

JW HOWARD/ ATTORNEYS, LTD.  
600 WEST BROADWAY, SUITE 1400  
SAN DIEGO, CALIFORNIA 92101

Scott J. Street (SBN 258962)  
JW HOWARD/ATTORNEYS, LTD.  
201 South Lake Avenue, Suite 303  
Pasadena, CA 91101  
Tel.: (213) 205-2800  
Email: sstreet@jwhowardattorneys.com

John W. Howard (SBN 80200)  
Andrew G. Nagurney (SBN 301894)  
JW HOWARD/ATTORNEYS, LTD.  
600 West Broadway, Suite 1400  
San Diego, CA 92101  
Tel.: (619) 234-2842  
Email: johnh@jwhowardattorneys.com

Attorneys for Plaintiff,  
ROBERT F. KENNEDY, JR.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

ROBERT F. KENNEDY, JR.,

Plaintiff,

vs.

GOOGLE LLC, a Delaware  
corporation, and YOUTUBE, LLC, a  
Delaware corporation,

Defendants.

Case No.

**COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

**JURY TRIAL DEMAND**

///

///

///

///

///

///

1 Plaintiff Robert F. Kennedy, Jr., alleges as follows:

2 **INTRODUCTION**

3 1. This complaint concerns the freedom of speech and the extraordinary  
4 steps the United States government has taken under the leadership of Joe Biden to  
5 silence people it does not want Americans to hear.

6 2. Mr. Kennedy is not the only victim of this censorship campaign, which is  
7 unprecedented in American history. But he is a high-profile victim, especially since he  
8 is now challenging President Biden for the Democratic Party's presidential  
9 nomination.

10 3. Mr. Kennedy often speaks at length about topics people would like to  
11 ignore, including the negative health effects of toxic chemicals and potential safety  
12 concerns about the COVID-19 shots (as well as other vaccines that have been  
13 developed since Congress gave the pharmaceutical industry immunity from product  
14 liability claims).

15 4. YouTube often removes videos of Mr. Kennedy's comments from its  
16 public platform. It usually relies on its "medical misinformation" policies to justify the  
17 action. It has relied on the policies several times to censor interviews and speeches  
18 given by Mr. Kennedy during the 2024 presidential campaign, including a speech he  
19 gave at Saint Anselm College in New Hampshire, the state that hosts America's first  
20 primary. On information and belief, it did so based on statements from the Biden  
21 Administration about what information to censor. It will continue to do so throughout  
22 the presidential campaign, especially as the primary elections get closer.

23 5. These actions are unlawful. The U.S. Supreme Court has said that "the  
24 right to think is the beginning of freedom" and that "speech must be protected from  
25 the government because speech is the beginning of thought." Those principles apply  
26 both when the government directly regulates speech and when, as here, it works  
27 behind the scenes to censor its critics through otherwise private actors. Plaintiffs bring  
28

1 this action to protect those principles and to preserve their ability to communicate with  
2 Americans on matters of public concern.

### 3 **PARTIES, JURISDICTION AND VENUE**

4 6. Mr. Kennedy resides in New York.

5 7. Defendant Google LLC is a limited liability company formed under  
6 Delaware law that has its corporate headquarters in Mountain View, California.

7 8. Defendant YouTube, LLC, is a limited liability company formed under  
8 Delaware law that has its corporate headquarters in San Bruno, California.

9 9. YouTube, LLC, is a wholly owned subsidiary of Google LLC, which  
10 Google acquired in 2006. On information and belief, Google LLC has complete  
11 ownership and control over YouTube's operations. At minimum, Google LLC acts in  
12 concert with YouTube, LLC, in running YouTube's business, particularly as it relates  
13 to the unlawful actions alleged in this Complaint. Thus, Google LLC and YouTube,  
14 LLC, are proper defendants in this case and are referred to interchangeably as  
15 "Google" and "YouTube."

16 10. The Court has jurisdiction over this case under 42 U.S.C. § 1983 and 28  
17 U.S.C. § 1331, given the federal questions it raises. Venue is proper under 28 U.S.C. §  
18 1391(b)(1).

### 19 **FACTUAL ALLEGATIONS**

20 11. YouTube was started in 2005 by former PayPal executives who thought  
21 people would enjoy having a place to share their own videos. It was an instant  
22 success, so successful, in fact, that Google abandoned its own nascent video service  
23 and instead purchased YouTube for \$1.65 billion less than a year after it launched.  
24 Since then, YouTube has become one of the most visited websites in the world and  
25 YouTube is one of the world's most valuable media companies, with annual revenue  
26 that dwarfs the money earned by television networks.

