

**U.S. House of Representatives**  
**Committee on the Judiciary**  
Washington, DC 20515-6216  
One Hundred Sixteenth Congress

October 14, 2020

Mr. Mark Zuckerberg  
Chief Executive Officer  
Facebook, Inc.  
1 Hacker Way  
Menlo Park, CA 94025

Dear Mr. Zuckerberg:

On October 14, 2020, the *New York Post* published an explosive report detailing how Hunter Biden used the influence of his father, then-Vice President Joe Biden, for personal gain—apparently with Vice President Biden’s awareness.<sup>1</sup> This article also casts doubts on Vice President Biden’s earlier denial of ever speaking to Hunter Biden about his international business dealings.<sup>2</sup> Despite the article’s obvious relevance to public policy, congressional investigations, and the upcoming presidential election, Facebook announced shortly after the article’s publication that it would “reduc[e] its distribution [of the article] on [its] platform.”<sup>3</sup> Facebook’s intervention to stop the dissemination of election-related information in a way that helps Vice President Biden’s candidacy raises serious questions and reinforces the fact that Big Tech is biased against conservatives.

The *Post* article reported on Hunter Biden’s email correspondence with Vadym Pozharskyi, an executive at the corrupt Ukrainian company Burisma, whose board Hunter Biden had joined in April 2014.<sup>4</sup> In a May 2014 email, Pozharskyi urged Biden to leverage his influence to help Burisma and its founder Mykola Zlochevsky stop a domestic Ukrainian investigation into the company:

We urgently need your advice on how you could use your influence to convey a message / signal, etc. to stop what we consider to be politically motivated actions  
.....<sup>5</sup>

Separately, in an April 2015 email, Pozharskyi thanked Hunter Biden for arranging a meeting with Vice President Biden, writing:

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<sup>1</sup> Emma-Jo Morris & Gabrielle Fonrouge, *Smoking-gun email reveals how Hunter Biden introduced Ukrainian businessman to VP dad*, N.Y. Post, Oct. 14, 2020.

<sup>2</sup> E.g. Nick Givas, *Joe Biden again denies speaking to son about Ukrainian business dealings*, Fox News, Oct. 10, 2019.

<sup>3</sup> Tweet by Andy Stone, Policy Communications Director, Facebook, Twitter.com (Oct. 14, 2020, 11:10 a.m.), <https://twitter.com/andymstone/status/1316395902479872000>.

<sup>4</sup> Morris & Fonrouge, *supra* note 1.

<sup>5</sup> *Id.*

Dear Hunter, thank you for inviting me to DC and giving me an opportunity to meet your father and spent [*sic*] some time together. It's really [*sic*] an honor and a pleasure.<sup>6</sup>

Eight months later, in December 2015, Vice President Biden pressured the Ukrainian government to fire the prosecutor who was investigating Burisma by threatening to withhold U.S. loan guarantees—a *quid pro quo* about which Vice President Biden later bragged.<sup>7</sup>

The information reported by the *Post* supplements other recent revelations about Hunter Biden's shady international business dealings. A report by Chairman Ron Johnson and Chairman Chuck Grassley based on U.S. Treasury Department documents showed "potential criminal activity relating to transactions among and between Hunter Biden, his family, and his associates with Ukrainian, Russian, Kazakh, and Chinese nationals."<sup>8</sup> In particular, Hunter Biden allegedly received \$3.5 million from the wife of the former mayor of Moscow,<sup>9</sup> and he also allegedly sent "thousands of dollars" to individuals involved in human trafficking and organized prostitution.<sup>10</sup>

The *Post*'s reporting also supplements other news reports about Hunter Biden's position with Burisma. According to the *New York Times*, Hunter Biden was "part of a broad effort by Burisma to bring in well-connected Democrats during a period when the company was facing investigations backed not just by domestic Ukrainian forces but by officials in the Obama administration."<sup>11</sup> The *Wall Street Journal* reported in December 2015 that Ukrainian anti-corruption activists complained "some anticorruption campaigners here [in Kyiv] worry the link with Mr. Biden may protect Mr. Zlochevsky from being prosecuted in Ukraine."<sup>12</sup>

Just hours after the *New York Post* published its article about Hunter Biden and Vice President Biden, Facebook's Policy Communications Director—a former staffer for several Democrat politicians and campaigns—announced that the company would prevent the dissemination of the article on its platform.<sup>13</sup> However, neither Hunter Biden nor the Biden campaign have denied the authenticity of the emails.<sup>14</sup> Facebook's decision to affirmatively restrict the availability of election-related information—and in a manner that helps Vice President Biden avoid scrutiny—raises questions about Facebook's commitment to free speech

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*; see also Council on Foreign Relations, Foreign Affairs Issue Launch with Former Vice President Joe Biden (Jan. 23, 2018).

<sup>8</sup> S. Comm. on Homeland Security & Governmental Affairs & S. Comm. on Finance, Hunter Biden, Burisma, and Corruption: The Impact on U.S. Government Policy and Related Concerns 65 (Sept. 2020), available at [https://www.hsgac.senate.gov/imo/media/doc/HSGAC\\_Finance\\_Report\\_FINAL.pdf](https://www.hsgac.senate.gov/imo/media/doc/HSGAC_Finance_Report_FINAL.pdf).

<sup>9</sup> *Id.* at 69.

<sup>10</sup> *Id.* at 65 & n. 267.

<sup>11</sup> Kenneth P. Vogel & Iuliia Mendel, *Biden faces conflicts of interest questions that are being promoted by Trump and allies*, *N.Y. Times*, May 1, 2019.

<sup>12</sup> Paul Sonne & Laura Mills, *Ukrainians see conflict in Biden's anticorruption message*, *Wall St. J.*, Dec. 7, 2015.

<sup>13</sup> Tweet by Andy Stone, *supra* note 3.

<sup>14</sup> Brooke Singman, *Biden camp hits back at Hunter Biden email report suggesting then-VP met with Burisma exec*, *Fox News*, Oct. 14, 2020.

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and free and fair elections. To help us understand the basis for Facebook's action, please provide the following information:

1. Explain the steps that Facebook is taking to "reduc[e] its distribution [of the *New York Post* article] on [its] platform."
2. Explain why Facebook has decided to reduce the dissemination of the *New York Post* article on its platform and what factors Facebook considered in this decision.
3. Explain which employee(s) of Facebook make the decision to reduce the dissemination of the *New York Post* article on its platform.
4. Explain whether any Facebook employee has had any communication with any individual affiliated with the Biden campaign or the Democrat National Committee about Facebook's decision to reduce the dissemination of the *New York Post* article on its platform.
5. Explain how Facebook's actions in reducing the dissemination of the *New York Post* article on its platform is not a publisher function for purposes of section 230 of the Communications Decency Act.
6. Explain whether Facebook intends to report its actions to the Federal Election Commission as an in-kind contribution to the Biden campaign.

With the election only weeks away, we ask that you provide these answers immediately.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized and cursive.

Jim Jordan  
Ranking Member

cc: The Honorable Jerrold L. Nadler  
Chairman