



August 2, 2022

Hon. Christi A. Grimm, Inspector General
U.S. Department of Health and Human Services
Office of Inspector General
330 Independence Avenue SW
Washington, DC 20201

Re: Investigation Request/Covert Propaganda

Dear Inspector General Grimm:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to protect the rule of law, due process, and equal protection for all Americans. Last week, AFL obtained and made public records demonstrating that the Biden Administration and corporate allies have misled the public about the origin of COVID-19 information and concealed the government’s suppression of First Amendment protected speech since at least March of 2021.¹ Accordingly, we now write to request that your office investigate the U.S. Department of Health Human Services (“Department”) to determine whether the Department, through its agency the Centers for Disease Control (“CDC”), has colluded with social media companies, including Facebook, Google, and Twitter, and digital marketing firms, including Reingold, to unlawfully disseminate covert propaganda.²

AFL’s key findings include:

¹ Solely as the result of a lawsuit enforcing its July 17, 2021, Freedom of Information Act request, AFL obtained 286 pages of records from the CDC. *AFL v. CDC*, 22-cv-00978 (D.D.C. filed Apr. 8, 2022), available at <https://bit.ly/3JINYML> (“CDC Production 2”); see also *AFL Lawsuit Reveals Damning CDC Documents Proving Government Collusion With Big Tech to Censor Free Speech and Promote Biden Administration Propaganda* (July 27, 2022), <https://bit.ly/3vtG66i>; Following Disturbing Admission by Biden White House, *AFL FOIAs the Biden Administration About Its Directions to Social Media Companies to Censor Americans* (July 16, 2021), <https://bit.ly/3PXueBI>.

² Steve Nelson, *White House ‘Flagging’ Posts for Facebook to Censor Over COVID ‘Misinformation’*, N.Y. POST (July 15, 2021), <https://bit.ly/3zmrMNV>. Covert propaganda has been outlawed since 1951. See, e.g., Consolidated Appropriations Act of 2021, Pub. L. No. 116-260, § 501 (2020); GAO, *Principles of Federal Appropriations Law*, 4th ed., 2016 rev., ch. 3, § D.1, GAO-16-464SP (Washington, D.C.: Mar. 2016); *Id.* at 3-287 (citing B-326944; B-305368, Sept. 30, 2005; B-304228, Sept. 30, 2005; B-303495, Jan. 4, 2005; B-302710, May 19, 2004; B-306349, Sept. 30, 2005 (nondecision letter); B-229257); see also Jodie Morse, *Managing the News: The History and Constitutionality of the Government Spin Machine*, 81 N.Y.U. L. Rev. 843, 853 (2006) (citing 97 Cong. Rec. 4098 (1951)).

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- On May 4, 2021, CDC officials responded to Facebook’s request for “CDC approval” of content that Facebook would display in its “new FAQ modules appearing in the COVID-19 Information Center,” with CDC’s edits and corrections. However, the CDC’s responsibility for this content was intentionally concealed from the public.³
- On May 10, 2021, CDC officials sent Twitter representatives a list of 13 tweets flagged for “misinfo about—vaccine shedding and microchips.” Seven of the Twitter users flagged by the CDC currently have their Twitter accounts suspended, but the Twitter pages indicating their accounts are suspended do not provide any attribution to the CDC. The email also notifies the Twitter representatives that the CDC will be “standing up a BOLO [Be On The Lookout] COVID misinformation meeting and inviting all tech platforms.”⁴
- On May 11, 2021, a CDC official requested Facebook representatives to sign a Trademark License Agreement for the use and display of the CDC logo on “materials solely in connection with the jointly developed public health/safety messages,” demonstrating a general awareness that CDC-developed messages should be attributed to the CDC. The CDC logo does not appear on the Facebook page linked in that email.⁵

Additional AFL findings of concern include:

- On February 16, 2021, a CDC official sent a Google representative a list of “key messages” regarding COVID-19 vaccines, in advance of a meeting set by Google to “discuss vaccines ... in additional to general timelines/key messages for upcoming campaigns,” with the CDC later that afternoon.⁶
- On February 21, 2021, a Facebook representative offered “additional ad coupons and strategic marketing support services” to the CDC, valued at \$15 million, to aid in the CDC’s “campaign to fight the spread of COVID19 [sic].”⁷ The offer letter demonstrated Facebook’s general awareness of legal prohibitions against government lobbying, publicity, and propaganda through its inclusion of the following terms, among others: “This Support cannot be used for the promotion of political messaging,” and “This Support cannot be used to advocate for any changes to legislation or government policy.”⁸

³ CDC Production 2 at 1-2, 17-26; Facebook, *COVID-19 Information Center* (last visited Aug. 1, 2022), <https://bit.ly/3BD18mQ>.

⁴ CDC Production 2 at 7; @elizabe32413720, Twitter, <https://twitter.com/elizabe32413720>; @escanorthe2nd, Twitter, <https://twitter.com/escanorthe2nd>; @freemediainfo1, Twitter, <https://twitter.com/freemediainfo1>; @islamrizza, Twitter, <https://twitter.com/islamrizza>; @naomirwolf, Twitter, <https://twitter.com/naomirwolf>; @patriotgaga1, Twitter, <https://twitter.com/patriotgaga1>; @yourealldunces, Twitter, <https://twitter.com/yourealldunces>.