27 12. This success has made YouTube a popular place to generate and view  
28

1 new content, particularly content related to public affairs. For example, in March  
2 2016, YouTube announced that, between April 2015 and March 2016, viewers had  
3 consumed roughly 110 million hours of election-related content on YouTube, much of  
4 which was viewed on mobile devices. Kate Stanford, the director of YouTube's  
5 advertiser marketing at the time, made much of that, saying: "Voter decisions used to  
6 be made in living rooms, in front of televisions. Today, they're increasingly made in  
7 micro-moments, on mobile devices."

8 13. Political candidates seized on this development, spending millions of  
9 dollars in advertising and original content on YouTube during the 2016 presidential  
10 election. That continued in 2020 and it will only increase during the 2024 campaign,  
11 especially as more political commentators (Meghyn Kelly and Tucker Carlson, for  
12 example) leave network and cable television to broadcast directly to Americans  
13 through the Internet and social media platforms.

14 14. Thus, YouTube has become an important platform for political discourse  
15 in America, a digital town square that voters trust as a place to get news and opinions  
16 about the issues of the day, a place where people can communicate about matters of  
17 public concern.

18 15. Mr. Kennedy is a lawyer, a son of former Attorney General Robert F.  
19 Kennedy and a nephew of former President John F. Kennedy.

20 16. Mr. Kennedy is seeking the Democratic Party's nomination for president.  
21 He has filed the necessary paperwork with the Federal Election Commission and is  
22 taking steps to qualify for the ballot in the early primary states, including New  
23 Hampshire. He declared his candidacy on April 19, 2023.

24 17. Before announcing his campaign, Mr. Kennedy took a strong stance  
25 against the Democratic National Committee's effort to strip New Hampshire of its  
26 "First in the Nation" primary. He accepted an invitation to speak about that and other  
27 issues at Saint Anselm College in March. His speech, which was viewed as a political  
28

1 speech and attended by several prominent New Hampshire Democrats including the  
2 chairman of New Hampshire's Democratic Party, lasted nearly two hours. It centered  
3 on Mr. Kennedy's concerns about the corrupt merger of corporate and state power, an  
4 issue he has fought about for years and which, in recent years, caused him to question  
5 the increasing numbers of vaccines American children must take.

6 18. Mr. Kennedy's criticism and questioning of the pharmaceutical industry  
7 over vaccines has been deemed controversial by some people, including government  
8 officials whose funding depends on the pharmaceutical industry. But he spoke  
9 intelligently about his views for years, free of censorship, and with people like the  
10 former Comedy Central host Jon Stewart who disagree with him, reflecting the  
11 principle, fundamental to American democracy, that more speech is better than less  
12 speech, especially when it comes to political speech.

13 19. That fundamental principle is under attack. It seems to have started after  
14 Big Tech companies like Google, Facebook and Twitter blamed themselves for the  
15 election of Donald Trump as president in 2016. Moreover, in 2018, Congress passed,  
16 and the president signed into law, the Cybersecurity and Infrastructure Security  
17 Agency Act of 2018. This law created a new agency, the Cybersecurity and  
18 Infrastructure Security Agency ("CISA"), within the Department of Homeland  
19 Security to protect America from cyber threats. According to CISA, its mission  
20 "requires effective coordination and collaboration among a broad spectrum of  
21 government and private sector organizations." These organizations include YouTube  
22 and CISA's mission apparently includes removing speech about issues of public  
23 concern that the federal government deems dangerous.

24 20. The coordination and collaboration between YouTube and the federal  
25 government included developing misinformation policies like the one YouTube has  
26 used, and will continue to use, to censor statements that Mr. Kennedy makes in the  
27 2024 presidential campaign. For example, YouTube removed video of Mr. Kennedy's  
28

1 March 2023 speech at Saint Anselm’s New Hampshire Institute of Politics that had  
2 been posted on the platform by Manchester Public Television. The station’s director  
3 said: “YouTube will not allow us to post the video because of controversial  
4 vaccination content. MPTS has recorded more than 100 wonderful NHIOP events, and  
5 I cannot recall this happening before.”

6 21. YouTube doubled down on the decision, saying that it “removed the  
7 [Kennedy speech] for violating our policies on COVID-19 vaccine misinformation ....  
8 While we do allow content with educational, documentary, scientific or artistic  
9 context, such as news reports, the content we removed from this channel was raw  
10 footage and did not provide sufficient context.” A true and correct copy of YouTube’s  
11 “COVID-19 medical misinformation” policy is attached as **Exhibit “A.”** A true and  
12 correct copy of its “vaccine misinformation” policy is attached as **Exhibit “B.”** These  
13 policies are referred to collectively as YouTube’s medical misinformation policies.

