

BEFORE THE FEDERAL ELECTION COMMISSION

LIBERTY COUNSEL ACTION
PO Box 540629
Orlando, FL 32854
407-875-1789

v.

MUR No. _____

FACEBOOK, INC.
1 Hacker Way
Menlo Park, CA 94025

COMPLAINT

1. This complaint, filed pursuant to 52 U.S.C. § 30109(a)(1), is based on information and belief that Facebook, Inc. made contributions to the Biden/Harris federal election campaign, in violation of the Federal Election Campaign Act (FECA), 52 U.S.C. § 30101, *et seq.*
2. Facebook, Inc. is a corporation that has contributed to a federal election campaign and made expenditures in connection with the presidential election in violation of 52 U.S.C. § 30118(a).
3. Based on published reports and observation, complainant has reason to believe that Facebook has violated FECA's prohibition on campaign contributions and expenditures in connection with a federal election.
4. The Commission "shall make an investigation" of these allegations if it "has reason to believe that a person has committed, or is about to commit, a violation of [FECA]...." 52 U.S.C. § 30109(a)(2); *see also* § 11 C.F.R. 111.4(a).

STATEMENT OF FACTS

5. Upon information and belief, Facebook has made expenditures to support the suppression of

Facebook user posts containing material that is seen as negative to the Biden/Harris federal election campaign. Some of the suppression methods include refusal to take ads that include content that Facebook deems false; reducing the distribution of disfavored posts on its platform; and flagging content as false with links to opposing viewpoints.

6. On October 12, 2020, complainant posted an article on its public Facebook page¹ that was written by Liberty Counsel² and republished on LifeNews.com on August 14, 2020. The article was entitled “Kamala Harris Tried to Put Pro-Lifers in Jail Who Exposed Planned Parenthood Selling Baby Parts”, and contained an image carried over automatically onto Facebook from the LifeNews.com article. Complainant has personal knowledge of this of this article and posting. *See* Exhibit A.
7. The article contained facts about former California attorney general Kamala Harris’ involvement in investigating two undercover citizen journalists who had uncovered dealings between Planned Parenthood and companies that paid it for intact body parts from abortions.
8. Facebook users who saw the complainant’s post in their feed first saw a notice covering the image of Kamala Harris that warned “False Information”, “Checked by independent fact-checkers”, “See Why”, and “See Link”. Facebook friends of those who shared the post received the same “False Information” notice before they could read the post content.

¹ <https://www.facebook.com/LibertyCounselAction/>

² Liberty Counsel represents Sandra Merritt, one of the citizen journalists who is being prosecuted by California attorney general Xavier Becerra as a result of an investigation started by his predecessor Kamala Harris. Harris has a long relationship with Planned Parenthood, having received campaign contributions from the group or its employees; evidence uncovered in discovery demonstrates that Planned Parenthood officials worked closely with Kamala Harris’ office to obtain evidence against the citizen journalists. *See* <http://lc.org/PDFs/Attachments2PRsLAs/2018/072418MerrittMotionandMemotoRecuseandDismiss.pdf>

The case that was started due to the investigation from Kamala Harris’ office is ongoing. *See* <https://LC.org/sandra2>

Complainant has personal knowledge of this notice. *See* Exhibit B.

9. Those who clicked “See Why” then saw a pop-up entitled “False”. The warning continued with the following words, “Fact-Check from PolitiFact”; “PolitiFact – Social Media Posts Push False Claims About Kamala Harris And Planned Parenthood”; About This Notice; Independent fact-checkers say this information has no basis in fact. Curious how Facebook works with independent fact-checking organizations? Learn more”. Complainant has personal knowledge of this pop-up. *See* Exhibit C.
10. According to a statement on PolitiFact.com, Facebook contributed more than 5 percent of PolitiFact’s revenues in the prior fiscal year. Given the Facebook funding, PolitiFact’s evaluations cannot be considered independent of Facebook. *See* Exhibit D.
11. Facebook, through its “fact-checkers” such as PolitiFact, rely on minor technical distinctions and disputed facts to call negative posts that mention candidates, including Joe Biden and Kamala Harris, “False”.³

³ The Facebook-approved PolitiFact “fact-checking” is skewed in favor of the Biden/Harris campaign. PolitiFact claims that the post about Kamala Harris trying to put pro-lifers in jail was incorrect because Harris left office before the pro-life undercover journalists were charged. However, without Harris’ investigation, charges would never have been filed by her successor. Harris was responsible for beginning the investigation against the pro-life citizen journalists.

