

April 29, 2023

Congressman Robert Latta, Chairman Subcommittee on Communications and Technology  
Congress of the United States  
House of Representatives  
Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515-6115

RE: Questions for the Record to the Committee on Energy and Commerce

Dear Congressman Latta,

Thank you for your request for further information regarding the testimony I provided to the Subcommittee on Communications and Technology on March 28, 2023. I have appended my answers to the questions committee members provided in the following pages.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Bhattacharya". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jay Bhattacharya, MD, PhD  
Professor of Health Policy  
Stanford University

## Attachment – Answers to Additional Questions for the Record

### 1. Is it dangerous for the government and big tech to censor factual information?

Yes, it is dangerous for the government and the big tech to censor factual scientific and public health information. During the pandemic, so many true facts were suppressed by government and tech companies primarily to alter their behavior and induce compliance with lockdowns, mask and vaccine recommendations, testing and quarantining requirements, and many other public health edicts.

It was commonplace for social media companies to suppress and censor factual information that appeared in scientific journals, including high-quality peer-reviewed journals, if the results contradicted or undermined the current dogma disseminated by high public health officials and bureaucrats.

Many of these facts, had social media companies permitted to be shared by scientists and non-scientists with the general public, might have saved lives. One example suffices here, but many others are possible.

Before the pandemic, researchers had conducted many randomized studies to evaluate the effectiveness of masking to prevent influenza transmission. These studies evaluated a range of variables, including masking in community settings, in hospitals, and all the types of masks in common use during the covid pandemic, including cloth, surgical, and N95 masks. None found a substantial benefit in disease prevention.

During the pandemic, scientists published only three randomized studies in the peer-reviewed literature regarding the effectiveness of masking to prevent the spread of covid. None found any benefit whatsoever of cloth masking and only minimal benefit from surgical masking at the personal or population level.<sup>1</sup>

Many people listening to public health advice, including many vulnerable people, exposed themselves to unnecessary risks during times of high community spread that they otherwise would not have. Thinking that the cloth or surgical masks they wore protected them when they did not, they went out into public thinking their risk of contracting covid to be low. And some almost certainly died as a result.

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<sup>1</sup> Jefferson T, Dooley L, Ferroni E, Al-Ansary LA, van Driel ML, Bawazeer GA, Jones MA, Hoffmann TC, Clark J, Beller EM, Glasziou PP, Conly JM. Physical interventions to interrupt or reduce the spread of respiratory viruses. Cochrane Database of Systematic Reviews 2023, Issue 1. Art. No.: CD006207. DOI: 10.1002/14651858.CD006207.pub6. Accessed 29 April 2023.

Social media censored the fact that the scientific evidence did not support the recommendations offered by the CDC, Tony Fauci, and other high public health bureaucrats. Had a debate been permitted, fewer people would have been misled about the scientific facts.

**2. Do you think the suppression of the truth will lead Americans to no longer trust the government for medical information?**

Yes, public trust in public health is at its lowest ebb I have ever seen in my 20+ year professional career. The problem is that the public health authorities have squandered trust by consistently spreading misinformation regarding many substantive topics. This misinformation has led many states, counties, and businesses to adopt policies that have harmed people, especially the working class.

One clear example is the scientific fact that covid recovery produces substantial and long-lasting immunity after an initial infection, including protection against reinfection and against severe disease upon reinfection.

Consider frontline workers, such as firefighters and nurses, who worked through the worst of the lockdowns and the pandemic in 2020, often being exposed to covid infection at higher rates than the rest of the population. Many of these workers, including the covid recovered, were subject to vaccine mandates. In 2021, even though high-quality epidemiological studies demonstrated that the marginal benefit in reducing mortality risk from subsequent covid infection was small for most patients.<sup>2</sup>

Many of these covid recovered folks were fired from their jobs in 2021 because they refused to take a vaccine that provided them, at best, a small benefit. The vaccine mandates ignored their recovered immunity as a valid source of immunity despite the scientific evidence that said it should. Perhaps not surprisingly, many people say they no longer trust public health and never will again since its discriminatory vaccine guidance destroyed their careers and livelihoods.

