



**Judicial
Watch**[®]
*Because no one
is above the law!*

February 19, 2021

The Oversight Board
c/o Rachel Wolbers
Public Policy Manager
Washington, DC

Re: Trump Decision

Dear Board Members:

Judicial Watch is a non-profit, non-partisan educational foundation, promoting transparency, accountability and integrity in government and fidelity to the rule of the law. It is fair to say that Judicial Watch is the largest government transparency organization in the United States.

The Oversight Board should quickly reverse Facebook's panicked decision to suspend then-President Trump from its platform. The decision is an affront to the First Amendment protections of free speech, peaceable assembly, and the right to petition the government.

There is no credible evidence that President Trump either morally or legally incited violence. He was resoundingly acquitted by the United States Senate after the impeachment "prosecutors" failed to produce credible evidence he incited violence. For Facebook to suggest President Trump incited violence and that complaints about the administration of an election could incite violence is a political position aligned with the Left and political opponents of President Trump and his supporters. The "Trump standard" Facebook would set for speech on its platform would, if fairly applied, limit core political speech of every user on every public policy topic. Specifically, Left partisans now seek to effectively criminalize those who advocate for free, fair, and secure elections. Facebook's ban of President Trump provides moral cover to this attack on the rights of tens of millions of Americans.

There is no apolitical process for censoring or even "fact checking" political speech and Facebook's policies should reflect this reality – on topics ranging from election reform to, as the Oversight Board previously found, COVID debates. (The Internet and platforms such as Facebook are increasingly seen as a public accommodation. In Washington, DC, restricting access to public accommodations based on political affiliation is prohibited under the DC Human Rights Act.)

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The brazen deplatforming of President Trump is chilling speech of other Facebook users, and Internet users generally, who fairly worry about Facebook censoring and deplatforming them.

Facebook's censorship also undermines government and related transparency. Politicians who communicate their views on Facebook are providing transparency and information that otherwise may not be available to voters and citizens. Deplatforming President Trump certainly chills the speech of other politicians and deprives citizens of useful insights about these politicians and government policies.

Thank you for your consideration. We are happy to provide additional information as needed.

Yours truly,

A handwritten signature in black ink, appearing to read 'TFITTON', written over a horizontal line.

Thomas Fitton
President