

Written Testimony of Robert Flaherty

Hearing Before the United States House of Representatives
Committee on the Judiciary

Select Subcommittee of the Weaponization of the Federal Government

May 1, 2024

Introduction

Chairman Jordan, Ranking Member Plaskett, and Members of the Subcommittee. I am voluntarily appearing here today in response to the Subcommittee's request for testimony about my interactions with social media companies during my time as the Director of the White House's Office of Digital Strategy, a position I held from January 2021 to June 2023. I am glad to have this opportunity to answer your questions and to correct some of the misunderstandings of my and my office's work.

In January 2021, The COVID Pandemic Was Still Raging And Prompt Government Action Was Required To Save American Lives

Before addressing my interactions with social media companies, I'd like to take a moment to remind the Subcommittee of the time and context in which those conversations took place. When the Biden Administration began in January 2021, our nation was in the midst of a crisis unlike anything we had previously experienced. COVID-19 had been running rampant through our nation for nearly a year, and it had fundamentally altered nearly every aspect of our lives and livelihoods. The nation's healthcare system was buckling under the weight of over 100,000 new hospitalizations per week¹ and, worst of all, over 20,000 more Americans were dying every week.² Those numbers were not just statistics—they were personal tragedies for millions of families across the country. There were empty chairs at empty tables, including my own: my wife's grandfather passed away from COVID on Thanksgiving Day 2020. And even for those lucky enough not to suffer a loss, the economy was in tatters, with businesses on the verge of shuttering, millions unemployed, and broken supply chains causing chaos in people's lives.

When President Biden took office, he made clear that his administration's first and foremost task was to fight the pandemic, and bring our economy back from the cliff.

And that started with getting the country vaccinated. In December 2020, the FDA had provided emergency use authorizations for the first COVID vaccines. Those vaccines—developed with tremendous resourcing from the previous Republican administration—were a monumental achievement. Countless Americans worked day and night to save lives. It is a story of generational American ingenuity.

¹ https://covid.cdc.gov/covid-data-tracker/#trends_weeklyhospitaladmissions_select_00

² https://covid.cdc.gov/covid-data-tracker/#trends_weeklydeaths_select_00

Doctors and scientists had concluded that the vaccines were extremely effective at reducing serious infections, preventing hospitalizations, and saving lives. In addition to being effective, the vaccines were also safe. Yet, even though the best available scientific evidence showed that the vaccines were safe and effective, misleading rumors and outright falsehoods about the vaccines were proliferating on social media. Vaccines had saved our country from prior health crises before, from smallpox to polio. We could do it again, but only if Americans came together to take advantage of a lifesaving vaccine.

COVID Misinformation Presented A Substantial Public Health Challenge

Somehow, though, a solution developed during the prior, Republican Administration by non-partisan scientists and brought to market by an innovative partnership with the private sector had become politicized and controversial. False information was proliferating on various media. And that false information was having a huge impact, convincing many Americans that something that could—and ultimately did—help us emerge from the pandemic should be resisted.

To be clear, concerns about COVID misinformation did not begin with President Biden’s Administration. Long before President Biden was elected, the social media companies had publicly announced efforts to combat COVID misinformation on their platforms.

For example, in April 2020, Facebook publicly declared that “stopping the spread of misinformation and harmful content about COVID-19 on our apps” was “critically important.”³ And in December 2020, Facebook announced that it would “start removing false claims about [the COVID] vaccines that have been debunked by public health experts,” including “false claims about the safety, efficacy, ingredients or side effects of the vaccines” or other “conspiracy theories about COVID-19 vaccines.”⁴

Twitter made similar announcements. In July 2020, Twitter declared that its “primary goal” was to “remove demonstrably false or potentially misleading content” about COVID-19 that could cause harm to its users.⁵ It made plain that such content “may not be shared on Twitter” and was “subject to removal.”⁶ It provided a lengthy list of the content that Twitter would “require people to remove.”⁷ And it made clear that “accounts that break this rule repeatedly may be permanently suspended.”⁸ When the vaccines received their initial FDA authorization, Twitter amended its policy, in December 2020, explaining that “vaccine misinformation presents a significant and growing public health challenge—and we all have a role to play.”⁹ In that same announcement,

