



August 31, 2022

Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843
Fax: (540) 868-4391/4997

RE: FOIA Request for Records of FBI Requests to Facebook and Other Social Media or News Platforms to Censor Election-Related Information Including Hunter Biden-Related Information

Dear Sir or Ma'am:

This letter is a request ("Request") in accordance with the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the corresponding department/agency implementing regulations.

The Request is made by the American Center for Law and Justice ("ACLJ")¹ on behalf of its members. The ACLJ respectfully seeks expedited processing and a waiver of fees related to this Request as set forth in an accompanying memorandum.

To summarize, this Request seeks records pertaining to the Federal Bureau of Investigation's (FBI) interactions with and requests to social media and news platforms, including Facebook, to censor or "be on high alert for" information in connection with the then-upcoming election, which according to Facebook's Mark Zuckerberg, resulted in censorship (or reduced "distribution" which was "meaningful") of information, including the Hunter Biden-related stories, on Facebook.

Background

Pursuant to DOJ FOIA regulation 28 C.F.R. §16.3(b), this Background addresses "the date, title or name, author, recipient, subject matter of the record[s]" requested, to the extent known.

¹The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.

According to an explosive interview by Joe Rogan with Facebook's Mark Zuckerberg, and breaking news reports in its aftermath:

Speaking on an episode of The Joe Rogan Experience, Zuckerberg explained, "The FBI, I think, basically came to us - some folks on our team - and was like, 'Hey, just so you know, like, you should be on high alert... We thought that there was a lot of Russian propaganda in the 2016 election. We have it on notice that, basically, there's about to be some kind of dump of that's similar to that. So just be vigilant.'"

Zuckerberg acknowledged that "the distribution on Facebook was decreased" of the New York Post's story about Hunter Biden's laptop, noting, "fewer people saw it than would've otherwise."

When asked by Joe Rogan how many people had been deprived of the information, Zuckerberg responded, "I don't know off the top of my head, but it's - it's meaningful."²

The interview can be found here:

https://twitter.com/minds/status/1562927481945980928?s=20&t=Aso7D5Wu9nQs3_Zbz-xNFA.

Further, another story is breaking in connection with similar subject matter:

An FBI agent who was accused of bias in handling the investigation into Hunter Biden's laptop has resigned.

FBI Assistant Special Agent in Charge Timothy Thibault is no longer with the bureau, Fox News has learned. Thibault retired over the weekend, according to a source familiar with the matter. He was walked out of the building on Friday, which is standard procedure, per the source. . . .

Thibault's name has been in the news for his alleged bias and allegations that he tried to run interference in the Hunter Biden investigation.

Thibault was named by Senate Judiciary ranking member Chuck Grassley in a July 18 letter to FBI Director Christopher Wray and Attorney General Merrick Garland.

² Alexander Hall & Alexa Moutevelis, *FBI blasted after Zuckerberg revealed their warning ahead of the Hunter Biden laptop story: 'Collusion'*, FoxNews.com (Aug. 26, 2022), <https://www.foxnews.com/media/fbi-blasted-after-zuckerberg-revealed-warning-ahead-hunter-biden-laptop-story-collusion>.

Grassley cited whistleblowers who alleged a pattern of political bias from high-ranking officials, including Thibault.³

Records Requested

For purposes of this Request, the term “record” is “any information” that qualifies under 5 U.S.C. § 552(f), and includes, but is not limited to, the original or any full, complete and unedited copy of any log, chart, list, memorandum, note, correspondence, writing of any kind, policy, procedure, guideline, agenda, handout, report, transcript, set of minutes or notes, video, photo, audio recordings, or other material. The term “record” also includes, but is not limited to, all relevant information created, stored, received or delivered in any electronic or digital format, e.g., electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government *or private* account or server, consistent with the holdings of *Competitive Enterprise Institute v. Office of Science and Technology Policy*, No. 15-5128 (D.C. Cir. July 5, 2016) (rejecting agency argument that emails on private email account were not under agency control, and holding, “If a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served.”).

For purposes of this Request, the term “briefing” includes, but is not limited to, any meeting, teleconference, electronic communication, or other means of gathering or communicating by which information was conveyed to one or more person(s). For purposes of this Request, all sources, documents, letters, reports, briefings, articles and press releases cited in this Request are incorporated by reference as if fully set forth herein.

For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is January 1, 2020, through date of processing.

Pursuant to FOIA, 5 U.S.C. § 552, ACLJ hereby requests that the FBI respond to the following numbered requests and produce all responsive records:

Facebook

1. All records of communications between the FBI’s Director, Deputy Director, Chief of Staff, General Counsel, or any of their senior staff or assistants, or of any other FBI official of a GS-14 or appointee level or higher, with Facebook personnel (including forwarded email messages or CC or BCC email messages), about being on “high alert” or otherwise indicating in any way that the FBI wanted Facebook to censor or limit distribution of information in connection with an election, including but not limited to stories or information about Hunter Biden.

³ Bradford Betz & David Spunt FBI agent accused of political bias, suppressing Hunter Biden laptop leaves the bureau , FoxNews.com (Aug. 29, 2022), <https://www.foxnews.com/politics/fbi-agent-accused-political-bias-suppressing-hunter-biden-laptop-leaves-bureau>.

