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**COMMENTS TO FEDERAL TRADE COMMISSION ON
ANTI-COMPETITIVE BEHAVIOR OF BIG TECH COMPANIES
(May 21, 2025)**

submitted by

**Free Speech Coalition, Free Speech Defense and Education Fund
American Association of Physicians and Surgeons
Citizens United, Citizens United Foundation
Conservative Legal Defense and Education Fund
Constitution Party National Committee
Downsize DC.org, Downsize DC Foundation
Feds for Freedom
Gun Owners of America, Gun Owners Foundation
Gun Owners of California
Judicial Action Group
LONANG Institute
National Health Federation
NC Physicians for Freedom
One Nation Under God Foundation
Orthodox Church Mission Fund of Texas
Patriotic Veterans
Restoring Liberty Action Committee
Public Advocate of the United States, Public Advocate Foundation
The Conservative Caucus
The Senior Citizens League
The Presidential Coalition, LLC
Virginia Medical Freedom Alliance**

SUMMARY

The Commission is seeking public input on how consumers have been harmed by efforts by information technology companies to suppress content and restrict various viewpoints in the public arena. These Comments highlight the First Amendment infringement resulting from the previous administration's effort to coerce and to collude with giant media companies to restrict speech critical of that administration and its policy preferences. These commenters urge the FTC to issue a report and take other appropriate action detailing the dangers associated with federal government censorship and manipulation of social media companies. In *Murthy v. Missouri*, 604 U.S. 43 (2024), the Supreme Court determined that Missouri did not have standing to challenge the federal government, but such considerations about standing have no bearing on the FTC report which

should provide the American People with a true and complete explanation on the abuses committed by federal government during the last administration.

COMMENTS

I. THE GOVERNMENT CANNOT BE TRUSTED AS THE ARBITER OF “TRUTH” VS. “MISINFORMATION.”

The First Amendment speech and press rights forbid the government from directly or indirectly censoring the views of Americans. Here, the indirect censorship occurred through coercion or through subsidies to silence voices with which the government disagrees. The past four years have taught Americans a number of critical lessons.

The first lesson is that governments cannot be trusted to tell the truth when it is inconsistent with its own agenda. The government should never decide which information may be made available to the public or promoted because it is “reliable,” and which should be suppressed because it is “misinformation,” “disinformation,” or “malinformation.” The second lesson is that governments are all too willing, and — with the assistance of Big Tech companies — all too effective at, silencing dissenting speech that opposes the government’s preferred messaging. The third lesson is that the courts cannot be relied on to protect free speech, as the judiciary can only decide cases and controversies brought to it. Thus, all branches and agencies of government must do what is in their power to give effect to the protections of the First Amendment.

In July 2021, President Biden exploded on social media companies for not doing more to censor COVID narratives that questioned the government’s official story on COVID “science.” “They’re killing people. The only pandemic we have is among the unvaccinated. And they’re killing people,” Biden said. And at her daily press briefing, White House press secretary Jen Psaki “told reporters that **the White House is ‘regularly’ coordinating with Facebook and other social media giants on the ‘latest narratives dangerous to public health’ that the administration thinks should be censored.**” But the government’s so-called “science” was not just wrong, but catastrophically wrong.

A New York Post [article in February 2023](#) by Dr. Marty Makary, currently head of the Food and Drug Administration, chronicled just how wrong “the science” was. Dr. Makary, who was derided as a “science denier” in 2021, pointed out a laundry list of actual misinformation pushed on millions of Americans in the name of “science,” including the following:

- Misinformation #1: “Natural immunity offers little protection compared to vaccinated immunity.” In fact, “[a] Lancet study [which] looked at 65 major studies in 19 countries on natural immunity ... concluded that [natural immunity was at least as effective](#) as the primary COVID vaccine series.”