³ <https://about.fb.com/news/2020/04/covid-19-misinfo-update/>

⁴ <https://about.fb.com/news/2020/12/coronavirus/#latest>

⁵ https://blog.twitter.com/en_us/topics/company/2020/covid-19#misleadinginformationupdate

⁶ https://blog.twitter.com/en_us/topics/company/2020/covid-19#misleadinginformationupdate

⁷ https://blog.twitter.com/en_us/topics/company/2020/covid-19#moderation

⁸ https://blog.twitter.com/en_us/topics/company/2020/covid-19#misleadinginformationupdate

⁹ https://blog.twitter.com/en_us/topics/company/2020/covid19-vaccine

Twitter declared that it was actively “address[ing] misleading information around COVID-19 vaccinations” and would “prioritize the removal of the most harmful misleading information.”¹⁰

Interactions Between The Office Of Digital Strategy And The Social Media Platforms

That proliferation of vaccine misinformation remained a significant problem when the Biden Administration took office in January 2021. I took over the Office of Digital Strategy—a communications arm of the White House that has existed under prior Administrations of both parties. It works alongside the White House’s traditional press and communications operations. I often think it’s helpful to conceive of this work in parallel with the White House Office of Communications. They are responsible for publicly promoting the Administration’s priorities and engaging with the media on their coverage of those priorities. There is no shortage of films or TV shows set in the White House that show the communications staff interacting with print and broadcast media, seeking to encourage coverage of certain stories and to persuade the press that certain other stories that are wrong, misguided, or would otherwise harm the public. The Office of Digital Strategy similarly promotes the Administration’s message on important issues—the difference is that it focuses on digital and social media, rather than print or broadcast media.

During my time in the White House, much of the work done by the Office of Digital Strategy focused on how to get the Administration’s message to the American people. I worked alongside a team of dedicated, hard working, and brilliant content creators, outreach experts, and social media strategists. Like countless other public and private entities, the Administration engaged in messaging campaigns on social media platforms to inform Americans about its work. The Office of Digital Strategy created videos on the impact of potential legislation, rapidly responded to major news moments, and created web properties to make the Administration’s agenda more accessible. I also regularly interacted with “influencers” and other well-known social media personalities to discuss important issues related to the Administration’s priorities. These efforts were all focused on enhancing the ability of the Administration to communicate its message about important issues to the American people.

I sometimes also expressed concerns to the social media companies about misinformation on their platforms. Notwithstanding the social media companies’ public pronouncements about addressing misinformation, it was abundantly clear that inaccurate information about COVID-19 and the vaccines was continuing to proliferate on the platforms. Ensuring that the public received accurate and authoritative information about COVID-19 was an urgent priority for the Administration. These platforms had stated that it was their intention to address the issue well before President Biden took office. I had hoped that the social media companies would live up to their own rhetoric to help alleviate—rather than aggravate—the dire public health challenges facing the nation.

Urging media to publish accurate information is nothing new for communications staffers. While social media is a relatively new medium, communications offices have long acted to ensure that media—whether broadcast, print, or otherwise—has the most accurate information available and

¹⁰ https://blog.twitter.com/en_us/topics/company/2020/covid19-vaccine

corrects published information that is false or misleading. They do that by direct outreach to reporters, editors, and decision makers at publications.

These social media platforms make editorial decisions at the scale of hundreds of millions per second. They decide what content gets shown to whom, and in what order. My office encouraged those companies to exercise that editorial discretion to avoid spreading inaccurate information, particularly related to the ongoing pandemic. To be clear, these companies are the ultimate decision makers about what goes on their platforms. But that does not mean that the White House, through its communications office, cannot ask—even implore—media companies to address misinformation on their platforms. Congressional offices, major corporations, advocacy groups, and many other stakeholders likewise try to persuade media to see things their way.

During my interactions with social media companies, I also tried to better understand the problem of misinformation. While the social media companies had publicly announced content moderation policies designed to address the problem of COVID misinformation, those policies were often opaque and difficult to understand. Furthermore, despite the platforms’ misinformation initiatives, social media was still awash in false and misleading claims about COVID and the vaccines when I entered the government. I wanted to understand why.

