutions and nonacademic stakeholders (including government entities, health practitioners, and private companies).” *Id.*

1357. According to the VP, it used “ingenuity” to facilitate “the *intake* of tips from ... government partners”: “An area that required ingenuity was creating a framework for facilitating the *intake* of tips from civil society and government partners.... However, their tips are often highly valuable, so overcoming this challenge is a priority for future efforts.” *Id.* at 148 (141) (emphasis added).

1358. The VP recommends an even more “streamlined” process for “government partners” to provide “tips” of misinformation to be reported for censorship, and it notes that it received tips through “informal exchanges, such as Zoom meetings or calls with our partners”: “Streamline tip line processes for civil society and government partners. Set up an efficient channel for intaking external tips.... The Virality Project often had to leverage informal exchanges, such as Zoom meetings or calls with our partners, to receive the tips verbally or encourage additional reporting. In future projects, external reporting channels should be strengthened via an easier

means of reporting and increased access to the reporting channels, especially for partners on the ground (such as health practitioners or government health officials).” *Id.*

1359. The VP repeatedly cites the work of Surgeon General Murthy, noting that “[d]uring a July 15, 2021, panel with the Virality Project, US Surgeon General Vivek Murthy discussed the importance of vaccination by sharing his own story about COVID-19 ... alongside data around the effectiveness of the vaccines.” *Id.* at 149 (142). “In the context of vaccine misinformation specifically, some examples of engagement best practices can be found in the Virality Project’s July 15, 2021, hosted discussion with Surgeon General Vivek Murthy...” *Id.* at 150 (143).

1360. According to VP, “While the federal government (through DHHS, the CDC, and the Surgeon General) has ramped up its engagement and communications, more can be done moving forward. There are several areas where government officials can focus to improve their ongoing response to mis- and disinformation surrounding the COVID-19 vaccines.” *Id.* at 149-50 (142-43).

1361. These include “real-time response” to misinformation on the model provided by CIS and the EI-ISAC for election speech: “Federal, state, and local government officials should coordinate real-time response to emerging mis- and disinformation. ... For example, as voting-related mis- and disinformation arose in the 2020 presidential election, the Election Infrastructure Information Sharing and Analysis Center (EI-ISAC) served a critical role in sharing information with the Election Integrity Partnership and pushing its rapid response analysis back out to election stakeholders across all states... Moving forward, the government should support the establishment of such an information-sharing mechanism.” *Id.* at 150 (143).

1362. The VP recommends that the federal government “[i]mplement a Misinformation and Disinformation Center of Excellence (CoE) housed within the federal government,” which

“would centralize expertise on mis- and disinformation within the federal government at the Cybersecurity & Infrastructure Security Agency (CISA) with its existing mis- and disinformation team,” *i.e.*, Brian Scully’s group. *Id.*

1363. The VP’s “Recommendations to Platforms” reflect near-verbatim language used by the Surgeon General’s Health Advisory: “Consistently enforce policies against recurrent actors. ... While many platforms have improved transparency around content moderation, there is still inconsistent enforcement of policies, notably in the case of recurring actors. More consistency and transparency is needed around enforcement practices, particularly when prominent or verified accounts are involved. While past policy environments have been slower to enforce policies against prominent accounts, these are the accounts with the greatest potential for impact. If anything, they may merit closer scrutiny.” *Id.* at 152 (145).

1364. Likewise, the VP recommends that platforms “[c]ontinue to prioritize and improve data sharing. The Virality Project’s research would not have been possible without access to public platform data. For privacy reasons, some data understandably may be limited, but in general, establishing standardized guidelines about how platforms can share data with research institutions is needed.” *Id.* at 153 (146).

1365. “Notably, engagement numbers are the closest proxy that researchers have to understand what content users see on social media platforms. However, engagement is not the same thing as impressions, or user views—how many times a piece of content is seen by users. Ideally, access to user impression data would be available, allowing researchers to directly measure when and how content is surfaced to users by social media platforms. Unfortunately, social media platforms often do not make impression data available to researchers; as a result of this chronic

gap, assessing impact and reach, or the dynamics of platform curation, remains a significant challenge.” *Id.*

**X. Federal Censorship Inflicts Grave, Imminent, and Ongoing Injuries on Plaintiffs.**

1366. The foregoing conduct has inflicted and continues to inflict ongoing and imminent injuries on both the private Plaintiffs and the States of Louisiana and Missouri.

**A. Defendants Gravely Injure the Individual Plaintiffs.**

1367. The individual Plaintiffs provide undisputed evidence of how they have suffered from federally-induced censorship. Docs. 10-3 (Declaration of Dr. Jayanta Bhattacharya), 10-4 (Declaration of Dr. Martin Kulldorff), 10-5 (Declaration of Jim Hoft), 10-7 (Declaration of Dr. Aaron Kheriaty), 10-12 (Declaration of Jill Hines). The Government does not dispute this evidence.

1368. Dr. Bhattacharya attests that, “Because of my views on COVID-19 restrictions, I have been specifically targeted for censorship by federal government officials.” Doc. 10-3, ¶ 5. He notes that “[t]he Great Barrington Declaration received an immediate backlash from senior government officials who were the architects of the lockdown policies, such as Dr. Anthony Fauci...” *Id.* ¶ 13. “Because it contradicted the government’s preferred response to COVID-19, the Great Barrington Declaration was immediately targeted for suppression by federal officials.” *Id.* ¶ 14. “Instead, what followed was a relentless *covert* campaign of social-media censorship of our dissenting view from the government’s preferred message.” *Id.* ¶ 15.

1369. As a result of this “covert campaign,” Dr. Bhattacharya experiences ongoing injuries, including the de-boosting of search results in Google, *id.* ¶16; the removal of links to the Great Barrington Declaration in Reddit discussions, *id.*; the ongoing removal of a YouTube video discussing the Great Barrington Declaration and related issues with Governor DeSantis, *id.* ¶¶ 17-

18; the removal of personal Tweets, *id.* ¶¶ 25-26; the removal of LinkedIn posts, *id.* ¶¶ 28-29; and account termination by LinkedIn, *id.* ¶ 30.

1370. Dr. Bhattacharya observes that he lacks access to his colleagues' speech and viewpoints as well, because "social-media censorship has not focused solely on the co-authors of the Great Barrington Declaration, but has swept in many other scientists as well: Twitter, LinkedIn, YouTube, Facebook, they have permanently suspended many accounts—including scientists." *Id.* ¶ 31.