A second clear example comes from public health bureaucrats consistently overstating the vaccine's effectiveness in stopping disease transmission. The initial randomized trials did not examine protection against infection or transmission as an endpoint of the trial. Though the trials demonstrated ~95% efficacy versus symptomatic disease, the median follow-up time was only two months after vaccination, not enough time to observe whether the vaccine waned in efficacy versus infection or whether the vaccines would hold up against new variants.<sup>3</sup>

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<sup>2</sup> Gazit S, Shlezinger R, Perez G, Lotan R, Peretz A, Ben-Tov A, Herzal E, Alapi H, Cohen D, Muhsen K, Chodick G, Patalon T. Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) Naturally Acquired Immunity versus Vaccine-induced Immunity, Reinfections versus Breakthrough Infections: A Retrospective Cohort Study. *Clin Infect Dis*. 2022 Aug 24;75(1):e545-e551. doi: 10.1093/cid/ciac262. PMID: 35380632; PMCID: PMC9047157 (Initially published in 2021 as a pre-print)

<sup>3</sup> Polack FP, Thomas SJ, Kitchin N, Absalon J, Gurtman A, Lockhart S, Perez JL, Pérez Marc G, Moreira ED, Zerbini C, Bailey R, Swanson KA, Roychoudhury S, Koury K, Li P, Kalina WV, Cooper D, Frenck RW Jr,

Despite this uncertainty, many public health bureaucrats told the public categorically that the covid vaccines would prevent people from becoming infected and transmitting the disease to others.<sup>4</sup> Over time in 2021, careful epidemiological data from around the world demonstrated conclusively that vaccine protection against covid infection wanes rapidly after full vaccination.<sup>5</sup> People observed with their own eyes that vaccination does not prevent infection, as many vaccinated people became infected.

Overclaiming of covid vaccine effectiveness has led many people to distrust public health messaging on the essential childhood vaccines and scientifically justified claims by public health officials regarding the efficacy of the covid vaccines to protect against severe disease and death from covid infection.<sup>6</sup>

That distrust in public health has spread to other aspects of vaccine policy is particularly unfortunate.<sup>7</sup> Childhood vaccines, like the measles and polio vaccines, are essential for the health and well-being of children in the United States. This distrust will lead many parents to forgo these essential vaccines for their children, potentially putting them at risk from these preventable diseases. It is a tragedy that public health has not undertaken steps to restore the American people's trust in it by apologizing for misleading the American people regarding basic scientific facts about the covid vaccine.

### **3. Do you believe that big tech mishandled how they dealt with information about AstraZeneca?**

During the pandemic, public health and social media suppressed basic factual discussions about all covid vaccines available in the US. In particular, the social media companies prevented any rational comparison of the potential benefits and harms of covid vaccination on their platforms.

One example is the suppression of my colleague Martin Kulldorff, a professor in the medical school at Harvard University and a world-renowned expert in the study of vaccine safety. He

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Hammitt LL, Türeci Ö, Nell H, Schaefer A, Ünal S, Tresnan DB, Mather S, Dormitzer PR, Şahin U, Jansen KU, Gruber WC; C4591001 Clinical Trial Group. Safety and Efficacy of the BNT162b2 mRNA Covid-19 Vaccine. *N Engl J Med.* 2020 Dec 31;383(27):2603-2615. doi: 10.1056/NEJMoa2034577. Epub 2020 Dec 10. PMID: 33301246; PMCID: PMC7745181.

<sup>4</sup> Rosa-Aquino Paola. CDC Data Suggests Vaccinated Don't Carry, Can't Spread Virus. *New York Magazine.* April 1, 2021. <https://nymag.com/intelligencer/2021/04/cdc-data-suggests-vaccinated-dont-carry-cant-spread-virus.html>

<sup>5</sup> Chemaitelly H, Tang P, Hasan MR, AlMukdad S, Yassine HM, Benslimane FM, Al Khatib HA, Coyle P, Ayoub HH, Al Kanaani Z, Al Kuwari E, Jeremijenko A, Kaleeckal AH, Latif AN, Shaik RM, Abdul Rahim HF, Nasrallah GK, Al Kuwari MG, Al Romaihi HE, Butt AA, Al-Thani MH, Al Khal A, Bertollini R, Abu-Raddad LJ. Waning of BNT162b2 Vaccine Protection against SARS-CoV-2 Infection in Qatar. *N Engl J Med.* 2021 Dec 9;385(24):e83. doi: 10.1056/NEJMoa2114114. Epub 2021 Oct 6. PMID: 34614327; PMCID: PMC8522799.

