



August 15, 2023

Via FOIL Portal

Attn: FOIL Officer
Office of the New York State Attorney General
The Capitol
Albany, NY 12224

Freedom of Information Law Request: March 24, 2021 Letter to Jack Dorsey and Mark Zuckerberg Regarding “Vaccine Disinformation”

Dear FOIL Officer,

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL’s Twitter page has over 170,000 followers and the Twitter page of our Founder and President has over 490,000 followers.

I. Background

On March 24, 2021, you and eleven other state attorneys general, all Democrats, wrote a letter to the CEOs of Twitter and Facebook, seeking to censor the views of American citizens. Specifically, you and your co-signers called on the social media networks to “effectively root[] out fraudulent information about coronavirus vaccines.”¹ The evidence is that you prepared this letter in coordination with the Center for Countering Digital Hate (CCDH), a foreign influence campaign based in the United Kingdom.

¹ Letter from William Tong, Att’y Gen. of Conn. et al., to Jack Dorsey, Chief Exec. Officer, Twitter, Inc., and Mark Zuckerberg, Chairman & Chief Exec. Officer, Facebook, Inc. (Mar. 24, 2021), <https://tinyurl.com/2zt85p63>.

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CCDH describes itself as a “not-for-profit non-governmental organization” that “works to stop the spread of online hate and disinformation through innovative research, public campaigns and policy advocacy.”² CCDH describes its founder and CEO, Imran Ahmed, as an “authority on social and psychological malignancies on social media, such as identity-based hate, extremism, disinformation, and conspiracy theories.”³ However, CCDH is also described as “[a]n NGO cut-out engaged in brazen smearing, attacking of dissenting views, deplatforming, censoring and pro-active shrinkage of the Overton window [by] strategically conflating serious voices with the fringes, mixing them together to isolate genuine actors and squash dissent.”⁴

Imran Ahmed and members of CCDH’s board consist of political operatives at the highest levels within the UK Labour Party.⁵ Through his work with Stop Funding Fake News (SFFN), which was later folded into CCDH,⁶ Imran Ahmed took credit for a so-called “defund racism” campaign associated with Black Lives Matter⁷ to cause Google to remove their ads from The Federalist and ZeroHedge.⁸ Today, Imran Ahmed leads both CCDH US and CCDH UK and “employ[s] a large team of people who collaborate together to fulfill the shared mission of both organizations.”⁹

On March 24, 2021, CCDH published a list of “twelve anti-vaxxers who play a leading role in spreading digital misinformation about Covid vaccines,” and urged social media platforms to “establish a clear threshold for enforcement action” and “to deplatform the most highly visible repeat offenders, who we [CCDH] term the

² CCDH, *About—Center for Countering Digital Hate*, <https://counterhate.com/about/> (last visited Aug 9, 2023).

³ *Id.*

⁴ Susan Schmidt et al., *Report on the Censorship-Industrial Complex: The Top 50 Organizations to Know* (May 10, 2023), <https://tinyurl.com/msp8xvnp> (last visited Aug. 9, 2023).

⁵ See, e.g., Paul D. Thacker, *Twitter Files: Who Are the People Claiming RFK Jr. is “Disinformation”?*, DISINFORMATION CHRON. (July 18, 2023), <https://tinyurl.com/5n9atvds> (last visited Aug. 9, 2023); INFLUENCEWATCH, *Center for Countering Digital Hate*, <https://tinyurl.com/4d6wh4d8> (last visited Aug. 9, 2023).

⁶ INFLUENCEWATCH, *Stop Funding Fake News*, <https://tinyurl.com/2wa3z4js> (last visited Aug. 8, 2023).

⁷ STOP FUNDING MISINFORMATION, *Defund Racism: Black Lives Matter*, <https://tinyurl.com/yrx4cusc> (last visited Aug. 79, 2023).

⁸ See Imran Ahmed (@Imi_Ahmed), TWITTER (June 16, 2020, 3:30 PM), <https://tinyurl.com/2r2y53de>; INFOTAGION, Episode 20: Imran Ahmed and Chris Stokel-Walker (July 1, 2020), <https://tinyurl.com/37tdanaw>; see also Adele-Momoko Fraser, *Google Bans Website Zerohedge From Its Ad Platform Over Comments on Protest Articles*, NBC NEWS (June 17, 2020), <https://tinyurl.com/4zzh8z9n>.