14 22. Of course, only a portion of Mr. Kennedy’s Manchester speech dealt with  
15 his views about vaccines or COVID-19. Much of the speech focused on the DNC’s  
16 attempt to strip New Hampshire of its slot in the primary calendar, as well as  
17 Kennedy’s history of environmental activism, including his successful efforts to clean  
18 up the Hudson River. YouTube removed everything.

19 23. This was not an isolated incident. Since Mr. Kennedy declared his  
20 candidacy, YouTube has removed other videos of him speaking, including interviews  
21 he did with Jordan Peterson and Joe Rogan. Again, although YouTube has cited its  
22 medical misinformation policies to justify these decisions, it has removed the entire  
23 video of Mr. Kennedy speaking.

24 24. This trend will continue throughout the 2024 campaign. Unlike other tech  
25 companies—notably Facebook and Instagram (both owned by Facebook parent Meta)  
26 and Twitter (now owned by Elon Musk)—YouTube has not treated Mr. Kennedy  
27 differently now that he is a political candidate. If anything, Mr. Kennedy’s candidacy,  
28

1 and the issues of public concern he speaks about, have made him an even bigger target  
2 for the public/private censorship regime that Google and YouTube are an integral part  
3 of.

4 25. This censorship campaign prevents Mr. Kennedy's message from  
5 reaching millions of voters. It also makes it harder for groups that are supporting his  
6 campaign to amplify his message through public sources.

7 26. The decisions to censor Mr. Kennedy on these matters of public concern  
8 were not made by YouTube, acting of its own accord, but as part of the partnership  
9 between YouTube and federal government officials, including the Biden White  
10 House, to censor dissenting views that started during the COVID-19 pandemic. As  
11 documents discovered by two state attorneys general show, federal officials, including  
12 White House officials Rob Flaherty and Clarke Humphrey, were the ones who  
13 directed tech companies to remove statements Mr. Kennedy made about the  
14 government's COVID policies. For example, a true and correct copy of an email  
15 showing Ms. Humphrey's demand that one tech company, Twitter, remove one of Mr.  
16 Kennedy's posts on January 22, 2021, is attached as **Exhibit "C."**

17 27. Although this email targeted Twitter, White House and other government  
18 officials repeatedly worked with the big tech companies, including YouTube, to  
19 censor Mr. Kennedy during 2021 and 2022. Indeed, by July 2021, the White House  
20 press secretary was calling on the tech platforms to ban Mr. Kennedy completely and,  
21 on information and belief, YouTube was working behind the scenes with CISA and  
22 other government officials to do just that. It is reasonable to believe that this  
23 partnership, and the related White House pressure campaign, increased after Mr.  
24 Kennedy challenged President Biden for the Democratic Party's nomination.

25 28. YouTube plays an especially important role in this public/private  
26 censorship regime. Whether it is through advertising, interviews, or raw footage,  
27 YouTube provides people—especially political candidates—with unfettered access to  
28



1 the American public. YouTube is not simply a tool of communication, like a  
2 telephone or a social media app. It is not simply a publisher like *The New York Times*  
3 or *The Wall Street Journal*. It is a place for people to view, to listen, and to learn about  
4 whatever they want. For the most part, they can do that without registering and  
5 without paying anything.<sup>1</sup> They can simply log onto the platform and watch. Thus,  
6 YouTube is the digital equivalent of the town square. It is a platform for speech. And  
7 YouTube has monetized that role, earning billions of dollars for Google in the  
8 process.

9       29. With that reach comes responsibility, though. YouTube may own its  
10 website. In that sense, youtube.com is private property. But, by allowing the public to  
11 post videos there, YouTube turned youtube.com into a public forum of some sort.  
12 Whether it is a traditional public forum, a limited public forum or something else does  
13 not matter. It cannot exclude people from the platform based on their viewpoint. It  
14 cannot decide which speech people hear. It cannot do that itself and it especially  
15 cannot do that, as it has with Plaintiffs, based on a public/private partnership in which  
16 YouTube relies on the government to decide what information to censor.

17       30. The Ninth Circuit Court of Appeals has historically construed the state  
18 action doctrine liberally, echoing Justice William Brennan's view that, "[i]f the  
19 Fourteenth Amendment is to have its intended effect as a restraint on the abuse of  
20 state power, courts must be sensitive to the manner in which state power is exercised.  
21 In an era of active government intervention to remedy social ills, the true character of  
22 the State's involvement in, and coercive influence over, the activities of private  
23 parties, often through complex and opaque regulatory frameworks, may not always be  
24 apparent. But if the task that the Fourteenth Amendment assigns to the courts is thus  
25 rendered more burdensome, the courts' obligation to perform that task faithfully, and  
26

27 <sup>1</sup> There are also private areas of YouTube, but the speech Google censored that is at  
28 issue in this case was available to anybody.



consistently with the constitutional purpose, is rendered more, not less, important.”

