

United States Senate

October 14, 2020

Mark Zuckerberg
CEO, Facebook, Inc.
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Zuckerberg:

As I wrote to Twitter this afternoon, the *New York Post*—the newspaper with the fourth highest daily circulation in the United States—published an article reporting that “Hunter Biden introduced his father, then-Vice President Joe Biden, to a top executive at a Ukrainian energy firm less than a year before the elder Biden pressured government officials in Ukraine into firing a prosecutor who was investigating the Company.” Like many reports on political scandals published in major news outlets, the *Post*’s report is based on leaked e-mail correspondence. And if these emails are authentic, they would demonstrate definitively that now-candidate Biden lied when he said in 2016 that he had “never spoken to [his] son about his overseas business dealings.”

Facebook apparently decided, almost immediately upon the article’s publication, to preemptively and affirmatively reduce dissemination of this reporting. As the company has already, publicly stated, it has “reduc[ed] its distribution on our platform.” The company made clear that, nevertheless, “this story is eligible to be fact checked by Facebook’s third-party fact checking partners.” It would appear, then, that the decision was made to limit the reach of the *New York Post* reporting before any determination had been made, in the first instance, about its factual accuracy.

This conduct is, quite simply, hypocritical. Facebook has famously allowed users to share less-well-sourced reporting critical of other candidates for public office. This rush to limit the dissemination and reach of a report – containing information of high public interest and consequence – and the contrast with how similarly situated material on other candidates has been handled, strongly suggests that the true motivation is to influence the upcoming Presidential election.

Please provide the following information immediately to the Subcommittee on The Constitution:

1. Who made the decision to preemptively and affirmatively limit the distribution of this reporting? On what basis did they make that decision?
2. When was the *New York Post* made aware of Facebook’s decision and what process was afforded to contest the demotion?
3. Has Facebook limited reporting from the *New York Times*, *Washington Post*, or any other major news outlet in a similar manner? If so, when?

4. If Facebook did not reduce the reach of reporting from *Buzzfeed* on the “Steele Dossier” or from the *New York Times* on President Trump’s tax returns, please explain a politically neutral principle for why this reporting is treated differently.
5. Has Facebook ever restricted a story published by a major news outlet about Donald J. Trump during his time as President of the United States?
6. Has Facebook, or any of its employees involved in the decision to limit distribution of this reporting, been in contact, in any capacity, with the Biden-Harris campaign, or any of its representatives, regarding this reporting or the allegations contained therein?

Regards,



Ted Cruz
Chairman, Constitution Subcommittee
Senate Judiciary Committee