



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

Brendan Carr  
Commissioner

November 13, 2024

Mr. Sundar Pichai  
Chief Executive Officer  
Alphabet Inc.

Mr. Satya Nadella  
Chief Executive Officer  
Microsoft Corporation

Mr. Mark Zuckerberg  
Chief Executive Officer  
Meta Platforms, Inc.

Mr. Tim Cook  
Chief Executive Officer  
Apple Inc.

Dear Messrs. Pichai, Zuckerberg, Nadella, and Cook,

Over the past few years, Americans have lived through an unprecedented surge in censorship. Your companies played significant roles in this improper conduct. Big Tech companies silenced Americans for doing nothing more than exercising their First Amendment rights. They targeted core political, religious, and scientific speech. And they worked—often in concert with so-called “media monitors” and others—to defund, demonetize, and otherwise put out of business news outlets and organizations that dared to deviate from an approved narrative.

Congressional investigations, press reports, and other evidence show that in many cases you did not act alone. Rather, you participated in a censorship cartel that included not only technology and social media companies but advertising, marketing, and so-called “fact-checking” organizations as well as the Biden-Harris Administration itself.<sup>1</sup> The relevant conduct extended from removing or blocking social media posts to labeling whole websites or apps as “untrustworthy” or “high-risk” in an apparent effort to suppress their information and viewpoints, including through efforts to delist them, lower their rankings, or harm their profitability. This censorship cartel is an affront to Americans’ constitutional freedoms and must be completely dismantled. Americans must be able to reclaim their right to free speech. Indeed, our democracy depends on freedom of expression.

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<sup>1</sup> Michael Shellenberger, *The Censorship-Industrial Complex, Part 2, Testimony Before the U.S. House Select Subcommittee on the Weaponization of the Federal Government* (Nov. 30, 2023), [https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/shellenberger\\_testimony.pdf](https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/shellenberger_testimony.pdf); see also U.S. House Judiciary Committee, Interim Staff Report, *GARM’s HARM: How the World’s Biggest Brands Seek to Control Online Speech* (July 10, 2024) (“*Judiciary GARM Report*”), <https://judiciary.house.gov/media/press-releases/how-worlds-biggest-brands-seek-control-online-speech>; see also Letter from Mark Zuckerberg to The Hon. Jim Jordan (Aug. 26, 2024), <https://x.com/JudiciaryGOP/status/1828201780544504064>.

I am confident that once the ongoing transition is complete, the Administration and Congress will take broad ranging actions to restore the First Amendment rights that the Constitution grants to all Americans—and those actions can include both a review of your companies’ activities as well as efforts by third-party organizations and groups that have acted to curtail those rights.

For now, I am writing to obtain information from you that can inform the FCC’s work to promote free speech and a diversity of viewpoints. As you know, Big Tech’s prized liability shield, Section 230, is codified in the Communications Act, which the FCC administers.<sup>2</sup> As relevant here, Section 230 only confers benefits on Big Tech companies when they operate, in the words of the statute, “in good faith.”<sup>3</sup>

It is in this context that I am writing to obtain information about your work with one specific organization—the Orwellian named NewsGuard.<sup>4</sup> As exposed by the Twitter Files, NewsGuard is a for-profit company that operates as part of the broader censorship cartel.<sup>5</sup> Indeed, NewsGuard bills itself as the Internet’s arbiter of truth or, as its co-founder put it, a “Vaccine Against Misinformation.”<sup>6</sup> NewsGuard purports to rate the credibility of news and information outlets and tells readers and advertisers which outlets they can trust.<sup>7</sup> As the U.S. House Committee on Small Business 2024 Staff Report stated, “[t]hese ratings, combined with NewsGuard’s vast partnerships in the advertising industry, select winners and losers in the news media space.”<sup>8</sup> NewsGuard does so by leveraging its partnerships with advertising agencies to effectively censor targeted outlets.

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<sup>2</sup> FCC General Counsel, *The FCC’s Authority to Interpret Section 230 of the Communications Act* (Oct. 21, 2020), <https://www.fcc.gov/news-events/blog/2020/10/21/fccs-authority-interpret-section-230-communications-act>.

<sup>3</sup> 47 U.S.C. § 230(c) & (c)(2).

<sup>4</sup> See, e.g., Sandy Fitzgerald, *Rep. Comer to Newsmax: NewsGuard’s Methods Must Be Probed*, Newsmax (June 21, 2024), <https://www.newsmax.com/newsmax-tv/james-comer-newsmax-newsguard/2024/06/20/id/1169509/>; see also Letter from Rep. James Comer to NewsGuard, Committee on Oversight and Accountability (June 13, 2024), at 1, <https://oversight.house.gov/wp-content/uploads/2024/06/NewsGuard-Letter-061324.pdf> (“The Committee on Oversight and Accountability is investigating the impact of NewsGuard on protected First Amendment speech and its potential to serve as a non-transparent agent of censorship campaigns”).

