

## Government Censorship Transparency Report

### **WHEREAS:**

The United States Government colluded with technology, social media and pharmaceutical companies during the COVID pandemic to censor the speech of American citizens for the purported cause to prevent the spread of so-called “disinformation,”<sup>1</sup> which violated their First Amendment rights,<sup>2</sup> and suppressed the dissemination of real-time evidence and statistics that could have helped avoid other harms.<sup>3</sup>

In *Bantam Books, Inc. vs. Sullivan (1963)*, and in other cases, the U.S. Supreme Court has ruled that private entities may not suppress speech at the behest of government.

### **SUPPORTING STATEMENT:**

In a July 18, 2023 letter to Merck & Co., Inc. (“Company”) Chairman/CEO Robert Davis, Rep. Jim Jordan, Chairman of the Committee on the Judiciary of the U.S. House of Representatives, wrote:<sup>4</sup>

According to documents obtained by the Committee, personnel from Merck were invited in December 2020 to meet with personnel from other pharmaceutical companies, Executive Branch agencies, and Stanford University to discuss “a coalition to respond to COVID-19 vaccine disinformation.” The entanglement of Executive Branch agencies, third-party organizations, and technology companies to moderate speech-related content online raises questions about the extent to which these actions affected the civil liberties of American citizens. Other reporting indicates that the pharmaceutical industry pressured social media platforms to take down posts...

In the letter, Chairman Jordan also asked Mr. Davis to provide the Judiciary Committee copies of all communications and documents the Company possesses regarding its participation in efforts to censor U.S. citizens.

Evidence shows the Company received overtures from government to censor. For example, the purpose of the meeting that included Company personnel apparently helped plan the Stanford Internet Observatory’s “Virality Project.” The Project partnered “with several government agencies,” including the Cybersecurity and Infrastructure Security Agency, the Office of the Surgeon General, and the Centers for Disease Control.<sup>5</sup> The Project “worked directly with employees at Facebook, Google, YouTube, TikTok, and more.... Those companies regularly assured the Project that they were addressing the content it flagged.”

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<sup>1</sup> <https://theintercept.com/2023/01/16/twitter-covid-vaccine-pharma/>

<sup>2</sup> <https://nypost.com/2023/03/10/censorship-industrial-complex-uses-power-to-threaten-democracy/>

<sup>3</sup> <https://justthenews.com/politics-policy/coronavirus/wrongly-censored-scientist-presses-covid-19-truth-commission-expose>

<sup>4</sup> <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2023-07-18-jdj-to-davis-merck.pdf>

<sup>5</sup> <https://public.substack.com/p/stanford-group-helped-us-government>

The Company has admitted that it asks social media companies to censor.<sup>6</sup>

Shareholders need to know whether the Company cooperates with government officials engaged in unconstitutional censorship, opening the Company to liability claims by victims, and whether the Company fails to disclose these potential liabilities as material risks in its public filings.

**RESOLVED:**

Shareholders request the Board to provide a report, published on the Company website and updated at reasonable intervals – omitting proprietary information and at reasonable cost – that specifies the Company’s policy in response to requests, whether from agencies of the United States Government or from state governments, to aid censorship.

This transparency report would be most valuable if it itemizes requests it has received. Helpful information would include the name and title of the public official making the request; the nature and scope of the request; the date of the request; and the Company’s decision about the request.

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<sup>6</sup> <https://www.merck.com/news/merck-asks-social-media-companies-to-do-as-much-as-they-can-to-stop-hate-speech-racism-and-discrimination-merck-to-stop-advertising-on-facebook-and-instagram-assess-responses-from-facebook-and-moni/>