31. Those words echo today. This will be the last presidential election before America’s 250th birthday. Much has changed since 1776. The country’s demand for freedom of speech—especially political speech—should not be one of them.

### **FIRST CLAIM FOR RELIEF**

#### **(Injunctive Relief under 42 U.S.C. § 1983/State Action Doctrine)**

32. Mr. Kennedy incorporates paragraphs 1 through 29 of this Complaint as though set forth fully herein.

33. When Mr. Kennedy speaks about the federal government’s COVID-19 policies, as he has in the Manchester speech and in interviews on the campaign trail, he is engaging in speech on matters of public concern that are protected by the First Amendment.

34. Although YouTube is a private (non-governmental) party, it violated Mr. Kennedy’s First Amendment rights when it removed videos of his political speech, as alleged above, in several ways.

35. *First*, there is a sufficiently close nexus between YouTube and the federal government such that YouTube’s actions may be fairly treated as that of government itself. For example, although it cited its own COVID vaccine misinformation policies when censoring Mr. Kennedy, the policies rely entirely on government officials to decide what information gets censored. They say that YouTube does not allow people to say anything “that contradicts local health authorities’ (LHA) or the World Health Organization’s (WHO) medical information about COVID-19.” These policies are subject to change, but only “in response to changes to global or local health authorities’ guidance on the virus.” In other words, the government provides the rules that guide YouTube’s enforcement of the medical misinformation policies.

36. *Second*, YouTube’s medical misinformation policies were developed as part of a joint enterprise between YouTube and federal government officials to

1 prevent Americans from hearing people like Mr. Kennedy who disagreed with the  
 2 government’s policy decisions. YouTube had no obligation to act as the government’s  
 3 censor. But, after the creation of CISA and especially after President Biden took  
 4 office, YouTube decided to partner with the federal government to censor dissenting  
 5 voices about COVID-19. In this way, the federal government insinuated itself into  
 6 such a position of interdependence with YouTube that they can be deemed joint  
 7 participants in the censorship regime. This partnership consists of a complex and  
 8 deeply intertwined process between the federal government and YouTube—but led by  
 9 the government, which plays an outsized role in the decision—about what information  
 10 is “dangerous” and which speakers (especially Mr. Kennedy) need to be silenced.

11 37. Again, these are not conclusory allegations but facts that have been  
 12 revealed in other litigation against Big Tech platforms, including emails from early  
 13 2021 in which Biden White House officials discussed alleged vaccine misinformation  
 14 and “ways the White House (and our COVID experts) can partner [with the tech  
 15 companies] in product work.” A true and correct copy of one such email is attached as  
 16 **Exhibit “D.”** This partnership has targeted Mr. Kennedy from day one of the Biden  
 17 Administration but, on information and belief, it has increased since Kennedy  
 18 challenged the president politically.

19 38. When engaging in this partnership, YouTube did not act in good faith, to  
 20 promote its own business, but to fulfill the government’s objective of preventing  
 21 people from hearing Kennedy’s comments. It was fulfilling the government’s  
 22 censorship goals. It will continue to do that. Indeed, YouTube is the only one of the  
 23 Big Tech platforms that is still censoring Mr. Kennedy during his political campaign.

24 39. *Third*, the federal government has ensured that YouTube cooperate in its  
 25 censorship campaign by publicly demanding that it do so, by accusing it of killing  
 26 people when it does not cooperate, and by threatening to take away certain legal  
 27 protections that YouTube has under federal law (namely immunity under section 230  
 28

1 of the Communications Decency Act). Indeed, YouTube bases its right to censor  
2 people on section 230. Thus, a federal law—section 230—is the very source of  
3 authority through which tech censorship occurs, a situation in which the Supreme  
4 Court has found state action to exist.

5 40. Through this public and private pressure, the federal government has  
6 offered such significant encouragement, both overt and covert, that YouTube’s  
7 decision to censor Mr. Kennedy’s political speech must be deemed to have been made  
8 by the government itself, including Kennedy’s political opponent, President Biden.  
9 Under these circumstances, YouTube is a state actor and it violated Mr. Kennedy’s  
10 First Amendment rights by engaging in viewpoint discrimination, as alleged above.

11 41. In addition, at least with respect to the fully public aspects of its platform,  
12 YouTube operates as a public forum, the digital equivalent of a town square. As such,  
13 it cannot remove protected speech, especially political speech, based on its viewpoint.  
14 Furthermore, any viewpoint-neutral rules must be narrowly tailored to leave open  
15 ample alternative channels for communication. YouTube admittedly does not comply  
16 with these rules.