PolitiFact claims that the term “baby parts” is “wrong and greatly misleading” because “donated fetal tissue” is a source of fetal cells for research. However, the usage of the body parts after sale is irrelevant. In fact, as a result of the undercover journalists’ videos, the Orange County, California District Attorney successfully gained the closure of companies that illegally sold body parts acquired from abortions. “This lawsuit is aimed at taking the profit out of selling body parts,” said the D.A. *See* <https://www.latimes.com/socal/daily-pilot/news/tn-dpt-me-fetal-tissue-20171208-story.html> and <https://www.lifenews.com/2017/12/09/two-companies-that-sold-aborted-baby-parts-for-planned-parenthood-forced-to-close-down/>.

A technician who was responsible for collecting body parts from Planned Parenthood testified in court that when a fetal brain is able to be harvested, it is because the baby’s head may still be attached to the body after being pulled out of the womb. When questioned about Stanford University studies that required a beating heart, she admitted to providing heart tissue to Stanford. *See* <https://www.lc.org/newsroom/details/091019-unborn-babies-become-science-experiments>. Dr. Theresa Deisher, an expert in adult stem cell research who obtained her Ph.D. in Molecular and Cellular

12. In another recent incident, Facebook publicly admitted via its spokesperson @andymstone on Twitter (reportedly a former staffer for Democratic PACs), that Facebook is reducing the distribution of a New York Post article revealing emails purporting to debunk Joe Biden's claim that he never spoke with his son about Hunter Biden's Ukrainian business dealings.⁴
13. The New York Post censorship incident has been widely reported.⁵

Physiology from Stanford University School of Medicine, testified in court that she knew that studies involving human hearts procured from StemExpress (which evidence showed were sourced from Planned Parenthood) had to be performed with hearts that were still beating when they were cut out. *See* <https://lc.org/newsroom/details/091919-mice-have-more-legal-protection-than-babies-1>. The executive director of Novogenix Laboratories that that obtained body parts from Planned Parenthood said that at times "after the procedure is done, the heart is still beating". *See* <https://www.fox43.com/article/news/local/contests/graphic-babys-heart-still-beating-after-abortion-according-to-new-anti-planned-parenthood-video/521-df867d32-cbf0-48fc-adb8-645717feb5bd>.

Former Planned Parenthood Federation of America's senior director of medical services, Dr. Deborah Nucatola, described using ultrasound guidance to flip a baby in the womb to feet-first breech position, in order to extract the baby intact and harvest whole, fresh organs. Nucatola said, "So then you're just kind of cognizant of where you put your graspers, you try to intentionally go above and below the thorax, so that, you know, we've been very good at getting heart, lung, liver, because we know that, so I'm not gonna crush that part, I'm going to basically crush below, I'm gonna crush above, and I'm gonna see if I can get it all intact. And with the calvarium, in general, some people will actually try to change the presentation so that it's not vertex, because when it's vertex presentation, you never have enough dilation at the beginning of the case, unless you have real, huge amount of dilation to deliver an intact calvarium. So, if you do it starting from the breech presentation, there's dilation that happens as the case goes on, and often, the last, you can evacuate an intact calvarium at the end.... And, we've been pretty successful with that. I'd say." *See* https://youtu.be/4x_ZmrUPu38 and <https://lc.org/newsroom/details/101719-abortionist-admits-crushing-babies-for-profit> and <https://www.lc.org/newsroom/details/103019-consultant-admits-getting-baby-parts-is-a-game>.

Finally, PolitiFact claims that "state investigations have yet to find any evidence that Planned Parenthood was selling or profiting off fetal tissue," but ignored any federal action against Planned Parenthood, specifically failing to mention the Senate Judiciary Committee's criminal referrals of Planned Parenthood to the FBI. *See* <https://www.foxnews.com/politics/planned-parenthood-docs-requested-from-senate-by-fbi-signaling-possible-criminal-probe> ; <https://www.judiciary.senate.gov/imo/media/doc/2017-06-19%20FBI%20to%20CEG%20-%20Fetal%20Tissue%20Investigation%20Referrals.pdf>

⁴Facebook's announcement of the censorship is at <https://twitter.com/andymstone/status/1316395902479872000>.

The Biden article was published on October 14, 2020 at <https://nypost.com/2020/10/14/email-reveals-how-hunter-biden-introduced-ukrainian-biz-man-to-dad/>

⁵ A report on the controversy is at <https://thefederalist.com/2020/10/14/facebook-is-now-officially-censoring-the-new-york-posts-hunter-biden-bombshell/>.

14. Facebook has admitted that it suppresses posts that are flagged as false by fact-checkers. *See* Exhibit E.

SUMMARY OF THE LAW

15. Federal law prohibits corporations from making any expenditure in connection with a presidential election. “It is unlawful ... for any corporation whatever ... to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors ... are to be voted for” 52 U.S.C. § 30118(a).

16. “Contribution” includes “any gift ... of money or anything of value made by any person for the purpose of influencing any election for Federal office.” 52 U.S.C. § 30101(8)(A)(i).