1371. As Dr. Bhattacharya observes, "[t]hese censorship policies have driven scientists and others to self-censorship, as scientists ... restrict what they say on social-media platforms to avoid suspension and other penalties." *Id.* ¶ 31.

1372. Dr. Bhattacharya attests based on personal experience: "Having observed and lived through the government-driven censorship of the Great Barrington Declaration and its co-authors, it is clear to me that these attacks were politically driven by government actors. ... One of the motivations for that was a motivation to create ... an illusion of consensus within the public that there was no scientific dissent against lockdowns. [T]he Great Barrington Declaration ... posed a political problem for them because they wanted to tell the public that there was no dissent. And so, they had to destroy us. They had to do a devastating takedown." *Id.* ¶ 32.

1373. Dr. Kulldorff likewise attests that there is "an organized campaign against the Great Barrington Declaration," Doc. 10-4, ¶ 14. He notes that the GBD "was censored on social media in an apparent attempt to prevent it from ... 'getting a lot of attention,'" *id.* ¶ 15; including Google deboosting search results, *id.*, and Facebook removing content related to it, *id.* ¶ 16.

1374. Dr. Kulldorff also identifies an ongoing campaign of censorship against his personal social-media accounts, including censored personal Tweets on Twitter, *id.* ¶¶ 17-18;

censored posts criticizing mask mandates, *id.* ¶ 19; ongoing self-censorship to avoid further censorship penalties, *id.* ¶¶ 20, 27; removal of YouTube content, *id.* ¶ 21; removal of LinkedIn posts, *id.* ¶¶ 22-25; and the ongoing permanent suspension of his LinkedIn account, *id.* ¶ 26.

1375. Dr. Kulldorff has experienced direct censorship of his social-media speech in addition to the Great Barrington Declaration. For example, his Tweets questioning the efficacy of masking and criticizing government mask mandates have been censored and caused him to be suspended from Twitter. *Id.* ¶¶ 18-19.

1376. Dr. Kulldorff has also engaged in self-censorship to avoid being suspended or removed from social media: “Twitter is an important venue for communicating accurate public health information to the public. Because of the censoring, and the suspension of other scientists, I have had to self-censor myself on the platform.” *Id.* ¶ 20.

1377. Dr. Bhattacharya and Dr. Kulldorff’s roundtable discussion with Governor Ron DeSantis—which featured all three co-authors of the Great Barrington Declaration—was removed from YouTube. The roundtable discussion addressed the Great Barrington Declaration and its premises in detail. As Dr. Kulldorff recounts, “On March 18, 2021, I participated in a two-hour roundtable discussion with Governor Ron DeSantis in Florida, along with Dr. Sunetra Gupta at Oxford, Dr. Jay Bhattacharya at Stanford and Dr. Scott Atlas at Stanford. In this discussion, we made remarks critical of COVID-19 restrictions, including mask mandates on children. I stated that ‘children should not wear face masks, no. They don’t need it for their own protection, and they don’t need it for protecting other people either.’ ... Dr. Gupta stated that “to force [children] to wear masks and distance socially, all of that to me is in direct violation of our social contract.’ In the same roundtable, we also argued against vaccine passports. ‘Let’s try to argue against that

from the very beginning before it sort of takes off.’ Unfortunately, the video of the roundtable was removed by YouTube, which is owned by Google.” *Id.* ¶ 21.

1378. Dr. Kulldorff also experiences ongoing censorship on “LinkedIn, which is a popular communications platform among scientists and other professionals.” *Id.* ¶ 22-26. LinkedIn has blocked and removed his posts opposing vaccine mandates and promoting the benefits of natural immunity. *Id.* These included posts in which he and Dr. Bhattacharya “criticized the official Covid-19 response as formulated by Dr. Anthony Fauci.” *Id.* ¶ 25.

1379. Dr. Kulldorff states that he and other scientists engage in self-censorship to avoid being terminated from social-media platforms: “Twitter and LinkedIn are important venues for communicating accurate public health information to other scientists and to the public. Because of the censoring, and the suspension of other scientists, I have had to self-censor myself on both platforms. Sometimes by not posting important public health information.” *Id.* ¶ 27.

1380. Dr. Kulldorff notes that social-media censorship directly affects him as a *reader* of other scientists’ speech on social media, on an ongoing basis, by reducing his access to the thoughts and views of scientists who dissent from the government-mandated orthodoxy: “Social-media censorship has not focused solely on the co-authors of the Great Barrington Declaration but has swept in many other scientists as well. These censorship policies have driven scientists and others to self-censor, as scientists like me restrict what we say on social-media platforms to avoid suspension and other penalties. In fact, the most devastating consequence of censoring is not the actual posts or accounts that are censored or suspended, but the reluctance of scientists to openly express and debate scientific questions using their varied scientific expertise. Without scientific debate, science cannot survive.” *Id.* ¶ 28.

1381. Dr. Kheriaty, also, describes ongoing injuries from social-media censorship of views dissenting from the government-preferred narratives about COVID-19. He experiences an ongoing pattern of censorship and removals lasting over years: “I have always shared peer-reviewed research findings as well as my own opinions and perspectives on Twitter and LinkedIn. It was not until I began posting information about covid and our covid response policies, however, that I encountered censorship on the Twitter platform. This began in 2020 when I published an article on the adverse mental health consequences of lockdowns. The problem became more pronounced in 2021 when I shared my Wall Street Journal article and other information on ethical issues related to vaccine mandates.” Doc. 10-7, ¶ 11.

1382. As Dr. Kheriaty notes, “[t]he Twitter censorship took several forms.” *Id.* He describes suffering artificial limitations on the number of followers on his social-media accounts, *id.* ¶¶ 12-13; “shadow banning” of social-media posts that “challenge[] the federal government’s preferred covid policies,” *id.* ¶¶ 14-15; self-censorship to avoid further adverse consequences or permanent bans, *id.* ¶ 16; and removal of content from YouTube, *id.* ¶ 17. Dr. Kheriaty specifically notes that the problem of “shadow banning” his social-media posts is ongoing and increasing, as it “intensified in 2022.” *Id.* ¶ 15. Further, he notes that “[t]he pattern of content censored on these social media platforms mirrors closely the CDC and Biden administration policies.” *Id.* ¶ 18.