- Misinformation #2: “Masks prevent COVID transmission.” In fact, an Oxford study published in January 2023 “found that [masks had no significant impact](#) on COVID transmission.”
- Misinformation #3: “School closures reduce COVID transmission.” In fact, “[t]he CDC ignored the European experience of [keeping schools open](#), most without mask mandates. Transmission rates were no different, evidenced by studies conducted in Spain and Sweden.”
- Misinformation #4: “Myocarditis from the vaccine is less common than from the infection.” In fact, “[a] flurry of well-designed studies” showed that “myocarditis is six to 28 times more common after the COVID vaccine than after the infection among 16- to 24-year-old males. Tens of thousands of children [likely got myocarditis](#), mostly subclinical, from a COVID vaccine they did not need because they were entirely healthy or because they already had COVID.”
- Misinformation #5: “Young people benefit from a vaccine booster.” In fact, “the evidence was never there that they lower COVID mortality [in young, healthy people](#).... White House pressure to recommend boosters for all was so intense that the FDA’s two top vaccine experts left the agency in protest, writing scathing articles on how the data did not support boosters for young people.”
- Misinformation #6: “COVID originating from the Wuhan lab is a conspiracy theory.” Indeed, “Google admitted to [suppressing searches of “lab leak”](#) during the pandemic.” But “[u]ltimately, overwhelming circumstantial evidence points to a lab leak origin.” In December 2024, the House Select [Subcommittee on the Coronavirus Pandemic](#) concluded that the most likely origin was in fact a leak from a Chinese lab conducting “gain of function” research on the virus. The committee “conducted more than 30 interviews, held numerous hearings, ... reviewed more than 1 million pages of documents [and] heard from scientists on both sides of the debate about the origins of the virus” in reaching its conclusion.

Hoover Institution fellow Dr. Scott Atlas [chronicled many more](#) COVID lies brought to us by “the science.”

- Misinformation #7: “COVID ‘vaccines’ will prevent infection.” [President Biden](#) famously promised that “you’re not going to get COVID if you have the vaccinations.” This, of course, was before [Biden caught the virus three times](#) in two years, despite being “vaccinated and boosted.”
- Misinformation #8: “COVID ‘vaccines’ will prevent transmission.” In April 2021, Centers for Disease Control and Prevention (“CDC”) director [Rochelle Walensky](#) stated that “vaccinated people do not carry the virus, don’t get sick.” Supreme Court Justice Elena Kagan “claimed that health care workers had to get vaccinated ‘so that you’re not transmitting the disease.’” By August, the [CDC was admitting](#) that its much-ballyhooed “vaccine” in fact prevented neither infection with nor transmission of COVID.

- Misinformation #9: “Locking down — closing schools and businesses, confining people to their homes, stopping non-COVID medical care, and eliminating travel — will stop or eliminate the virus.” In fact, a 2022 [Johns Hopkins study](#) showed that COVID lockdowns actually “had little to no effect on Covid-19 mortality.”

Makary and Atlas listed a number of other COVID lies promulgated in the name of “science” as well. In the end, the so-called “science deniers” were generally right, and the government’s enforced measures, from distancing, to masks, to “vaccines,” were almost universally wrong.

- Misinformation #10: “Social distancing will ‘stop the spread.’” While the COVID epidemic was at its height, [the CDC demanded](#), and governments at all levels enforced, six-foot “social distancing” requirements. This, the CDC promised, would “slow the spread.” By June 2024, [Dr. Anthony Fauci admitted](#) that the six-foot rule was not based in science, and that he basically made it up. “It sort of just appeared,” he told congressional investigators, adding that he “was not aware of studies” supporting social distancing and admitting that such studies “would be very difficult” to do.

If anything, the COVID crackdown should serve as Exhibit A for the folly of allowing the government to determine what speech is accurate and what is mis-, dis-, or malinformation.