<sup>6</sup> Finley, A. 'Experts' Are Fueling Distrust in Vaccines. *Wall Street Journal Opinion.* January 9, 2023. <https://www.wsj.com/articles/experts-fueling-distrust-vaccines-antivax-public-health-covid-trials-death-misinformation-booster-myocarditis-variant-11673201083>

<sup>7</sup> Jay Bhattacharya and Martin Kulldorff. How Vaccine Fanatics Fueled Vaccine Skepticism. *The Epoch Times.* March 7, 2022. [https://www.theepochtimes.com/how-vaccine-fanatics-fueled-vaccine-skepticism\\_4319309.html](https://www.theepochtimes.com/how-vaccine-fanatics-fueled-vaccine-skepticism_4319309.html)

posted a comment on Twitter saying that it is as irrational to say that everyone should take the covid vaccine as it is to say that no one should.

He was correctly referring to the fact that the net benefit of the covid vaccine, while high for vulnerable older adults, especially those who never had COVID before, is low for young people. For young people, the risk of dying from COVID is a thousandfold lower than it is for older people.<sup>8</sup> Therefore, the vaccine, which reduces severe disease and the risk of severe disease and death upon COVID infection, has only a minimal benefit for healthy younger people since their risk of those bad outcomes is already low.

At the same time, there were uncertain risks of taking the vaccine. Though the full set of side effects was not known in early 2021 (and still not known), it became more evident over time that the covid vaccines did cause some severe side effects. For instance, the CDC briefly paused the availability of the Johnson & Johnson vaccine in April 2021 when internal statistical analyses detected a signal of elevated risk of stroke in middle-aged women.<sup>9</sup> The CDC's advisory committee on immunization practices (ACIP) in June 2021 determined that covid vaccination was associated with myocarditis, especially in young men.<sup>10</sup> A careful reanalysis of the Pfizer and Moderna randomized vaccine trials found between 10.1 and 15.1 serious adverse events per 10,000 vaccinated individuals.<sup>11</sup>

So with limited benefits and some identified harms, the decision calculus militated against the covid vaccine for most young people (especially those who were already covid recovered) unless particular circumstances about their health made them more likely to have a severe reaction to covid infection. Public health's recommendation should have been to seek the advice of a doctor to help young people decide if covid vaccination was worthwhile, rather than mandates and force.

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<sup>8</sup> Axfors C, Pezzullo AM, Contopoulos-Ioannidis DG, Apostolatos A, Ioannidis JP. Differential COVID-19 infection rates in children, adults, and elderly: Systematic review and meta-analysis of 38 pre-vaccination national seroprevalence studies. *J Glob Health*. 2023 Jan 20;13:06004. doi: 10.7189/jogh.13.06004. PMID: 36655924; PMCID: PMC9850866.

<sup>9</sup> Kulldorff M, The Dangers of Pausing the J&J Vaccine. *The Hill*. April 27, 2021.

<https://thehill.com/opinion/healthcare/548817-the-dangers-of-pausing-the-jj-vaccine/>

<sup>10</sup> Gargano JW, Wallace M, Hadler SC, Langley G, Su JR, Oster ME, Broder KR, Gee J, Weintraub E, Shimabukuro T, Scobie HM, Moullia D, Markowitz LE, Wharton M, McNally VV, Romero JR, Talbot HK, Lee GM, Daley MF, Oliver SE. Use of mRNA COVID-19 Vaccine After Reports of Myocarditis Among Vaccine Recipients: Update from the Advisory Committee on Immunization Practices - United States, June 2021. *MMWR Morb Mortal Wkly Rep*. 2021 Jul 9;70(27):977-982. doi: 10.15585/mmwr.mm7027e2. PMID: 34237049; PMCID: PMC8312754.