1383. Dr. Kheriaty describes the ongoing experience of shadow-banning: “I encountered evidence of this shadow-banning in 2021 before I was let go from the University after I started posting on covid topics, and the problem intensified in 2022 following my dismissal, as I continued to post frequently on the ethics of vaccine mandates for competent adults.” *Id.* ¶ 15.

1384. Dr. Kheriaty also experiences ongoing injury as a *reader* of other speakers’ content on social media, as government policies cause censorship and self-censorship of their content as

well: “I have several of my friends and colleagues—including Dr. Peter McCollough and Dr. Robert Malone—who were temporarily (McCollough) or permanently (Malone) banned from Twitter for posing peer-reviewed scientific findings regarding the covid vaccines.” *Id.* ¶ 16.

1385. Dr. Kheriaty also engages in self-censorship to avoid more severe penalties from the platforms: “Even though the ethics of vaccine mandates is among my areas of expertise, and an area that has impacted me personally and professionally, I am extremely careful when posting any information on Twitter related to the vaccines, to avoid getting banned. This self-censorship has limited what I can say publicly on topics where I have specific scientific and ethical expertise and professional experience.” *Id.* ¶ 16.

1386. Dr. Kheriaty observes a close link between this ongoing pattern of social-media censorship and speech that criticizes government policies: “The pattern of content censored on these social media platforms mirrors closely the CDC and Biden administration policies. In my experience using these platforms to discuss covid topics, any content that challenges those federal policies is subject to severe censorship, without explanation, on Twitter and YouTube—even when the information shared is taken straight from peer-reviewed scientific literature.” *Id.* ¶ 18.

1387. Plaintiff Jim Hoft attests both ongoing injuries and the imminent expectation of future injuries. Doc. 10-5. Hoft is the “founder, owner, and operator of the popular news website The Gateway Pundit (‘GP’), gatewaypundit.com. ... Since its founding in 2004, the Gateway Pundit has grown from a one-man blog to one of the internet’s largest destinations for conservative news and commentary. In 2021, The Gateway Pundit was ranked fourth on a list of top ten conservative news websites, ranked by monthly web searches, with over 2 million searches per month.” *Id.* ¶ 2. The Gateway Pundit has large social-media followings on multiple platforms: “In particular, GP’s Twitter account had over 400,000 followers before it was suspended. GP’s

Facebook account has over 650,000 followers. GP’s Instagram account has over 205,000 followers. GP’s YouTube account has over 98,000 followers.” *Id.* ¶ 3.

1388. Hoft notes that The Gateway Pundit’s “social media accounts have experienced censorship on all major social-media platforms,” which “has followed and reflected the calls for censorship from federal government officials, including in the Biden Administration.” *Id.* ¶ 4. These acts of censorship include suspensions from his Twitter account and another personal Twitter account, *id.* ¶¶ 6-7, 10; a permanent ban from his Twitter account, *id.* ¶ 8; labels applied to Twitter posts on personal accounts, *id.* ¶ 9; warning labels imposed on Facebook posts and other restrictions on his Facebook account, *id.* ¶ 12; permanent removal of content posted on Facebook, *id.* ¶ 13; prevention of sharing of Facebook-posted content, *id.*; removal of content from YouTube, *id.* ¶ 14; imposition of sanctions on Mr. Hoft’s followers for re-posting or amplifying his speech, *id.* ¶ 15; engaging in self-censorship to avoid permanent bans or other more serious sanctions from the social-media platforms, *id.* ¶ 16; and demonetization by Google, *id.* ¶ 19; *see also id.* ¶¶ 18-20.

1389. Hoft observes that “GP’s social media accounts have experienced censorship on all major social-media platforms, including its speech regarding COVID-19 issues and election security. In many instances, we have noticed that this censorship has followed and reflected the calls for censorship from federal government officials, including in the Biden Administration.” *Id.* ¶ 4. “For example, the current Administration has repeatedly called for censorship of social media speech regarding election integrity and so-called ‘COVID-19 misinformation.’ GP has experienced significant social-media censorship regarding its speech on both of those issues, including on Twitter, Facebook, and YouTube.” *Id.* ¶ 5.

1390. Hoft has experienced censorship for COVID speech that is now widely acknowledged to be true, such as a suspension from Twitter for claiming that the vaccines do not prevent infection, and the claim that COVID deaths are overcounted by including deaths from other causes: “On or about January 2, 2021, Twitter suspended GP’s Twitter account (@gatewaypundit) after it posted a tweet that stated, “Then It’s Not a Vaccine: Crazy Dr. Fauci Says Early COVID Vaccines Will Only Prevent Symptoms and NOT Block the Infection ...What?” *Id.* ¶ 6; *see also id.* ¶ 9.

1391. The Gateway Pundit also experienced censorship under Twitter’s “hacked materials” policy by retweeting the contents of Hunter Biden’s laptop. After a GP blogger “tweeted content related to Hunter Biden’s laptop,” “Twitter suspended the account on the ground that he ‘Violat[ed] our rules against posting or sharing privately produced/ distributed intimate media of someone without their express consent.’” *Id.* ¶ 10.

1392. Hoft also experiences a long list of acts of censorship from Facebook: “Facebook frequently imposed warning labels and other restrictions on our content, particularly content related to election integrity and COVID-19. Facebook’s censorship was so aggressive that I was forced to hire an assistant to monitor and address censorship on Facebook.” *Id.* ¶ 11; *see also id.* ¶ 12. Facebook imposes labels on Hoft’s content that require the reader, before viewing Hoft’s content, to click-through a Facebook-imposed screen that states: “The Gateway Pundit is an American far-right news and opinion website. The website is known for publishing falsehoods, hoaxes, and conspiracy theories.” *Id.* at 12. It also labels Hoft’s postings as “Missing Context” even when their truth is undisputed. *Id.* at 20-23. And it labels expressions of core political opinion as “Partly False.” *Id.* at 28; *see also id.* 29-58 (many other examples of such labeling and blocking from reposting on Facebook and Twitter).

1393. As Hoft notes, Facebook also prevents Hoft’s audiences from reposting or amplifying his content: “Facebook also [dis]courages (or otherwise outright prohibits) the public from sharing our content with their social networks.” *Id.* ¶ 13. Hoft describes this second-order censorship in detail: “The social-media platforms have extended their censorship policies to our followers as well. We have received numerous reports from followers that they have received temporary suspensions or other adverse actions from social-media platforms (such as seven-day suspensions of their Facebook accounts) for re-posting or amplifying our content. This chills our followers from re-posting, re-tweeting, or otherwise amplifying our content. The risk of being locked out of Facebook for seven days, or suffering other forms of censorship, deters our followers from amplifying our content on social media platforms, which reduces the reach of our message.” *Id.* ¶ 15.