CAUSE OF ACTION

COUNT 1: FACEBOOK HAS VIOLATED THE FEDERAL BAN ON CORPORATIONS MAKING CONTRIBUTIONS OR EXPENDITURES

17. Facebook has made expenditures to set up and continue suppression activities of information about the election in violation of FECA.

18. Facebook has made expenditures by contributing to the revenue of PolitiFact, which Facebook uses in its suppression activities.

19. Active suppression of public posts about Joe Biden or Kamala Harris by promoting contrary information that is favorable to the Biden campaign contributes extraordinary value to the campaign.

20. The truth or false nature of any election-related post is irrelevant to the issue of whether an illegal expenditure is made by a corporation. The relevant question is whether the corporation made a prohibited expenditure in connection with an election.

See also <https://www.foxbusiness.com/technology/facebook-reducing-distribution-of-hunter-biden-story-in-new-york-post>

21. Placing “False Information” notices on public posts under the guise of “fact-checking” makes Facebook a promoter of the opposite viewpoint of the suppressed post regarding the election.
22. Covering up posts containing information that can be viewed as unfavorable to the Biden/Harris campaign and providing links to opposing sentiments that are false, provides something of value to the campaign.
23. Facebook’s post suppression activities appear to be advertisements for the Biden/Harris campaign. Information posted by the public should at minimum be open to free view and debate by the public. Censorship of posts that may reflect negatively on a candidate by a powerful corporation such as Facebook should be considered a contribution to that candidate.
24. Suppression of information that may impact an election by a powerful corporation such as Facebook is an expenditure in connection with the election.
25. Facebook’s suppression of information by reducing the distribution of articles that are unfavorable to candidate Joe Biden, is an expenditure in connection with a presidential election.
26. Facebook’s suppression of election information by labeling of posts about candidates as “False” threatens the integrity of the presidential election.
27. The public deserves to see posts from friends and pages they follow, and to decide issues about candidates and elections without the interference from a major corporation such as Facebook, which has the funds to expend and impact the election.

PRAYER FOR RELIEF

28. The Commission should find reason to believe that Facebook, Inc. has violated federal election law and enjoin the respondent from future violations while conducting an immediate investigation under 52 U.S.C. § 30109(a)(2).

29. The Commission should immediately attempt to correct and prevent further such violations by Facebook by means of “conference, conciliation, and persuasion” as set forth in 52 U.S.C. § 30109(a)(4).
30. Further, the Commission should determine and impose appropriate sanctions for any and all violations, should enjoin the respondents from future violations and impose such additional remedies that are appropriate.

October 19, 2020

Respectfully submitted,



Liberty Counsel Action, Inc. by,
Anita L. Staver, General Counsel
PO Box 540629
Orlando, FL 32854

VERIFICATION

The complainant listed below hereby verify that the statements made in the Complaint are true, based upon their information and belief.

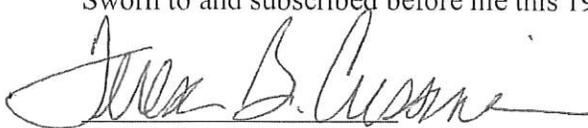
Sworn pursuant to 18 U.S.C. § 1001.

For Complainant Liberty Counsel Action, Inc.



Anita L. Staver
General Counsel

Sworn to and subscribed before me this 19th day of October 2020.



Notary Public

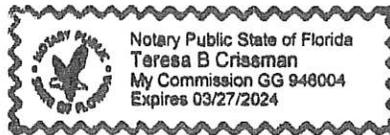


EXHIBIT A



LifeNews.com
(HTTPS://WWW.LIFENEWS.COM)



Kamala Harris Tried to Put Pro-Lifers in Jail Who Exposed Planned Parenthood Selling Baby Parts

📌 NATIONAL (HTTPS://WWW.LIFENEWS.COM/CATEGORY/NATIONAL/)

LIBERTY COUNSEL AUG 14, 2020 | 6:37PM WASHINGTON, DC



Share this story:

Five years ago, it was former California attorney general Kamala Harris (now senator and VP candidate) who launched the investigation into the work of Sandra Merritt and David Daleiden, the founder of the Center for Medical Progress, after these citizen journalists discovered and produced videos documenting Planned Parenthood's illegal trafficking of aborted baby body parts.

Under California law, conversations that “may be overheard” are, by definition, not “confidential” and can be recorded without consent. The recorded abortionists admitted under oath that their conversations with Merritt and Daleiden could be overheard by others in the public spaces where they were recorded, and they took no steps to prevent others from overhearing their candid discussion of what Planned Parenthood does behind closed doors. Therefore, the undercover videos produced by Merritt and Daleiden did not violate California video recording law.