<sup>11</sup> Fraiman J, Erviti J, Jones M, Greenland S, Whelan P, Kaplan RM, Doshi P. Serious adverse events of special interest following mRNA COVID-19 vaccination in randomized trials in adults. *Vaccine*. 2022 Sep 22;40(40):5798-5805. doi: 10.1016/j.vaccine.2022.08.036. Epub 2022 Aug 31. PMID: 36055877; PMCID: PMC9428332.

Of course, the decision calculus is very different for older people, especially those over 70 or with multiple chronic conditions like diabetes, which raise the risk of mortality from covid infection. A high mortality risk from covid infection means that, by substantially reducing that risk, the vaccine could substantially benefit older people. Of course, there are still risks associated with taking a vaccine, not all of which were known in 2021. Nevertheless, the balance of benefits and risks militated in favor of recommending the vaccine for older people in 2021.

Big tech platforms routinely blocked discussions by qualified people posting links to reliable evidence regarding vaccine efficacy and harms in the peer-reviewed, published medical literature. By suppressing that kind of nuanced benefit-harm analysis, big tech mishandled how they dealt with vaccine information. They prevented people from access to information and scientific debate that might have helped them make better decisions about many things during the pandemic. At the very least, people would have understood more accurately what pronouncements by public health officials reflected a scientific consensus and what was still subject to legitimate debate. Big tech amplified the public health narrative, even when the narrative was founded on shaky science.

#### **4. What type of impact do you think blocking that information had overall?**

One significant impact of social media companies blocking the presentation of true scientific facts is that they deprived the American people of vital facts that they might have used to protect themselves and others against COVID risk. For instance, had people understood how weak was the scientific foundation of mask recommendations by the CDC, many would not have relied on cloth masks to protect them against the virus in public and delayed becoming infected. Through such indirect mechanisms, censorship may have contributed to the loss of life during the pandemic.

Furthermore, suppression of scientific discussion in social media prevented Americans from understanding true scientific facts about the virus and policy responses to covid. This lack of understanding contributed to mistaken support by many for destructive lockdown and mandate policies that would otherwise have been deservedly unpopular.

Public health bureaucrats misled the American people about the need for lockdown policies, school closures, vaccine mandates, mask mandates, and many other ineffective policies. Had Big Tech and big government permitted free speech regarding these matters in social media settings, politicians would have found it more challenging to force these policies through. More people would have been equipped with the knowledge to oppose them effectively through the political process, and many of those policies would never have been adopted.<sup>12</sup>

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<sup>12</sup> Martin Kulldorff and Jay Bhattacharya. How Fauci Fooled America. Newsweek. November 1, 2021. <https://www.newsweek.com/how-fauci-fooled-america-opinion-1643839>

Perhaps the best example of such a scientifically-based policy, suppressed by social media companies, is the Great Barrington Declaration. The proposal, written by me, Prof. Martin Kulldorff of Harvard University, and Prof. Sunetra Gupta of the University of Oxford in October 2020, recommended a "focused protection" approach to the pandemic. It included many ideas about how to accomplish that and invited the scientific and public health communities to participate in developing creative strategies to reduce the risk of infection by the most vulnerable people during times of high disease spread. It also called for lifting lockdowns and other restrictions on the lives of young people, who faced great collateral harm from those policies and much less risk than the elderly if infected by covid.

After the publication of the Great Barrington Declaration, social media and Big Tech repeatedly censored us. Immediately after publication, Google deboosted search results, pointing users to media hit pieces critical of it and placing the link to the actual declaration lower on this list of results.<sup>13</sup> A prominent online discussion site, Reddit, removed links to the Declaration from COVID-19 policy discussion fora.<sup>14</sup> In February 2021, Facebook removed the Great Barrington Declaration page without explanation before restoring it a week later.<sup>15</sup>

The suppression by big tech and by scientific bureaucrats<sup>16</sup> of the Great Barrington Declaration<sup>17</sup> was successful. Many states imposed lockdowns, including school, church, and business closures, in late fall 2020 and into 2021 as a result. Had the ideas of the declaration not been censored, ideas which had been deployed successfully over the past century in managing many other respiratory infectious disease pandemics, the result would have both been better protection against infection for the vulnerable and diminished harms from lockdowns for the young. At the very least, children would have gone to school in 2020. The country would have been better off if these policies, which rigorous meta-analytic<sup>18</sup> studies<sup>19</sup> have demonstrated did very little to stop disease spread but did tremendous collateral harm, had never been enacted.