1394. Hoft also describes ongoing self-censorship to avoid more severe penalties on social media: “These social-media censorship policies chill GP’s freedom of expression on social media platforms as well. To avoid suspension and other forms of censorship, we frequently avoid posting content that we would otherwise post on social-media platforms, and we frequently alter content to make it less likely to trigger censorship policies.” *Id.* ¶ 16.

1395. Hoft observes that the censorship of his content on social media closely tracks the censorship preferences of federal officials: “Based on my close observation of the patterns of censorship of GP’s social-media accounts and related accounts in recent years, I have strong reason to infer that federal government officials are directly involved in the censorship of our speech and content.” *Id.* ¶ 17. Hoft’s posts that have faced censorship include posts criticizing the FBI, *id.* at 9; and criticizing the administration of the 2020 election, *id.* at 11;

1396. Hoft continues to experience censorship, including up to the date he executed his declaration. For example, he received a strike on YouTube on May 14, 2022, and YouTube removed the video he had posted, for speech regarding election integrity that discussed the problem of election fraud and raised questions about the outcome of the 2020 Presidential election, including money Idaho illegally received from Mark Zuckerberg and other problems relating to voter fraud. *Id.* ¶ 14.

1397. Plaintiff Jill Hines is the “Co-Director of Health Freedom Louisiana, a consumer and human rights advocacy organization.” Doc. 10-12, ¶ 2. Hines’s “organization engages in public advocacy on behalf of Louisiana citizens on issues of health freedom and fundamental human rights. [Hines] ha[s] testified before the Louisiana legislature approximately 20 times on such issues.” *Id.* ¶ 3. Hines attests that, “Because our organization recognizes the need to educate and inform the public of their rights regarding state and federal laws concerning vaccinations, we have experienced social media censorship of our speech regarding vaccine information.” *Id.* ¶ 2. Hines has “approximately 13,000 followers each on Health Freedom Louisiana and Reopen Louisiana.” *Id.* ¶ 2. Among other things, Hines’ organization “advocate[s] against the imposition of mask mandates on children, especially during prolonged periods, as in schools.” *Id.* ¶ 4. Hines also “launched a grassroots effort called Reopen Louisiana on April 16, 2020 to help expand our reach on social media and take on the issues surrounding the continued government shutdown.” *Id.* ¶ 6.

1398. Hines describes continuous and ongoing censorship on social media from pressure wielded by federal officials: “In the last two years, any information that was not positive in nature or conveyed adverse events associated with shutdown or mitigation efforts was deemed ‘misinformation.’ Dr. Anthony Fauci has used the term repeatedly and it has been adopted by the

press and media.” *Id.* ¶ 5. Hines continues to suffer ongoing social-media censorship, and the acts of censorship include application of warnings on Facebook content, *id.* ¶ 8; the reduction of her reach to audiences on Facebook, *id.*; removal of content and sanctions, including 30-day suspensions, from Facebook, *id.* ¶ 9; 24-hour suspensions that prevented her from organizing people to advocate to the Louisiana legislature, *id.* ¶ 10; shadow-banning and dramatically restricting the reach of her speech to its audiences, *id.* ¶ 10; and the complete de-platforming of Facebook groups intended to organize Louisianans to petition their government, *id.* ¶¶ 13-14. Ms. Hines states that “[r]emoving our closed group at such a crucial time effectively stopped our ability to communicate with our representatives in the state legislature.” *Id.* ¶ 14. “To say the cards are stacked against me is an understatement.” *Id.* ¶ 16.

1399. Hines attests that the censorship campaign against her social-media speech is ongoing, noting that “[p]osts pointing to lack of safety of masking were and are targeted, as well as articles that mention adverse events of vaccinations, including VAERS data.” *Id.* ¶ 9. She continues to suffer specific, new acts of censorship, including right up to the time when she executed her Declaration on June 9, 2022: “The most recent restriction [was] in late May 2022.” *Id.* Ms. Hines notes that “[m]y personal Facebook page, and the Facebook pages of both Health Freedom Louisiana and Reopen Louisiana, are all under constant threat of being completely deplatformed. My personal account is currently restricted for 90 days.” *Id.* ¶ 12.

1400. Hines reports that acts of censorship of her COVID-19-related speech have occurred continuously up to the present: “Over the last year and a half since we noticed social-media censorship beginning in October 2020, my pages have been hit with numerous ‘fact checks’ and ‘community standards’ violations.” *Id.* ¶ 11.

1401. Hines has observed a link between the censorship that her groups have experienced and the public demands for censorship from federal officials: “Many similar threats from federal officials followed ... especially as covid became a public concern. In the last two years, any information that was not positive in nature or conveyed adverse events associated with shutdown or mitigation efforts was deemed ‘misinformation.’ Dr. Anthony Fauci has used the term repeatedly and it has been adopted by the press and media.” *Id.* ¶ 5.

1402. Social-media censorship dramatically reduces the reach of Hines’s speech: “our analytics showed that we were reaching approximately 1.4 million people in a month’s time on one of our Facebook pages, but after sharing photos of the mouths of children suffering from impetigo from long-term mask use, our page received a warning and our reach was reduced to thousands.” *Id.* ¶ 8.

1403. Hines experiences an ongoing campaign of social-media censorship that extends to the present, the date she executed her declaration: “This began a long series of attempts to censor our posts on Facebook and other social-media platforms. Posts pointing to lack of safety of masking were and are targeted, as well as articles that mention adverse events of vaccinations, including VAERS data. I was completely restricted from Facebook for 30 days starting in January 2022 for sharing the image of a display board used in a legislative hearing that had Pfizer’s preclinical trial data on it. The most recent restriction, in late May 2022, was for re-posting an Epoch Times article that discussed a pre-print study detailing increased emergency calls for teens with myocarditis following covid vaccination.” *Id.* ¶ 9.