17 42. YouTube’s medical misinformation policies also violate the First  
18 Amendment on their face because they are overbroad and vague. Indeed, the policies  
19 give YouTube and its government partners unfettered discretion to decide what  
20 information they censor, including when they say the speech lacks “context.” Thus,  
21 the policies violate both the overbreadth and void-for-vagueness doctrines.

22 43. Unlike other technology companies, YouTube has refused to remove its  
23 misinformation policies and has refused to stop censoring Mr. Kennedy during his  
24 political campaign. Thus, there is a substantial likelihood that it will continue  
25 censoring Mr. Kennedy, preventing his political message from reaching millions of  
26 American voters.

27 44. Mr. Kennedy will be irreparably harmed if the Court does not grant  
28

1 injunctive relief prohibiting YouTube from censoring him during his political  
 2 campaign. He brings this action to seek such relief and to prohibit YouTube from  
 3 enforcing its unconstitutional medical misinformation policies against him while he is  
 4 seeking political office.

## 5 **SECOND CLAIM FOR RELIEF**

### 6 **(Declaratory Judgment under 28 U.S.C. § 2201)**

7 45. Mr. Kennedy incorporates paragraphs 1 through 29 of this Complaint as  
 8 though set forth fully herein.

9 46. Mr. Kennedy contends that YouTube's medical misinformation policies  
 10 are unconstitutional on their face and as applied to him during his presidential  
 11 campaign because they are impermissibly vague and overbroad and because they give  
 12 unnamed government officials, who the policies depend entirely on, the unfettered  
 13 discretion to decide what information gets removed from YouTube.

14 47. On information and belief, Defendants contend that YouTube's medical  
 15 misinformation policies are constitutional on their face and as applied to Mr.  
 16 Kennedy.

17 48. Mr. Kennedy desires a judicial declaration that YouTube's medical  
 18 misinformation policies are unconstitutional on their face for the reasons alleged  
 19 above.

20 49. Under 28 U.S.C. § 2201, a judicial determination of these issues is  
 21 necessary and appropriate because such a declaration will clarify the parties' rights  
 22 and obligations, permit them to have certainty regarding those rights and potential  
 23 liability, and avoid a multiplicity of actions.

## 24 **PRAYER FOR RELIEF**

25 Wherefore, Mr. Kennedy prays for relief as follows.

26 1. For an order declaring that Defendants violated Mr. Kennedy's rights under  
 27 the First Amendment when they used information from, and partnered with, federal  
 28

1 government officials, including those who work for Mr. Kennedy's political opponent,  
2 to censor his political speech.

3 2. For an order requiring that YouTube restore any videos of Mr. Kennedy's  
4 political speech that it has removed during the 2024 presidential campaign.

5 3. For an order declaring YouTube's medical misinformation policies to be  
6 unconstitutional on their face, and as applied to Mr. Kennedy during his presidential  
7 campaign, and for an injunction prohibiting Defendants from further enforcing them.

8 4. For costs and legal fees under 42 U.S.C. § 1988.

9 5. For such other relief as the Court deems proper.

10  
11 DATED: August 2, 2023

JW HOWARD/ATTORNEYS, LTD.

12  
13  
14 By: 

15 John W. Howard

16 Scott J. Street

17 Andrew G. Nagurney

18 Attorneys for Plaintiff

19 ROBERT F. KENNEDY, JR.

JW HOWARD/ ATTORNEYS, LTD.  
600 WEST BROADWAY, SUITE 1400  
SAN DIEGO, CALIFORNIA 92101

**JURY TRIAL DEMAND**

Mr. Kennedy requests a trial by jury on all claims for which it is available.

DATED: August 2, 2023

JW HOWARD/ATTORNEYS, LTD.

By:



John W. Howard

Scott J. Street

Andrew G. Nagurney

Attorneys for Plaintiff,

ROBERT F. KENNEDY, JR.

JW HOWARD/ ATTORNEYS, LTD.  
600 WEST BROADWAY, SUITE 1400  
SAN DIEGO, CALIFORNIA 92101

## **EXHIBIT A**



## COVID-19 medical misinformation policy

The safety of our creators, viewers, and partners is our highest priority. We look to each of you to help us protect this unique and vibrant community. It's important you understand our Community Guidelines, and the role they play in our shared responsibility to keep YouTube safe. **Take the time to carefully read the policy below.** You can also check out [this page](#) for a full list of our guidelines.

YouTube doesn't allow content about COVID-19 that poses a serious risk of egregious harm.

YouTube doesn't allow content that spreads medical misinformation that contradicts local health authorities' (LHA) or the World Health Organization's (WHO) medical information about COVID-19. This is limited to content that contradicts WHO or local health authorities' guidance on:

- Treatment
- Prevention
- Diagnosis
- Transmission
- The existence of COVID-19

**Note:** YouTube's policies on COVID-19 are subject to change in response to changes to global or local health authorities' guidance on the virus. There may be a delay between new LHA/WHO guidance and policy updates given the frequency with which this guidance changes, and our policies may not cover all LHA/WHO guidance related to COVID-19.