⁵ CDC Production 2 at 17-25; Facebook, *Responding to COVID-19* (last visited Aug. 1, 2022), <https://bit.ly/3zpgGHW>.

⁶ CDC Production 2 at 222-224.

⁷ CDC Production 2 at 116.

⁸ CDC Production 2 at 117.

- On March 15, 2021, CDC officials received from Facebook representatives a report on a survey conducted by the Delphi Group at Carnegie Mellon University and Facebook on COVID-19 vaccination “behaviors and attitudes,” finding that “[t]he percentage of vaccine-hesitant adults who say they are more likely to get vaccinated if the recommendation comes from local healthcare workers is higher than from other information sources,” including government health officials.⁹
- On May 14, 2021, a CDC official thanked representatives from Facebook, Google, Twitter, and Reingold for attending the BOLO meeting earlier that day and shared the presentation slides from the meeting.¹⁰ The CDC official emphasized that “any contextual information that can be added to posts about VAERS could be very effective in education [sic] the public,” and provided them with CDC’s official talking point: “*VAERS accepts reports from anyone, including patients, family members, healthcare providers, and vaccine manufacturers. VAERS is not designed to determine if a vaccine caused or contributed to an adverse event. A report on VAERS does not mean the vaccine caused the event.*”¹¹
- On May 28, 2021, a CDC official thanked representatives from Facebook, Google, Twitter, and Reingold for attending the BOLO meeting earlier that day and shared the presentation slides from the meeting.¹² In the slides, the CDC provided its official talking points to address alleged misinformation regarding COVID-19 vaccine ingredient safety and on the effects of the COVID-19 vaccines on fertility.¹³
- On June 17, 2021, a CDC official shared the presentation slides for the BOLO meeting scheduled for the next day, but was cancelled, to representatives from Facebook, Google, Twitter, and Reingold.¹⁴ In the slides, the CDC provided its official talking points to address alleged misinformation regarding COVID-19 vaccine ingredient safety and risks to vaccinated individuals during air travel.¹⁵

Open-source reporting reinforces AFL’s findings. For example, Surgeon General Murthy cultivated a few dozen physicians, academics, and other well-known COVID-19 commentators with large Twitter followings for periodic off-the-record discussions to disseminate the Biden Administration’s official talking points on issues like masking and vaccinations, but under their own independent “expert” voices.¹⁶ Notably, the

⁹ CDC Production 2 at 120, 122, 153-159.

¹⁰ CDC Production 2 at 36.

¹¹ *Id.* (emphasis in original).

¹² CDC Production 2 at 28.

¹³ CDC Production 2 at 30-33.

¹⁴ CDC Production 2 at 46.

¹⁵ CDC Production 2 at 48-51.

¹⁶ Adam Cancryn et al., *Biden’s Twitter Doc Army Turns on Him*, POLITICO WEST WING PLAYBOOK (Dec. 15, 2021), <https://politi.co/3bmXF0S>.

Department's official narratives on COVID-19 have not remained consistent. Therefore, social media companies have accordingly readjusted their content and censorship policies as a result.¹⁷

The CDC/social media corporation concordance to push government-approved propaganda and to de-platform COVID-19 dissenters is a deeply disturbing avatar of the Biden Administration's larger, government-wide program of using corporate allies to control public information and to silence opposing political views, all on the pretext of preventing "disinformation," "misinformation," or "malinformation."¹⁸ Here, the covert propaganda violations are open and obvious. Therefore, we ask that you exercise your 5a U.S.C. § 4(a) authority to investigate AFL's findings and gather additional evidence; to recommend corrective action concerning the problems, abuses, and deficiencies you uncover; and submit your findings and recommendations to the head of agency, the congressional committees of jurisdiction, and to AFL, all as required under 5a U.S.C. § 4(e).

Thank you in advance for your cooperation.

Sincerely,

Reed D. Rubinstein
America First Legal Foundation

Cc: The Hon. Patty Murray, Chairman, Senate Committee on Health, Education, Labor and Pensions
The Hon. Richard Burr, Ranking Member, Senate Committee on Health, Education, Labor and Pensions
The Hon. Frank Pallone, Jr., Chairman, House Committee on Energy and Commerce
The Hon. Cathy McMorris Rodgers, Ranking Member, House Committee on Energy and Commerce
The Hon. Gene Dodaro, Comptroller General of the United States

¹⁷ Guy Rosen, *An Update on Our Work to Keep People Informed and Limit Misinformation About COVID-19*, Meta (updated May 26, 2020), <https://bit.ly/3cP3YKV> ("In light of ongoing investigations into the origin of COVID-19 and in consultation with public health experts, we will no longer remove the claim that COVID-19 is man-made").

¹⁸ Accord Nat'l Sec. Council, *National Strategy for Countering Domestic Terrorism* at 9, 18, 20, 29 (June 2021), <https://bit.ly/3PSdw6G>.