II. THE UNHOLY MARRIAGE OF GOVERNMENT AND BIG TECH CONSTITUTES AN EXISTENTIAL THREAT TO A FREE SOCIETY.

Although the U.S. Supreme Court dismissed on standing grounds a lawsuit by Missouri, Louisiana and several individual plaintiffs against collusion between the Biden administration and the Big Tech companies to stifle dissenting speech, the lower courts examined the merits and found a profound threat to free speech.

The district court judge who first reviewed the states’ claims of a “vast censorship enterprise” called it “arguably ... the most massive attack against free speech in United States’ history.” *Missouri v. Biden*, 680 F. Supp. 3d 630, 641 (W.D. La. July 4, 2023) (“*Missouri I*”).

The Fifth Circuit found that the plaintiffs had demonstrated “extensive evidence that social-media platforms have engaged in censorship of certain viewpoints on key issues and that the government has engaged in a years-long pressure campaign designed to ensure that the censorship aligned with the government’s preferred viewpoints.” *Missouri v. Biden*, 83 F.4th 350, 370 (5th Cir. 2023) (“*Missouri II*”). The Fifth Circuit found that the Supreme Court “has rarely been faced with a coordinated campaign of this magnitude orchestrated by federal officials that jeopardized a fundamental aspect of American life.” *Id.* at 392. Therefore, the Fifth Circuit recited, “the district court was correct in its assessment — ‘unrelenting pressure’ from certain government

officials likely ‘had the intended result of suppressing millions of protected free speech postings by American citizens.’” *Id.*

In his Supreme Court dissent, Justice Alito called the matter “one of the most important free speech cases to reach this Court in years.” *Murthy v. Missouri*, 604 U.S. 43, 77 (2024) (Alito, J., dissenting).

The effort by the government and its Big Tech sycophants was shockingly effective in suppressing dissident speech. A report by the [Media Research Center](#) uncovered fully 57 different initiatives of the Biden administration to silence dissent:

The Biden administration’s censorship efforts ran the gamut from coercing and colluding with Big Tech platforms to silence his opponents; using taxpayer dollars to fund censorship organizations that pledged to cancel conservative voices; enlisting foreign agents to suppress stories from right-leaning media outlets; and weaponizing federal agencies to target those critical of the administration.

As the Media Research Center reported:

The degree and extent of this coordination is dizzying, spanning no fewer than 90 different government agencies, entangling hundreds of government officials and including thousands of individual censorship actions. The number of people silenced, or prevented from receiving messages they wanted to hear, is all but incalculable. The harm to the nation’s constitutional framework and the system of limited government is similarly beyond measure.

Under what it called its “whole of society approach,” the Biden administration “formed partnerships with state, foreign and private actors in order to silence its critics. Some examples include ... [t]he State Department’s AI ‘Partnership,’ where the Big Tech firms Anthropic, Google, IBM, Meta, Microsoft, Nvidia and OpenAI all pledged to work with the government to restrict online speech.”

To facilitate this massive censorship operation, “[m]illions of dollars were collectively funneled to censorship outfits such as NewsGuard, Guidehouse and GDI via grants from the U.S. Air Force, Cybersecurity & Infrastructure Security Agency and the National Endowment for Democracy, respectively.”

The House Judiciary Committee’s Weaponization Subcommittee, in its report on the “Censorship Industrial Complex,” reported that the results of the censorship campaign “were devastating”:

By suppressing free speech and intentionally distorting public debate in the modern town square, ideas and policies were no longer fairly tested and debated on their

merits. Instead, policymakers implemented a series of public health measures that proved to be disastrous for the country. From unnecessary extended school closures to unconstitutional vaccine mandates that forced workers to take a newly developed vaccine or risk losing their jobs, the Biden Administration and other officials needlessly imposed harm and suffering on Americans across the country.¹

The full scope of the censorship is probably unquantifiable, but certainly massive. On August 25, 2021, “YouTube’s Chief Product Officer, Neal Mohan, posted a blog discussing the company’s approach to misinformation. Mohan included in this blog that ‘today, we remove nearly 10 million videos a quarter,’ and that ‘since February of 2020 we’ve removed over 1M videos related to dangerous coronavirus information.’” *Id.* at p. 63. The opinion of the district court in *Missouri* that the Censorship Enterprise was “arguably ... the most massive attack against free speech in United States’ history” (*Missouri I* at 641), appears to have been borne out by history.