1404. Censorship of Hines’s social-media speech directly impairs her efforts to engage in political organization to petition her government to change its policies: “One post in particular that was hit with a ‘community standards’ warning on October 6, 2020, was a ‘call to action’ asking

people to contact their legislators to end the governor’s mask mandate. On the same day, we were asking people to testify during the Legislature’s Second Extraordinary Session regarding a bill ... that would prohibit a covid vaccine employee mandate. I was prohibited from posting for 24 hours on all pages, including my own. When I was finally able to post again, our reach was significantly diminished, compared with our 1.4 million per month rate beforehand. Our page engagement was almost non-existent for months. It felt like I was posting in a black hole. Each time you build viewership up, it is knocked back down with each violation. Our current analytics show Reopen Louisiana is reaching around 98,000 in the last month and Health Freedom Louisiana is only reaching 19,000. There are warnings when you search for Health Freedom Louisiana. People that regularly interacted with our page were never heard from again. Some people who did find the page later on, asked us where we went.” *Id.* ¶ 10.

1405. Hines suffers repeated censorship on individual posts as well, including undisputedly truthful information: “Over the last year and a half since we noticed social-media censorship beginning in October 2020, my pages have been hit with numerous ‘fact checks’ and ‘community standards’ violations. Articles with health concerns related to mask wearing have been targeted ... as well as articles relating to pregnant women being vaccinated. ... Data taken directly from VAERS was flagged as misinformation and we received ‘fact checks’ for that as well, even if it contained a disclaimer about causation.” *Id.* ¶ 11.

1406. Hines attests that she is under current and constant threat of more severe censorship penalties, including deplatforming: “My personal Facebook page, and the Facebook pages of both Health Freedom Louisiana and Reopen Louisiana, are all under constant threat of being completely deplatformed. My personal account is currently restricted for 90 days.” *Id.* ¶12.

1407. Hines engages in self-censorship to avoid more severe penalties: “On many occasions, I have altered the spelling of words, used emoji’s, or placed links in comments to avoid censorship.” *Id.* ¶ 12.

1408. Hines’s health-freedom groups were completely deplatformed, inflicting a severe and direct injury on her ability to engage in political organization to amplify her message and petition the government: “two of our Facebook groups were completely deplatformed, effectively disbanding a group of more than two thousand people who were organized to engage in direct advocacy to our state legislature, on two separate occasions. There were two groups that were deplatformed: HFL Group and North Shore HFL. ... HFL Group had almost 2,000 people, and North Shore HFL had less than 500 before it was taken down.” *Id.* ¶ 13.

1409. This censorship directly interfered with the core political speech and advocacy of Hines and thousands of Louisianans: “The last post I made in our HFL Group on July 13, 2021, was a ‘call to action’ for the upcoming Veto Session, asking people to contact legislators regarding health freedom legislation. During the regular legislative session, we had two bills that were passed successfully, but both were vetoed by the governor, including a hugely popular bill that prohibited the addition of vaccine information on a state issued driver’s license. The other bill provided immunity from liability for businesses that did not impose a covid vaccine mandate. Removing our closed group at such a crucial time effectively stopped our ability to communicate with our representatives in the state legislature.” *Id.* ¶ 14.

1410. To this day, Hines’s political message, and those of thousands of Louisianans, is greatly diminished from this censorship: “After North Shore was deplatformed, we looked for alternatives for daily communication. We were to the point of speaking in code on Facebook, so

moving away from traditional social media was the only option. We currently have 80 members in a chat app called GroupMe. We have no statewide reach with that tool.” *Id.* ¶ 15.

1411. Censorship undercuts Hines’s ability to “effectively communicate with people,” including Louisiana state officials, about her political views: “It has been incredibly frustrating knowing that the government’s narrative is going unchallenged and that we have not been able to effectively communicate with people. Knowing that government agencies colluded with Facebook to suppress the messaging of groups like mine while paying exorbitant amounts to promote vaccinations and covid policies has been especially disheartening. To say the cards are stacked against me is an understatement.” *Id.* ¶ 16.

**B. Defendants Gravely Injure Similarly Situated Speakers and Listeners.**

1412. Plaintiffs’ un rebutted evidence demonstrates that other similarly situated speakers have suffered and are suffering similar, ongoing, and imminent injuries from government-induced censorship on social media.

1413. For example, Michael Senger had over 112,000 followers on Twitter, including in Missouri and Louisiana; he attests that he was twice suspended from Twitter and then permanently banned for posting Tweets critical of government policies for responding to COVID-19. Doc. 10-2, ¶¶ 4-8. He was temporarily suspended twice for tweets criticizing the FDA’s emergency approval of COVID vaccines and for posting a video document public officials’ statements on vaccine effectiveness. *Id.* ¶ 4-6. On March 8, 2022, he was permanently suspended from Twitter for posting a statement of core political opinion criticizing government policy, stating that “every COVID policy—from the lockdowns and masks to the tests, death coding, and vaccine passes—has been one, giant fraud.” *Id.* ¶ 7-8. This permanent suspension was inconsistent with Twitter’s own policies. *Id.* ¶ 10. Senger attests that the censorship inflicts ongoing harm on him, both

“personally and professionally”: “I discovered a gift that I had for writing and developed a network of thousands of intelligent people from all over the world with whom I had a close relationship discussing these and other issues. Now I have been silenced and cut off from all of them, with no viable way of getting that network back or promoting my work, seemingly for the sole crime of being too articulate in vocalizing my beliefs.” *Id.* ¶ 13.

1414. Jeff Allen is the proprietor of “NewsTalkSTL, a popular news talk radio station in the St. Louis, Missouri region,” which “enjoys a substantial Missouri audience.” Doc. 10-8, ¶¶ 2-3. His station posts content on YouTube, and he describes how the station “has been targeted by YouTube from the moment of its launch in July 2021” through the present, including flagging the station’s first promotional video, and issuing “strikes” for “COVID-related and election-related ‘misinformation.’” *Id.* ¶¶ 4-6. These include removing a video of a show that “featured discussion of timely COVID issues, including testing and vaccines and treatments,” and issuing a strike for that posting. *Id.* ¶¶ 9-10. His station “continued to receive strikes” from YouTube “in the first week of January and into February, 2022” for COVID-related content, *id.* ¶ 12. On March 14, 2022, Allen’s station aired a show on “election integrity” that did not claim any election was stolen, but discussed polling data indicating that many Americans have grave concerns about election integrity. *Id.* ¶¶ 13-14. On March 21, 2022, YouTube permanently removed the station’s channel as a result of that posting. *Id.* ¶ 15. “In so doing, YouTube deleted all of our content and prevented any more posts, silencing our voice and our expression from the platform entirely.” *Id.* ¶ 16.