Our COVID-19 policies were first published on May 20, 2020.

### What this policy means for you

#### If you're posting content

Don't post content on YouTube if it includes any of the following:

##### **Treatment misinformation:**

- Content that encourages the use of home remedies, prayer, or rituals in place of medical treatment such as consulting a doctor or going to the hospital
- Content that claims that there's a guaranteed cure for COVID-19
- Content that recommends use of Ivermectin or Hydroxychloroquine for the treatment of COVID-19
- Claims that Hydroxychloroquine is an effective treatment for COVID-19
- Categorical claims that Ivermectin is an effective treatment for COVID-19
- Claims that Ivermectin and Hydroxychloroquine are safe to use in the prevention of COVID-19
- Other content that discourages people from consulting a medical professional or seeking medical advice

**Prevention misinformation:** Content that promotes prevention methods that contradict local health authorities or WHO.

- Claims that there is a guaranteed prevention method for COVID-19
  - Claims that any medication or vaccination is a guaranteed prevention method for COVID-19
- Content that recommends use of Ivermectin or Hydroxychloroquine for the prevention of COVID-19
- Claims that Ivermectin and Hydroxychloroquine are safe to use in the prevention of COVID-19
- Claims about COVID-19 vaccinations that contradict expert consensus from local health authorities or WHO

- Claims that an approved COVID-19 vaccine will cause death, infertility, miscarriage, autism, or contraction of other infectious diseases
- Claims that an approved COVID-19 vaccine will contain substances that are not on the vaccine ingredient list, such as biological matter from fetuses (e.g. fetal tissue, fetal cell lines) or animal products
- Claims that an approved COVID-19 vaccine will contain substances or devices meant to track or identify those who've received it
- Claims that COVID-19 vaccines will make people who receive them magnetic
- Claims that an approved COVID-19 vaccine will alter a person's genetic makeup
- Claims that COVID-19 vaccines do not reduce risk of serious illness or death
- Claims that any vaccine causes contraction of COVID-19
- Claims that a specific population will be required (by any entity except for a government) to take part in vaccine trials or receive the vaccine first
- Content that promotes the use of unapproved or homemade COVID-19 vaccines
- Instructions to counterfeit vaccine certificates, or offers of sale for such documents

**Diagnostic misinformation:** Content that promotes diagnostic information that contradicts local health authorities or WHO.

- Claims that approved COVID-19 tests are dangerous or cause negative physical health effects
- Claims that approved COVID-19 tests cannot diagnose COVID-19

**Transmission misinformation:** Content that promotes transmission information that contradicts local health authorities or WHO.

- Content that claims that COVID-19 is not caused by a viral infection
- Content that claims COVID-19 is not contagious
- Content that claims that COVID-19 cannot spread in certain climates or geographies
- Content that claims that any group or individual has immunity to the virus or cannot transmit the virus

**Content that denies the existence of COVID-19:**

- Denial that COVID-19 exists
- Claims that people have not died or gotten sick from COVID-19
- Claims that the death rate of COVID-19 is equal to or less than that of the common cold or seasonal flu
- Claims that COVID-19 is equal to or less transmissible than the common cold or seasonal flu
- Claims that the symptoms of COVID-19 are never severe

This policy applies to videos, video descriptions, comments, live streams, and any other YouTube product or feature. Keep in mind that this isn't a complete list. Please note these policies also apply to [external links](#) in your content. This can include clickable URLs, verbally directing users to other sites in video, as well as other forms.

## Examples

Here are some examples of content that's not allowed on YouTube:

- Denial that COVID-19 exists
- Claims that people have not died from COVID-19
- Claims that any vaccine is a guaranteed prevention method for COVID-19
- Claims that a specific treatment or medicine is a guaranteed cure for COVID-19
- Claims that hydroxychloroquine saves people from COVID-19
- Promotion of MMS (Miracle Mineral Solution) for the treatment of COVID-19