III. THE COURTS CANNOT BE TRUSTED TO PROTECT FREE SPEECH. THUS, THE FTC, EVERY GOVERNMENT AGENCY, AND ALL THREE BRANCHES MUST ENSURE IT IS PROTECTED.

The Supreme Court in *Murthy* ultimately permitted the Censorship Enterprise to continue, reversing the Fifth Circuit’s decision with the copout that the states lacked “standing” to sue, since they could not prove the censorship would continue.

In his dissent, Justice Alito blasted the Court’s decision to punt, noting that the Censorship Enterprise “was blatantly unconstitutional, and the country may come to regret the Court’s failure to say so. Officials who read today’s decision ... will get the message. If a coercive campaign is carried out with enough sophistication, it may get by. That is not a message this Court should send.” *Murthy* at 79-80 (Alito, J., dissenting).

Even if the Supreme Court had acted, the Executive Branch still has a duty to follow the Constitution. Where, as in *Murthy*, the Supreme Court has abdicated its duty to rein in a lawless administration, the new administration should do all diligence to restore respect for the First Amendment within the Executive branch.

The First Amendment’s text is short and to the point. “Congress shall make **no law** ... abridging the freedom of speech...” (Emphasis added.) The Supreme Court has long been clear that freedom of speech is a severe limitation upon government:

¹ House Judiciary Committee, “[The Censorship-Industrial Complex](#): How Top Biden White House Officials Coerced Big Tech to Censor Americans, True Information, and Critics of the Biden Administration,” p. 1 (May 1, 2024).

It is axiomatic that the government may not regulate speech based on its substantive content or the message it conveys. Other principles follow from this precept. In the realm of private speech or expression, government regulation may not favor one speaker over another. Discrimination against speech because of its message is presumed to be unconstitutional.... [*Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 828 (1995) (citations omitted).]

Thus, regulation of speech on the basis of its content — content-based discrimination — is unconstitutional. Further, as the Court declared in 1995, “[v]iewpoint discrimination is ... an egregious form of content discrimination. The government **must abstain from regulating** speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.” *Id.* at 829. Indeed, “[i]f there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.” *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

The district court found that the Censorship Enterprise constituted viewpoint discrimination:

The flagged content was almost entirely from political figures, political organizations, alleged partisan media outlets, and social-media all-stars associated with right-wing or conservative political views, demonstrating likely “viewpoint discrimination.” Since only conservative viewpoints were allegedly suppressed, this leads naturally to the conclusion that Defendants intended to suppress only political views they did not believe in. [*Missouri I* at 705.]

Likewise, the Fifth Circuit agreed that the Censorship Enterprise actors “engaged in a broad pressure campaign designed to coerce social-media companies into suppressing speakers, viewpoints, and content disfavored by the government.” *Missouri II* at 398. Like the district court, the Fifth Circuit reiterated that “the government is not permitted to ... silence or muffle the expression of disfavored viewpoints.” *Id.* at 394

As the Supreme Court has previously ruled, America has always had a “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.” *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964). If the First Amendment prohibits government officials from stifling speech critical of them personally, it certainly also prohibits the stifling of views at odds with those in government.

The Censorship Enterprise was indeed, as the district court found, “arguably ... the most massive attack against free speech in United States’ history.” *Missouri I* at 641. Both the government officials and the sycophantic Big Tech companies are guilty of systematic efforts of “ideological cleansing” of the arena of ideas, purging thought that offended the party and the

President in power. The FTC should take such action as within its authority to address those abuses by the executive branch in violation of the First Amendment.

Respectfully submitted,

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

William J. Olson
Legal Counsel