1415. Allen has also experienced significant and ongoing censorship from Facebook: “Facebook has also targeted our content, pulling advertisements and issuing temporary suspensions, also for COVID and election-related ‘misinformation.’” *Id.* ¶ 18.

1416. Mark Changizi is a commentator on Twitter with 37,000 followers, including many in Missouri and Louisiana. Doc. 10-9, ¶ 7, 38. Changizi experiences longstanding and ongoing censorship on Twitter, including a first suspension on April 20, 2021 “for linking to an article on the safety and efficacy of face masks,” *id.* ¶ 18; additional suspension on June 25, 2021, *id.* ¶ 19; having his account secretly “heavily censored and deboosted,” meaning that “the user’s tweets are de-platformed—they appear in Twitter feeds much less frequently and replies to other posts may be hidden,” *id.* ¶ 20; covert loss of followers, much like Dr. Kheriaty, ¶ 21; and a permanent Twitter suspension on December 18, 2021, for tweets comparing the danger of COVID-19 to the flu and promoting the benefits of natural immunity, *id.* ¶ 23. He experiences similar shadow-banning by YouTube, as his “follower-ships at YouTube also plateaued and reversed despite the fact that [he] was very active,” *id.* ¶ 31. He observes that Twitter is also censoring his *private* direct messages to other Twitter users, *id.* ¶¶ 32-35. And two of his YouTube videos are also censored with their content removed from YouTube. *Id.* ¶ 36.

1417. Changizi engages in self-censorship on social media to avoid more severe penalties, *id.* ¶¶ 39-42, and he has “become very careful about what I say on Twitter and YouTube (and Facebook and Instagram) to avoid suspension.” *Id.* ¶ 39.

1418. Changizi perceives a link between the censorship he experiences and pressure from federal officials, *id.* ¶¶ 43-47. He observes: “Twitter notoriously suspends only those who question the wisdom and efficacy of government restrictions, or who cast doubt on the safety or efficacy of the vaccines.” *Id.* ¶ 50. He also observes the pro-government bias in social-media censorship decisions: “there are no examples of Twitter suspending individuals who have spread misinformation from the other side—by, for example, exaggerating the efficacy of masks or the threat the virus poses to children.” *Id.* ¶ 51.

1419. Daniel Kotzin observes that his censorship at Twitter began in September 2021, after which he was suspended by Twitter four times, including a 24-hour suspension, two seven-day suspensions, and a permanent ban. Doc. 10-10, ¶¶ 11-12. He received these penalties for tweets questioning whether COVID vaccines reduce infection and transmission, referring to natural immunity, and criticizing government policies on lockdowns and mask mandates. *Id.* ¶¶ 13, 15, 17. He was permanently suspended on April 29, 2022, for a truthful tweet stating: “Myocarditis, pericarditis, blood clots, and strokes are known potential side effects of covid vaccination. That is not my idea of safe.” *Id.* ¶ 19.

1420. Kotzin attests that “[p]ermanent expulsion from Twitter has been devastating for me. I had spent 2 years building my Twitter following. Two years ago, I had fewer than 100 followers, and at the time of my permanent suspension I had nearly 32,000. When my account is suspended, I am unable to communicate with my followers.” *Id.* ¶¶ 21-23.

1421. Kotzin observes an increase in censorship on Twitter after the Surgeon General’s Request for Information issued on March 3, 2022. “Based on my observations and extensive Twitter use, many more accounts than usual have been suspended since the Surgeon General’s RFI on March 3.” *Id.* ¶ 25. This increase in censorship affected Kotzin directly: “Since the Surgeon General’s Request for “health misinformation” in March [2022] I have been suspended four times by Twitter, and have now been permanently banned.” *Id.* ¶ 35.

1422. Kotzin notes that suspension results in loss of one’s own prior expression: “When an account is permanently suspended, everything the person ever wrote is erased and cannot be accessed by anyone.” *Id.* ¶ 27.

1423. Kotzin describes that he “methodically self-censored” to avoid permanent suspension: “Since the [Surgeon General’s] RFI, many of us who are critical of government covid

policies have been regulating our speech more carefully than ever, because we have noticed that more of us are getting suspended than ever before, and we don't want to risk losing our audience. I considered the possibility of 'permanent suspension' to be such a devastating prospect that I methodically self-censored." *Id.* ¶¶ 28-29; *see also id.* ¶¶ 31-32.

1424. Kotzin observes a close link between social-media censorship and the federal government's policies and preferred narratives: "Twitter suspends only those who question the wisdom and efficacy of government restrictions, or those who cast doubt on the necessity, safety or efficacy of the vaccines. If all or almost all suspensions are targeted at critics of the government and government policies, and no or almost no suspensions are targeted at purveyors of factually incorrect information, then it is not 'misinformation' that is being censored, but criticism of the government." *Id.* ¶¶ 34-35.

1425. Joshua McCollum is a concerned parent in a school district in Missouri. Doc. 10-14, ¶¶ 1-4. Like Hines, he has experienced censorship that directly interferes with his ability to organize, associate with like-minded people, and petition his local government: "On or about July 28, 2021, in the midst of discussing with others a recent school board meeting related to masks, and whether FHSD would keep its policy of optional masking versus change their policy to mandatory masking, [McCollum] decided to launch an online petition to encourage the board members to keep their optional masking policy and *not* change to mandatory masking." *Id.* ¶ 9. Through his account on Nextdoor (a Meta/Facebook platform), he posted this petition on change.org, and "[t]he posting of this petition on change.org was the beginning of the shadow-banning and blocking of my Nextdoor account." *Id.* ¶ 11. Comments were blocked from his Nextdoor account, and then his Nextdoor account was suspended for one month for "spreading misinformation." *Id.* ¶¶ 12-14. This censorship prevented him from organizing, associating with

others, and petitioning his local government, when those on the other side of the issue were allowed to do so: “Subsequently, on August 12, 2021, FHSD decided to reinstate their mandatory masking policy, shortly after the voice of myself and the 280 fellow petition signers was suppressed. There were petitions encouraging reinstatement of mandatory masking, but our contrary petition was suppressed by Nextdoor. I am a parent simply trying to have a voice in my local school district and its policies regarding my own children, but social media has stooped down to censor even my voice within my local community.” *Id.* ¶¶ 15-17.