- Claims that certain people have immunity to COVID-19 due to their race or nationality
- Encouraging taking home remedies instead of getting medical treatment when sick
- Discouraging people from consulting a medical professional if they're sick
- Content that claims that holding your breath can be used as a diagnostic test for COVID-19
- Videos alleging that if you avoid Asian food, you won't get the coronavirus
- Videos alleging that setting off fireworks can clean the air of the virus and will prevent the spread of the virus
- Claims that COVID-19 is caused by radiation from 5G networks
- Videos alleging that the COVID-19 test is the cause of the virus
- Claims that countries with hot climates will not experience the spread of the virus
- Claims that COVID-19 vaccines kill people who receive them
- Claims that COVID-19 vaccines are a means of population reduction
- Videos claiming that COVID-19 vaccines contain fetal tissue
- Claims that the flu vaccine causes contraction of COVID-19
- Claims that the flu is more contagious than COVID-19
- Claims that COVID-19 vaccines cause contraction of other infectious diseases or makes people more vulnerable to contraction of other infectious diseases
- Claims that COVID-19 vaccines contain a microchip or tracking device
- Claims that achieving herd immunity through natural infection is safer than vaccinating the population
- Claims that COVID-19 never causes serious symptoms or hospitalization
- Claims that the death rate from the seasonal flu is higher than the death rate of COVID-19
- Claims that people are immune to the virus based on their race
- Claims that children cannot or do not contract COVID-19
- Claims that there have not been cases or deaths in countries where cases or deaths have been confirmed by local health authorities or the WHO

## Educational, documentary, scientific or artistic content

We may allow content that violates the misinformation policies noted on this page if that content includes additional context in the video, audio, title, or description. This is not a pass to promote misinformation. Additional context may include countervailing views from local health authorities or medical experts. We may also make exceptions if the purpose of the content is to condemn, dispute, or satirize misinformation that violates our policies. We may also make exceptions for content showing an open public forum, like a protest or public hearing, provided the content does not aim to promote misinformation that violates our policies.

## What happens if content violates this policy

If your content violates this policy, we'll remove the content and send you an email to let you know. If we can't verify that a link you post is safe, we may remove the link.

If this is your first time violating our Community Guidelines, you'll likely get a warning with no penalty to your channel. If it's not, we may issue a strike against your channel. If you get 3 strikes within 90 days, your channel will be terminated. You can learn more about [our strikes system here](#).

We may terminate your channel or account for repeated violations of the Community Guidelines or Terms of Service. We may also terminate your channel or account after a single case of severe abuse, or when the channel is dedicated to a policy violation. You can learn more about [channel or account terminations here](#).

Need more help?

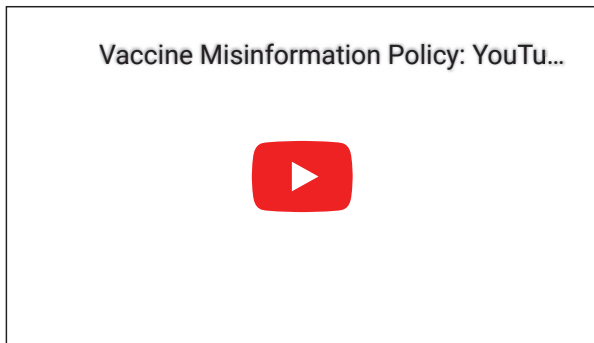
Try these next steps:

**Post to the help community**

Get answers from community members

## **EXHIBIT B**

## Vaccine misinformation policy



YouTube doesn't allow content that poses a serious risk of egregious harm by spreading medical misinformation about currently administered vaccines that are approved and confirmed to be safe and effective by local health authorities and by the World Health Organization (WHO). This is limited to content that contradicts local health authorities' or the WHO's guidance on vaccine safety, efficacy, and ingredients.

### What this policy means for you

#### If you're posting content

Don't post content on YouTube if it includes harmful misinformation about currently approved and administered vaccines on any of the following:

- **Vaccine safety:** content alleging that vaccines cause chronic side effects, outside of rare side effects that are recognized by health authorities
- **Efficacy of vaccines:** content claiming that vaccines do not reduce transmission or contraction of disease
- **Ingredients in vaccines:** content misrepresenting the substances contained in vaccines

This policy applies to videos, video descriptions, comments, live streams, and any other YouTube product or feature. Keep in mind that this isn't a complete list. Please note these policies also apply to [external links](#) in your content. This can include clickable URLs, verbally directing users to other sites in video, as well as other forms.

### Examples

Here are some examples of content that's not allowed on YouTube:

- Claims that vaccines cause chronic side effects such as:
  - Cancer
  - Diabetes
  - Other chronic side effects
- Claims that vaccines do not reduce risk of contracting illness
- Claims that vaccines contain substances that are not on the vaccine ingredient list, such as biological matter from fetuses (e.g. fetal tissue, fetal cell lines) or animal byproducts
- Claims that vaccines contain substances or devices meant to track or identify those who've received them
- Claims that vaccines alter a person's genetic makeup
- Claims that the MMR vaccine causes autism
- Claims that vaccines are part of a depopulation agenda

- Claims that the flu vaccine causes chronic side effects such as infertility
- Claims that the HPV vaccine causes chronic side effects such as paralysis

## Educational, scientific, artistic, or testimonial content

YouTube may allow content that violates the misinformation policies noted on this page if that content includes additional context in the video, audio, title, or description. This is not a pass to promote misinformation. Additional context may include countervailing views from local health authorities or medical experts. We may also make exceptions if the purpose of the content is to condemn, dispute, or satirize misinformation that violates our policies. We may also make exceptions for content showing an open public forum, like a protest or public hearing, provided the content does not aim to promote misinformation that violates our policies.