2. All records of the FBI's Director, Deputy Director, Chief of Staff, General Counsel, or any of their senior staff or assistants, or of any other FBI official of a GS-14 or appointee level or higher, about Facebook being advised to be on "high alert" or otherwise indicating in that the FBI wanted Facebook to censor or limit distribution of information in connection with an election, including but not limited to stories or information about Hunter Biden.
3. All records of communications between the FBI's Director, Deputy Director, Chief of Staff, General Counsel, or any of their senior staff or assistants, or of any other FBI official of a GS-14 or appointee level or higher, with U.S. Department of Justice (DOJ) officials about Facebook being advised to be on "high alert" or otherwise indicating a desire for Facebook to censor or limit distribution of information in connection with an election, including but not limited to stories or information about Hunter Biden.

Twitter

4. All records of communications between the FBI's Director, Deputy Director, Chief of Staff, General Counsel, or any of their senior staff or assistants, or of any other FBI official of a GS-14 or appointee level or higher, with Twitter personnel (including forwarded email messages or CC or BCC email messages), about being on "high alert" or otherwise indicating in any way that the FBI wanted Twitter to censor or limit distribution of information related to t in connection with an election, including but not limited to stories or information about Hunter Biden.
5. All records of the FBI's Director, Deputy Director, Chief of Staff, General Counsel, or any of their senior staff or assistants, or of any other FBI official of a GS-14 or appointee level or higher, about Twitter being advised to be on "high alert" or otherwise indicating in that the FBI wanted Twitter to censor or limit distribution of information in connection with an election, including but not limited to stories or information about Hunter Biden.
6. All records of communications between the FBI's Director, Deputy Director, Chief of Staff, General Counsel, or any of their senior staff or assistants, or of any other FBI official of a GS-14 or appointee level or higher, with DOJ officials about Twitter being advised to be on "high alert" or otherwise indicating a desire for Twitter to censor or limit distribution of information in connection with an election, including but not limited to stories or information about Hunter Biden.

Other News, Media or Social Media Platforms

7. All records of communications between the FBI's Director, Deputy Director, Chief of Staff, General Counsel, or any of their senior staff or assistants, or of any other FBI official of a GS-14 or appointee level or higher, with news, media or social media personnel or reporters (including forwarded email messages or CC or BCC email messages), about being on "high alert" or otherwise indicating in any way that the FBI wanted such personnel or entities to censor or limit distribution of information in

connection with an election, including but not limited to stories or information about Hunter Biden.

8. All records of the FBI's Director, Deputy Director, Chief of Staff, General Counsel, or any of their senior staff or assistants, or of any other FBI official of a GS-14 or appointee level or higher, about news, media or social media personnel or reporters being advised to be on "high alert" or otherwise indicating in that the FBI wanted such personnel or entities to censor or limit distribution of information in connection with an election, including but not limited to stories or information about Hunter Biden.
9. All records of communications between the FBI's Director, Deputy Director, Chief of Staff, General Counsel, or any of their senior staff or assistants, or of any other FBI official of a GS-14 or appointee level or higher, with DOJ officials about news, media or social media personnel or reporters being advised to be on "high alert" or otherwise indicating a desire for such personnel or entities to censor or limit distribution of information in connection with an election, including but not limited to stories or information about Hunter Biden.

FBI Assistant Special Agent in Charge Timothy Thibault (Washington Field Office)

10. All records of communications to and from FBI Assistant Special Agent in Charge Timothy Thibault about communicating to Facebook, Twitter, or any other news, media or social media platform, personnel or reporters to be on "high alert" about information in connection with an election, including but not limited to stories or information about Hunter Biden.

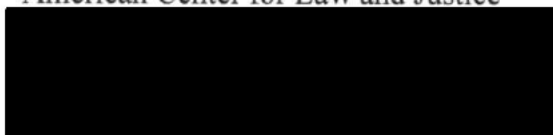
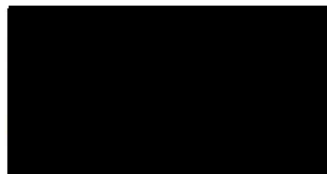
Keywords or terms for searching as to all ten (10) requests include, but are not limited to, "Facebook," "Zuckerberg," "Twitter," "Dorsey," "alert," "election," "elect," "vote," "voter," "presidential," "MAGA," "Trump," "midterm," "Congress," "congressional," "gubernatorial," "Virginia," "McAuliffe," "Youngkin," "parents," "school," "Hunter," "Biden," "laptop," "suppress," "limit," "flag," "distribution," "platform," "de-platform," "deplatform," "censor," "information," "disinformation," and "fake news."

CONCLUSION

If this Request is denied in whole or in part, ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index.

Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

Jordan Sekulow, Executive Director
Benjamin P. Sisney, Senior Litigation Counsel
John A. Monaghan, Senior Litigation Counsel
American Center for Law and Justice



I affirm that the foregoing request and attached documentation are true and correct to the best of my knowledge and belief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jordan Sekulow".

Jordan Sekulow
Executive Director

A handwritten signature in black ink, appearing to read "Ben P. Sisney".

Benjamin P. Sisney
Senior Litigation Counsel

A handwritten signature in blue ink, appearing to read "John A. Monaghan".

John A Monaghan
Senior Litigation Counsel