1426. Jessica Marie Gulmire is a freelance journalist for the Epoch Times who resides in Missouri, and has readership in Missouri and Louisiana. Doc. 10-15, ¶¶ 1-3. Gulmire has “been censored numerous times by Facebook and Twitter even before I joined The Epoch Times in the summer of 2021,” as her “personal posts regarding excessive COVID-19 measures and regarding the election were repeatedly flagged and taken down by Facebook and Twitter.” *Id.* ¶¶ 7-8. Her journalism for the Epoch Times has also been censored by Facebook, including an article questioning the evidence for vaccinating pregnant women with COVID-19 vaccines that was later validated by Pfizer documents, *id.* ¶¶ 10-13; and an article in March 2022 for The Federalist about the People’s Convoy of truckers in the United States supporting their Canadian counterparts, *id.* 18-19. She has also had eleven articles about “mask mandates, vaccines, lockdowns and mental health” censored on Pinterest, *id.* ¶ 17.

**C. Defendants Gravely Injure the State Plaintiffs, Louisiana and Missouri.**

**1. Fundamental policies favoring freedom of speech for their citizens.**

1427. Both Louisiana and Missouri have adopted fundamental policies favoring freedom of speech, without government-induced censorship, for their citizens. LA. CONST. art. I, § 7; MO. CONST. art. I, § 8.

## 2. Direct censorship of the States and their political subdivisions.

1428. Both Louisiana and Missouri, and their political subdivisions, have experienced direct social-media censorship on COVID and related issues. For example, Louisiana's Department of Justice—the office of its Attorney General—was directly censored on YouTube for posting video footage of Louisianans criticizing mask mandates and COVID-19 lockdown measures on August 18, 2021—on August 18, 2021, just after the federal Defendants' most vociferous calls for censorship of COVID “misinformation.” Bosch Decl., Doc. 10-13, ¶ 7.

1429. In addition, a Louisiana state legislator was censored by Facebook when he posted content addressing vaccinating children against COVID-19. Bosch Decl., Doc. 10-13, ¶ 9.

1430. St. Louis County, a political subdivision of Missouri, conducted public meetings regarding proposed county-wide mask mandates, at which some citizens made public comments opposing mask mandates. Flesh Decl., Doc. 10-6, ¶ 7. Missouri's open-meetings law required St. Louis County to post publicly the videos of those meetings, but YouTube censored the entire videos of four public meetings, removing the content, because some citizens publicly expressed views that masks are ineffective. *Id.*

## 3. The States' interest in following the uncensored discourse of their citizens.

1431. Patrick Flesch, Director of Constituent Services for the Missouri Attorney General's Office, explains that he is “personally involved in, receiving, reviewing, and responding to thousands of communications from Missouri constituents per year.” Doc. 10-6, ¶ 3. He explains that being able to follow Missourians' uncensored speech on social media is essential for him to do his job effectively, as understanding Missourians' true thoughts and concerns on policy matters like election integrity and COVID-19 is necessary to craft policies and messages that are responsive to constituents' actual concerns. Doc. 10-6, ¶ 3-4. This “includes monitoring activity

and mentions on multiple social media platforms, including Facebook, Twitter, and YouTube.”

*Id.* “I monitor these sorts of trends *on a daily or even hourly basis* when needed on behalf of the Office.” *Id.* (emphasis added). For example, regarding the censorship of St. Louis County’s video of its public meeting where citizens opposed mask mandates, Flesch notes: “This video is just the sort of information that is important for me to review, and yet it was unavailable for a critical period of time due to online censorship of speech questioning the efficacy of mask mandates.” *Id.* ¶ 7. Likewise, regarding YouTube censoring Jeff Allen’s radio station NewsTalkSTL, and Nextdoor censoring Joshua McCollum’s online petition, Flesch observes: “These examples are just the sort of online speech by Missourians that it is important for me and the Missouri Attorney General’s Office to be aware of.” *Id.* ¶¶ 9.

1432. As Flesch attests, “The kinds of speech discussed above and in the Complaint in this case—such as speech about the efficacy of COVID-19 restrictions, and speech about issues of election security and election integrity—are matters of core interest and high importance to me in my work on behalf of the AGO. When such speech is censored on social media, it makes it much harder for me to do my job and to understand what Missourians really are concerned about.” *Id.* ¶ 10.

1433. As Mr. Flesch explains in detail: “Issues regarding COVID-19 responses (such as mask mandates imposed by municipalities and school districts on schoolchildren) and election security and integrity have been of critical importance to Missourians in recent months and years. ... It is very important for me to have access to free public discourse on social media on these issues so I can understand what Missourians are actually thinking, feeling, and expressing about such issues, and so I can communicate effectively with them.” *Id.* ¶ 5. “[O]nline censorship of

free public discourse on social-media companies has hampered my ability to follow Missourians' speech on these issues." *Id.* ¶ 6.

1434. Ashley Bosch, Communications Officer for the Louisiana Department of Justice, attests on behalf of the State of Louisiana: "Part of my job is to gather and synthesize topical subject matters that are important to Louisiana citizens, on behalf of the Department." Doc. 10-13, ¶ 4. "Understanding what subject matters and issues are important to Louisianans is critical for the Department to formulate policies and messaging that will address the concerns expressed by our constituents." *Id.* This "includes monitoring activity and mentions on social media platforms, including Facebook, Instagram, Twitter, and YouTube." *Id.* Doc. 10-13, ¶ 4. "It is very important for me to have access to free public discourse on social media on these issues so I can understand what our constituents are actually thinking, feeling, and expressing about such issues, and so I can communicate properly with them." *Id.* ¶ 5. "Online censorship of Louisiana citizens by social media companies interferes with my ability to follow Louisianans' speech on these issues." *Id.* ¶ 6. Bosch notes that it is particularly important for her to follow Louisianan's speech on topics of federally-induced censorship: "For example, mask and vaccine mandates for students have been a very important source of concern and public discussion by Louisiana citizens over the last year." Doc. 10-13, ¶ 5. "Louisianans' speech about the efficacy of COVID-19 restrictions, and speech about issues of election security and election integrity are matters of great interest and importance to me in my work on behalf of the Louisiana Department of Justice." Doc. 10-13, ¶ 10.

1435. As noted above, Defendants' witness from the CDC, Carol Crawford, attests to exactly the same government interest in being able to read and follow the true, uncensored opinions of the government's constituents.