⁹ CCDH, *About—Center for Countering Digital Hate*, <https://counterhate.com/about/> (last visited Aug 9, 2023).

Disinformation Dozen.”¹⁰ The list consisted entirely of Americans, including Robert F. Kennedy Jr.¹¹

On the same day, you and eleven other state attorneys general sent a letter stating, “Twitter and Facebook have yet to remove from all their platforms the accounts of prominent ‘anti-vaxxers’” such as the “12 ‘anti-vaxxers’ personal accounts and their associated organizations, groups and websites [that] are responsible for 65% of public anti-vaccine content on Facebook, Instagram, and Twitter.”¹²

Government pressure to suppress speech violates the First Amendment. While the government may find some speech “misguided, or even hurtful,” “the point of all speech protection is to shield just those choices of content.”¹³ The First Amendment is founded on “the hypothesis that speech can rebut speech, propaganda will answer propaganda, [and] free debate of ideas will result in the wisest governmental policies.”¹⁴ On March 24, 2021, as the highest law enforcement officer in your state, you amplified a foreign influence operation’s campaign to censor the constitutionally-protected speech of a dozen Americans.

Accordingly, we seek to better understand the circumstances which led to your letter. We look forward to your prompt and forthright assistance with this matter.

II. Custodians

Relevant custodians include:

1. Attorney General Letitia James
2. Jennifer Levy
3. Ibrahim Kahn
4. Chris D’Angelo
5. Jose Maldonado
6. Orelia Merchant

¹⁰ CCDH, *The Disinformation Dozen: Why Platforms Must Act on Twelve Leading Online Anti-Vaxxers* at 5 (Mar. 24, 2021), <https://tinyurl.com/2p9uyykh>.

¹¹ *Id.* at 14.

¹² Letter from William Tong, Att’y Gen. of Conn. et al., to Jack Dorsey, Chief Exec. Officer, Twitter, Inc., and Mark Zuckerberg, Chairman & Chief Exec. Officer, Facebook, Inc. (Mar. 24, 2021), <https://tinyurl.com/2zt85p63>.

¹³ *Snyder v. Phelps*, 562 U.S. 443, 458 (2011) (cleaned up).

¹⁴ *Dennis v. United States*, 341 U.S. 494, 503 (1951).

III. Requested Records

Pursuant to the New York Freedom of Information Law, N.Y. PUB. OFF. LAW § 84 *et seq.*, AFL requests the following records:

1. All records related to the March 24, 2021 letter.
2. All records of communications between the custodians listed above and the Center for Countering Digital Hate or Imran Ahmed, including any email address ending in the domain name “@counterhate.com.”

The timeframe of the request is from March 31, 2020, to March 31, 2021.

IV. Fee Waiver

AFL requests a waiver of all search and duplication fees associated with this request as these records benefit the general welfare. Transparency in government was viewed by the founders of this country as a self-evident good. James Madison, the framer of our Constitution, opined that, “a popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both.”¹⁵ Americans, including many who call New York “home,” have grave concerns about seeming collusion between foreign NGOs, Big Tech, and Big Government. The public has a right to access the information requested, and your prompt production of it will help the American people gain a greater understanding of what occurred during the COVID-19 Pandemic.

In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others. The public’s understanding of your policies and practices will be enhanced through AFL’s analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose and the release of the information requested is not in AFL’s financial interest.

V. Production

The New York Freedom of Information Law requires a response within five business days. If access to the records requested takes longer than expected, please provide information about the extenuating circumstances delaying the response. If any or all parts of this request are denied, please cite each specific exemption you feel justifies

¹⁵ Letter from the Hon. James Madison to W.T. Barry (August 4, 1822) (available at <https://tinyurl.com/3yrchmrf>).

the refusal to release the records and provide notification of the appeal procedures available under the law.

To accelerate the release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive.

VI. Conclusion

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org. Finally, if AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

If you have any questions about our request or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, then please contact me at FOIA@aflegal.org.

Thank you in advance for your cooperation.

Sincerely,

/s/ Michael Ding
Michael Ding
America First Legal Foundation