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<sup>13</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>14</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>15</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)

<sup>16</sup> Phil Magness and David Waugh. Twitter Files Confirm Censorship of the Great Barrington Declaration. *American Institute for Economic Research*. Dec. 9, 2022. <https://www.aier.org/article/twitter-files-confirm-censorship-of-the-great-barrington-declaration>

<sup>17</sup> Martin Kulldorff, Sunetra Gupta, and Jay Bhattacharya. Great Barrington Declaration. October 2020. <https://gbdeclaration.org/>

<sup>18</sup> Phil Kerpen, Stephen Moore, and Casey Mulligan. A Final Report Card on the States' Response to COVID-19. *National Bureau of Economic Research Working Paper # 29928*. April 2022. <https://www.nber.org/papers/w29928>

<sup>19</sup> Jonas Herby, Lars Jonung, and Steve Hanke. A Literature Review and Meta-Analysis of the Effects of Lockdowns on COVID-19 Mortality. *Studies in Applied Economics*. Johns Hopkins Institute for Applied Economics, Global

**5. Has Section 230 created an environment where Big Tech feels they are able to censor whoever or whatever they want without regard to the principle of free speech?**

One clear outcome of these censorship efforts is the violation of the free speech rights of Americans. I am a party to a lawsuit called Missouri v. Biden in which the Missouri and Louisiana Attorney Generals' Offices have sued the federal government for violating the 1st Amendment rights of American citizens.<sup>20</sup>

During discovery in that case, lawyers uncovered a wide-ranging effort across a dozen federal agencies to censor American speech on topics related to covid through pressure exerted on Big Tech and social media companies. Discovery in that case included depositions of many federal officials, including Dr. Anthony Fauci and White House communication staff.

Discovery uncovered emails showing direct access by government officials to the staff of social media companies, forcing these companies (including Twitter, Facebook, and others) to censor true facts about covid science, such as the fact immunity after covid recovery is substantial and important. The demands often include direct censorship of the speech of particular individuals online and are backed by threats of regulatory action against these companies if they do not comply with the censorship demands.

Big tech, at the behest of big government, has absolutely felt free to censor whomever and whatever they wanted because they understood that they were not subject to any legal risk or any other risk for violating the free speech rights of American citizens.

**6. What does the future look like without Section 230 reform?**

If there is no Section 230 reform, and Big Tech continues to be able to censor (often at the behest of the federal government) as much as they'd like, what we'll see is a future where much of the free discussion that ought to take place in the public square either not take place all or take place in whatever private settings the government permits to the American people.

The consequence will be a further splintering of American society with enhanced distrust of public health and government. Rather than people talking to one another in public spaces, encountering unfamiliar people and ideas (including true scientific ideas), different groups will cling firmly to even destructive ideas, convinced that their fellow citizens are incapable of rational analysis.

Americans throughout our history have debated vigorously a tremendous range of topics and – because of free speech guarantees – have found ways to come together to discuss vital issues essential to the well-being of the people. No one group has a monopoly on the truth. Censorship deprives the public square of ideas provided by the censored group. Instead, we will

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Health, and the Study of Business Enterprise. January 2022. <https://sites.krieger.jhu.edu/iae/files/2022/01/A-Literature-Review-and-Meta-Analysis-of-the-Effects-of-Lockdowns-on-COVID-19-Mortality.pdf>

<sup>20</sup> State of Missouri, et al. v. Joseph R. Biden, Jr, et al. NCLA Legal. <https://nclalegal.org/state-of-missouri-et-al-v-joseph-r-biden-jr-et-al/>



have a divided populace and a discredited public health establishment that will be unable to understand why vast parts of the American populace are unwilling to heed the guidance it provides or trust it ever again.