1436. Crawford admits that government communicators have a strong interest in tracking what their constituents are saying on social media: “It’s helpful for communicators to know what is being discussed because it helps improve our communication materials.” Crawford Dep. 53:10-12. Crawford emphasized this point multiple times: “as I mentioned before, it does help ... for communicators to know what conversations occurs on social media because it helps us identify gaps in knowledge, or confusion, or things that we’re not communicating effectively that we need to adjust.” *Id.* 54:15-20.

1437. Crawford said that CrowdTangle reports “would help us understand what was being discussed on social media about COVID, which helps us look for gaps in information, confusion about facts, things that we might need to adjust our communication materials for.” *Id.* 57:24-58:3. Crawford specifically expressed the concern that, if content was censored or removed from social-media platforms, government communicators would not know what the citizens’ true concerns were: She “was wondering if they delete the info will we know those myths or information so we could update communication activity. So if they were deleting content would we know what the themes were.” *Id.* 75:14-18. Accordingly, Crawford wanted to know, “would [CDC] be able to see in CrowdTangle or other reports ... what kind of themes were removed so we would still have the full picture of areas of confusion.” *Id.* 75:23-76:1.

**4. States’ interest in fair, unbiased, open processes to petition state government.**

1438. Social-media censorship directly interferes with the States’ interest maintaining fair, even-handed, and open processes for petitioning their own governments and political subdivisions. When one side of a debate can organize on Facebook or Nextdoor and petition the government, and the other side cannot because of social-media censorship, that means that state officials never receive a fair, unbiased presentation of their constituents’ views.

1439. As noted above, social-media censorship has perverted state and local political processes by artificially restricting access to the channels of advocacy to one side of various issues. For example, social-media censorship prevented Louisiana advocacy groups from organizing effectively to advocate in favor of legislative action on issues of great public import. Hines Decl., Doc. 10-12, ¶¶ 13-14. Likewise, social-media censorship prevented a Missouri parent from circulating an online petition to advocate against mandatory masking at his local school district, a political subdivision of the State. McCollum Decl., Doc. 10-14, ¶¶ 9-17; *see also* Doc. 10-12, ¶¶ 13-14; Doc. 10-14, ¶¶ 9-17; Doc. 10-15, ¶¶ 11-16, 18-19.

1440. Plaintiff Jill Hines explains that “two of our Facebook groups were completely deplatformed, effectively disbanding a group of more than two thousand people who were organized to engage in direct advocacy to our state legislature, on two separate occasions.” Doc. 10-12, ¶ 13. She attests that “[t]he last post I made in our HFL Group on July 13, 2021, was a ‘call to action’ for the upcoming Veto Session, asking people to contact legislators regarding health freedom legislation..” *Id.* ¶ 14. Suppressing these Facebook groups directly interfered with state officials’ ability to receive free and fair communications of their constituents’ concerns: “Removing our closed group at such crucial time effectively stopped our ability to communicate with our representatives in the state legislature.” *Id.*

##### **5. State quasi-sovereign interests.**

1441. The States also assert quasi-sovereign interests in protecting the freedom of speech of a substantial segment of their population—*i.e.*, their citizens who are both speakers and audiences of speech on social media; and in ensuring that their citizens receive the full benefit of participation in the federal system—which includes, among other benefits, the full protection of the First Amendment.

1442. Based on the foregoing evidence, social-media censorship afflicts a substantial segment of the populations of both Missouri and Louisiana.

Dated: March 6, 2023

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**CERTIFICATE OF SERVICE**

I hereby certify that, on March 6, 2023, I caused a true and correct copy of the foregoing to be filed by the Court's electronic filing system, to be served by operation of the Court's electronic filing system on counsel for all parties who have entered in the case.

/s/ D. John Sauer

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# EXHIBIT F

**Twitter Final Production Agreement  
Second Supplemental Response to Request Number 5**

1. Aikin, Ann
2. Appel, Emily
3. Bhatti, Isra J.
4. Blomquist, Trishia
5. Bonino, Carolina
6. Cha, Steven H.
7. Chan, Elvis
8. Choe, Alexander
9. Clark, Alaina
10. Cohen, John
11. Colas, Katy E.
12. Crawford, Carol Y.
13. Daskal, Jen
14. Dehmlow, Laura
15. Dempsey, Jay H.
16. Dougherty, Claudia
17. Easterly, Jen
18. Faught, Caroline
19. Fitzpatrick, Marykate
20. Flaherty, Rob
21. Frazier, Anthony
22. Frisbie, Alexis
23. Furst, Hala
24. Galatas, Kate
25. Geltzer, Joshua A.
26. Gordon, Stephanie
27. Hale, Geoffrey
28. Hatch, Teri
29. Heidelberg, Kirsten
30. Humphrey, Clarke E.
31. Hutchinson, Tamara
32. Jackson, James
33. Jamal, Catherine
34. Jankowicz, Nina
35. Kern, Anna
36. Kimberly, Brad
37. Kimmage, Daniel
38. Lambert, Tericka
39. Larosa, Michael J.
40. Lesko, Max
41. Malenab, Jennifer
42. Martin, Cynthia
43. Masterson, Matthew
44. McCarthy, Catalina
45. McCarthy, Catalina
46. Murthy, Vivek
47. Nash, James
48. Omalley, Michelle
49. Palczewski, Andrew
50. Peck, Joshua
51. Perry, Dina
52. Perry, Matthew J.
53. Person, Mark D.
54. Phillips, Alexandria
55. Picarelli, John
56. Posada, Michael R.
57. Protentis, Lauren
58. Qureshi, Hoor A.
59. Rich, Kelly D.
60. Rowe, Courtney
61. Sanchez-Velasco, Marissa
62. Saupp, Kevin
63. Schaul, Robert
64. Schwartz, Zachary Henry
65. Scully, Brian
66. Shopkorn, Jennifer
67. Sills, Jonathan P.
68. Silvers, Robert
69. Slavitt, Andy
70. Smislova, Melissa
71. Snell, Allison
72. Stewart, Samaruddin K.
73. Tanguay, Kimberly
74. Thorpe, Valarie
75. Tillman, Kathryn
76. Tom, Christian L.
77. Tsuyi, Megan
78. Vinograd, Samantha
79. Virmani, Sanjay
80. Wakana, Benjamin L.
81. Waldo, Eric
82. Ward, Deborah
83. Westfall, Benjamin
84. Wyman, Kim