As I’d often say directly to the platforms: my office sought to understand where the problems were as it relates to misinformation, what the platforms viewed as the solutions, and what resources the Federal Government could contribute to help solve them. What strategies were working to combat misinformation? What levers were available to the platforms to address the misinformation problem? Was misinformation growing faster than the social media companies could address it? Did the social media companies face challenges in implementing their own content-moderation policies? Or were there holes in those policies? Or was it something else?

These were important discussions for both understanding the landscape, but also for crafting our own strategy. If my office knew misinformation was particularly potent in certain corners of the internet or that particular false narratives were gaining traction, we could mobilize our efforts to counter them.

While the social media companies had announced policies to address misinformation on their platforms, public reporting sometimes made us doubt whether they were doing what they claimed. Facebook, for example, told us that it lacked sufficient data and it was too soon to draw conclusions about vaccine hesitancy on its platforms. But the *Washington Post* reported that Facebook had run “a vast behind-the-scenes study of doubts expressed by U.S. users on vaccines” and had concluded that “a small group [of users] appears to play a big role in pushing the skepticism.”¹¹ It was exceedingly frustrating to read in the newspaper that Facebook knew much more about the scope and scale of its misinformation problem when, only weeks earlier, Facebook had told me that it was too early to draw any conclusions.

My frustration with the lack of candor from Facebook and other social media platforms grew over the next few months. Although Facebook said its policy was to remove false information about vaccine efficacy, the platform was filled with posts falsely claiming that the vaccines

¹¹ <https://www.washingtonpost.com/technology/2021/03/14/facebook-vaccine-hesitancy-qanon/>

didn't work. There were prominent posts encouraging the public not to get vaccinated. I was deeply concerned that Facebook was exacerbating vaccine hesitancy, while telling me that they were working hard to address the problem.

Social Media Companies—Not The Government—Decide What Goes On Their Platforms

None of this is to say that Facebook—or any other social media company—must do as the White House asks. They do not. The platforms had no obligation to take my calls or answer my emails. They did not have to tell me anything. They were certainly free to disagree with me. And they did. Over and over again, when I asked for details, platforms gave me platitudes or tried to change the topic. Even when content seemed to clearly violate the platforms' own rules, they often chose to leave it up.

While I asked the platforms to step up and adhere to their own stated priority of reducing misinformation on their platforms, which would assist in ending the pandemic, the choice was theirs. I tried to persuade. But never once did I threaten them with adverse consequences if they said “no.” There were no threats—period. And while the social media companies turned down many of these requests, there were no consequences. For example, Twitter's new owner abandoned all of its prior policies related to COVID misinformation over a year and a half ago.¹² That decision was Twitter's to make, and I am not aware of any adverse actions against Twitter in response to it. That is no surprise. My office neither had nor ever asserted the ability to require the platforms to act on misinformation.

Conclusion

In closing, I recognize there are many issues around misinformation, including as it relates to the COVID pandemic and the vaccines, on which reasonable minds can disagree. When my interactions with social media companies, at times, became acrimonious, it was not because they disagreed with my perspective. It was because the answers they provided to my questions about their misinformation policies and algorithms were incomplete, misleading, or downright wrong. And in 2021, work related to the vaccine was too important to get wrong or unreasonably delay. Every day, more people were being hospitalized and dying from COVID. And reputable studies have established that many of those deaths likely could have been prevented, if more people were vaccinated.¹³ I am proud of the Administration's work to get people vaccinated and save lives.

If you have questions about the interactions that I had with social media companies during my time as the Director of Digital Strategy in the White House, I would be happy to answer them.

¹² <https://www.cnbc.com/2022/11/29/twitter-stops-policing-covid-19-misinformation-under-ceo-elon-musk.html>

¹³ Jia, et al., *Estimated preventable COVID-19-associated deaths due to non-vaccination in the United States*, *Eur. J. Epidemiol.* (Apr. 24, 2023) 38:1125-1128, at 1125 (estimating that “at least 232,000 deaths could have been prevented among unvaccinated adults” between May 30, 2021 and September 3, 2022).