<sup>5</sup> Michael Shellenberger, *The Censorship Industrial Complex*, Testimony Before the U.S. House Select Subcommittee on the Weaponization of the Federal Government (Mar. 9, 2023), <https://docs.house.gov/meetings/IF/IF16/20230328/115561/HHRG-118-IF16-20230328-SD012.pdf?ref=drishtikone.com>.

<sup>6</sup> Lee Fang, *Meet NewsGuard: The Government-Backed Censorship Tool Billed as an Arbiter of Truth*, *The Federalist* (Nov. 15, 2023), <https://thefederalist.com/2023/11/15/meet-newsguard-the-government-backed-censorship-tool-billed-as-an-arbiter-of-truth/>.

<sup>7</sup> The U.S. House Committee on Small Business, Interim Staff Report, *Small Business: Instruments and Casualties of the Censorship-Industrial Complex*, Report, at 42 (Sept. 2024) (“*U.S. House Committee on Small Business, CIC Report*”), [https://smallbusiness.house.gov/uploadedfiles/house\\_committee\\_on\\_small\\_business\\_-\\_cic\\_report\\_september\\_2024.pdf](https://smallbusiness.house.gov/uploadedfiles/house_committee_on_small_business_-_cic_report_september_2024.pdf).

<sup>8</sup> *Id.*

NewsGuard also works with web browsers, including Google’s Chrome, Apple’s Safari, and Microsoft’s Bing. NewsGuard has partnered with social media companies. And it offers products for AI systems and app stores. In other words, your products may use NewsGuard or you may enable your customers to use NewsGuard.

But NewsGuard’s own track record raises questions about whether relying on the organization’s products would constitute “good faith” actions within the meaning of Section 230. For one, reports indicate that NewsGuard has consistently rated official propaganda from the Communist Party of China as more credible than American publications.<sup>9</sup> For another, NewsGuard aggressively fact checked and penalized websites that reported on the COVID-19 lab leak theory.<sup>10</sup> For still another, the Small Business Committee and multiple Media Research Center studies detail numerous instances where NewsGuard apparently does not apply its own rating system in an even-handed manner.<sup>11</sup> The list goes on.

Indeed, NewsGuard is the subject of an ongoing investigation by the U.S. House Committee on Oversight and Accountability for its impact on protected First Amendment speech.<sup>12</sup> And while NewsGuard claims that its mission is to provide apolitical guidance on “misinformation,” NewsGuard undercuts this claim by retaining on its Advisory Board at least one person that signed the now infamous October 2020 letter from former intelligence community officials that flamed the false claim that the Hunter Biden laptop story was Russian disinformation—a letter that itself fueled a wave of censorship.

To help inform FCC action, please provide me with the following:

1. A list of every one of your products or services (if any, including advertising) that use or rely on any NewsGuard product, service, or ranking.
2. A list of every one of your products or services (if any) that enables any of your users or customers to use or rely on any NewsGuard product, service, or ranking.
3. If you offer an advertising service, provide details on the use of any media monitor or fact checking service, including NewsGuard, that you may utilize.

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<sup>9</sup> See, e.g., Joseph Vazquez, *MRC Exposes NewsGuard for Leftist Bias Third Year in a Row*, Media Research Center (Dec. 12, 2023) (“Media Research Center Analysis”), <https://newsbusters.org/blogs/free-speech/joseph-vazquez/2023/12/12/mrc-exposes-newsguard-leftist-bias-third-year-row>.

<sup>10</sup> *Judiciary GARM Report* at 26; see also Michael Shellenberger, *X Post* (Aug. 3, 2023), <https://x.com/shellenberger/status/1687141879014391809>.

<sup>11</sup> *U.S. House Committee on Small Business, CIC Report* at 44–48; see also Media Research Center Analysis.

<sup>12</sup> U.S. House Committee on Oversight and Accountability, *Comer Demands NewsGuard Disclose All Government Contracts Amid Censorship Concerns* (June 10, 2024), <https://oversight.house.gov/release/comer-demands-newsguard-disclose-all-government-contracts-amid-censorship-concerns/>.

4. If you use third party advertising or marketing agencies to enable advertising within or with your products, please identify the advertising or marketing agencies you work or partner with.

I appreciate your prompt attention to this initial request. It can help ensure that a true diversity of viewpoints can flourish in this country as envisioned by the First Amendment. Please provide your complete response by **December 10, 2024**.

Sincerely,



Brendan Carr