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VIA ELECTRONIC FILING

Mr. Scott S. Harris, Clerk
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Re: Petitioner's Supplemental Letter
Children's Health Defense v. Meta Platforms, Inc., et al., 24-732

Dear Mr. Harris:

Petitioner Children's Health Defense ("CHD") submits this supplemental letter of intervening matters not available when CHD filed its certiorari petition.

Respondent Mark Zuckerberg, the Chairman and CEO of Respondent Meta Platforms, Inc. ("Meta"), recently conceded that the Biden Administration "violated the law" by coercing Meta to censor truthful speech about Covid vaccines.¹ He stated that Meta faced "massive institutional pressure to basically start censoring content on ideological grounds" while concurrently "all these different agencies and branches of government basically just started investigating [sic] coming after our company."² "It makes you a little afraid that if you ever actually mess something up, that they're really going to bring the hammer down on you if you don't have a constructive relationship."³ Zuckerberg's public disclosures are relevant to the Ninth Circuit's dismissal of CHD's complaint that Executive Branch conduct "could be reasonably understood to convey a threat of adverse government action," *NRA of Am. v. Vullo*, 602 U.S. 175, 191 (2024), or that Meta willfully chose to facilitate the Executive Branch's preference to suppress CHD's speech. *See* Pet. 16a-17a, 22a-23a.

¹ *See* Rogan, Joe and Zuckerberg, Mark, "Joe Rogan Experience #2255 - Mark Zuckerberg" (Jan. 10, 2025), at 2-8, 19, 56-57, https://epublications.marquette.edu/zuckerberg_files_transcripts/2064.

² *Id.* at 2, 6.

³ *Id.* at 56.

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By contrast, Meta insisted to the Courts below that all its actions against CHD were “internal decisions,” *see, e.g.*, 9th Cir. No. 21-16210 (“R.”) Dkt. #69, and denied “any possible inference that Meta’s policies were imposed by the government.” R. Dkt. #79 at 6. And to Congressional investigators, Zuckerberg’s subordinates maintained that “[w]e own the policies. We write those policies, we own the enforcement of those policies.”⁴ Asked whether any of the White House’s “very forceful” language about “levers they have available to them” changed Meta’s behavior, Meta’s President of Global Affairs Nick Clegg, responded, “No. No, of course not.”⁵

In terms of the new administration, Meta’s continuing “decision to unpublish CHD’s content and suspend CHD from its platforms,” R. Dkt. #69, perpetuates a live controversy between these parties as part of CHD’s state-action challenge to Meta’s content-moderation collaboration with the last two administrations since 2019. *Cf. Missouri v. Biden*, No. 24-30252, 2025 U.S. App. LEXIS 2144 (5th Cir. Jan. 30, 2025) (*per curiam*) (unpubl.) (remand of *Kennedy v. Biden* for consideration of mootness in light of President Trump’s executive order to end federal censorship); *Missouri*, No. 22-cv-1213 (W.D.La. Feb. 3, 2025) Dkt. #432.

These matters underscore the need for this Court to review the important state-action questions presented, or vacate and remand the case pursuant to its guidance.

Sincerely,



Roger Ian Teich
Counsel for Petitioner

cc: Ari Holtzblatt
Mark R. Caramanica
Counsel for Respondents

⁴ U.S. House of Representatives, Committee on the Judiciary, *Final Report: The Weaponization of the Federal Government* Part 4, at 10728 (July 25, 2023 Interview of Meta content policy director) (2024), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/2024-12/Part-4-%28Appendix%29-Final-Weaponization-Report-Compilation.pdf>.

⁵ *Id.* at 13506-13507 (March 1, 2024 Interview of Nick Clegg).