YouTube also believes people should be able to share their own experiences, including personal experiences with vaccinations. This means we may make exceptions for content in which creators describe firsthand experiences from themselves or their family. At the same time, we recognize there is a difference between sharing personal experiences and promoting misinformation about vaccines. To address this balance, we will still remove content or channels if they include other policy violations or demonstrate a pattern of promoting vaccine misinformation.

## What happens if content violates this policy

If your content violates this policy, we'll remove the content and send you an email to let you know. If we can't verify that a link you post is safe, we may remove the link.

If this is your first time violating our Community Guidelines, you'll likely get a warning with no penalty to your channel. If it's not, we may issue a strike against your channel. If you get 3 strikes within 90 days, your channel will be terminated. You can learn more about [our strikes system here](#).

We may terminate your channel or account for repeated violations of the Community Guidelines or Terms of Service. We may also terminate your channel or account after a single case of severe abuse, or when the channel is dedicated to a policy violation. You can learn more about [channel or account terminations here](#).

## Additional resources

More information on vaccines, including their safety and efficacy, can be found below.

### Health Authority Vaccine Information:

- [Centers for Disease Control and Prevention \(CDC\)](#) (US)
- [European Vaccination Information Portal](#) (EU)
- [National Health Service](#) (UK)
- [World Health Organization vaccine safety](#) (Global)
- [World Health Organization vaccine preventable diseases](#) (Global)

### Additional Vaccine Information:

- [American Academy of Pediatrics](#) (US)
- [GAVI, the Vaccine Alliance](#) (Global)
- [UNICEF](#) (Global)



Need more help?

Try these next steps:

**Post to the help community**

Get answers from community members

## **EXHIBIT C**

---

**From:** [REDACTED]@twitter.com]  
**Sent:** 1/23/2021 1:08:36 AM  
**To:** Humphrey, Clarke EOP/WHO [REDACTED]@who.eop.gov]  
**CC:** [REDACTED]@twitter.com]; Flaherty, Robert EOP/WHO [REDACTED]@who.eop.gov]  
**Subject:** [EXTERNAL] Re: Flagging Hank Aaron misinfo

Thanks. We recently escalated this.

On Fri, Jan 22, 2021 at 8:05 PM Humphrey, Clarke EOP/WHO [REDACTED]@who.eop.gov> wrote:  
Hey folks —

Wanted to flag the below tweet and am wondering if we can get moving on the process for having it removed ASAP:

><https://twitter.com/RobertKennedyJr/status/1352748139665645569><

And then if we can keep an eye out for tweets that fall in this same ~genre that would be great.

Thanks!  
Clarke

--

—

[REDACTED]  
Twitter, Inc. | Public Policy  
[@TwitterGov](#) & [@Policy](#)

## **EXHIBIT D**

**From:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov]  
**Sent:** 4/16/2021 4:25:15 PM  
**To:** Flaherty, Rob EOP/WHO [REDACTED]@who.eop.gov]; Slavitt, Andrew M. EOP/WHO [REDACTED]@who.eop.gov]; [REDACTED]@twitter.com]; [REDACTED]@twitter.com]; [REDACTED]@twitter.com]; [REDACTED]@twitter.com]  
**CC:** Fitzpatrick, Kelsey V. EOP/WHO [REDACTED]@who.eop.gov]; [REDACTED] (HHS/OASH) [REDACTED]@hhs.gov]  
**Subject:** Twitter Vaccine Misinfo Briefing  
**Location:** [REDACTED]  
**Start:** 4/21/2021 2:00:00 PM  
**End:** 4/21/2021 3:00:00 PM  
**Show Time As:** Tentative  
**Recurrence:** (none)

White House Staff will be briefed by Twitter on vaccine misinfo. Twitter to cover trends seen generally around vaccine misinformation, the tangible effects seen from recent policy changes, what interventions are currently being implemented in addition to previous policy changes, and ways the White House (and our COVID experts) can partner in product work.

 The linked im...

Hi there,

[REDACTED] is inviting you to a scheduled ZoomGov meeting.

## [Join Zoom Meeting](#)

Phone US: [REDACTED] or

one-tap: [REDACTED]

Meeting [REDACTED]

URL:

Meeting [REDACTED]

ID:

Passcode: [REDACTED]

## Join by Telephone

For higher quality, dial a number based on your current location.

Dial:

US: [REDACTED]