But that did not stop Planned Parenthood and Harris from wielding a politically motivated prosecution against the two citizen journalists.

In 2015, the Center for Medical Progress began releasing the undercover videos of Planned Parenthood executives discussing selling aborted baby parts. This is the same year that the former attorney general received \$81,215 in campaign donations (<https://www.scribd.com/doc/307336860/Kamala-Harris-Abortion-Cartel-Contributions>) from the abortion industry.

SIGN THE PLEDGE: We Can't Vote for Pro-Abortion Joe Biden

(<https://www.gopetition.com/petitions/we-cant-vote-for-pro-abortion-joe-biden.html>)

Harris personally met with six Planned Parenthood executives in March 2016 in Los Angeles. Two weeks later, Harris ordered a search warrant of Daleiden's home specifically seeking unreleased videos and documents. Agents seized his laptop and multiple hard drives which should have been protected by the California shield law protecting citizen journalists' unpublished materials.

Planned Parenthood and Harris then unleashed a vicious two-front attack which included 15 criminal charges and a civil lawsuit seeking millions against these citizen journalists. As a result, Merritt and Daleiden became the first undercover journalists to be charged with a crime for undercover recordings made in the public interest in the history of California.

Later when cross-examined during the civil trial, Harris' lead investigator, a California Department of Justice agent, testified that he never fully watched the videos in question or the undercover videos he obtained via search warrant. Instead, he fast forwarded through the videos, not stopping to watch conversations, but only to identify faces of people who could be used to testify against Daleiden and Merritt. He said he was instructed to do so by the attorney general's office.

10/14/20 UPDATE: The liberal media web site Politifact has issued a false and misleading factcheck on this story. We have refuted that here (<https://www.lifenews.com/2020/10/14/kamala-harris-tried-to-put-pro-lifers-in-jail-who-exposed-planned-parenthood-selling-baby-parts-2/>). As a result, Facebook has issued a false and misleading warning on this story (<https://www.lifenews.com/2020/10/14/facebook-censors-news-story-exposing-kamala-harris-trying-to-put-pro-lifers-in-prison/>). We encourage readers to share this warning-free report: Kamala Harris Tried to Put Pro-Lifers in Jail Who Exposed Planned Parenthood Selling Baby Parts (<https://www.lifenews.com/2020/10/14/kamala-harris-tried-to-put-pro-lifers-in-jail-who-exposed-planned-parenthood-selling-baby-parts-2/>).

Now as a senator, Harris has co-sponsored the Women's Health Protection Act, the most aggressive pro-abortion federal legislation ever introduced. The law would invalidate all state-level protections for unborn children after the point of viability up until birth. Harris has also twice voted against the Born-Alive Abortion Survivors Protection Act, which would require doctors to provide the same care to infants who survive abortions as they would to any other newborn.

When Harris was running for president, her campaign communications director was the daughter of former Planned Parenthood CEO Cecile Richards and the granddaughter of former Texas Governor Ann Richards.

When Joe Biden recently announced that Harris was selected to be the vice-presidential candidate, the abortion organization publicly stated, "Planned Parenthood Action Fund is thrilled to congratulate Senator Kamala Harris on her nomination to be vice president on the Democratic presidential ticket. Throughout her career, she has been a steadfast champion for reproductive rights and health care. With this selection, Joe Biden has made it clear that he is deeply committed to not only protecting reproductive rights, but also advancing and expanding them."

Liberty Counsel Founder and Chairman Mat Staver said, "From her time as California's attorney general, Kamala Harris made it evident that she would aggressively persecute pro-life individuals like Sandra Merritt and David Daleiden who expose Planned Parenthood's illegal profit from the abortion industry."



Share this story:

LifeNews.com⁽¹⁾

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[8&SA=&Q=SEARCH+LIFENEWS.COM+ARCHIVES&OQ=&GS_L=#GSC.TAB=0&GSC.Q=SEARCH%20LIFENEWS.COM%20ARCHIVES&GSC.PAGE=1](https://www.google.com/cse?cx=013272677517335896521%3ACNZHOUQROXY&ie=utf-8&sa=&q=search+lifenews.com+archives&oq=&gs_l=#gsc.tab=0&gsc.q=search%20lifenews.com%20archives&gsc.page=1))

EXHIBIT B



Liberty Counsel Action
October 12 at 11:42 AM · 🌐



False Information
Checked by independent fact-checkers

[See Why](#) [See Link](#)

LIFENEWS.COM

Kamala Harris Tried to Put Pro-Lifers in Jail Who Exposed Planned Parenthood Selling Baby Parts

389 People Reached 168 Engagements [Boost Post](#)

👍👎👉 49 2 Comments 24 Shares

[Like](#) [Comment](#) [Share](#) 

EXHIBIT C

False ✕

Fact-Check from PolitiFact

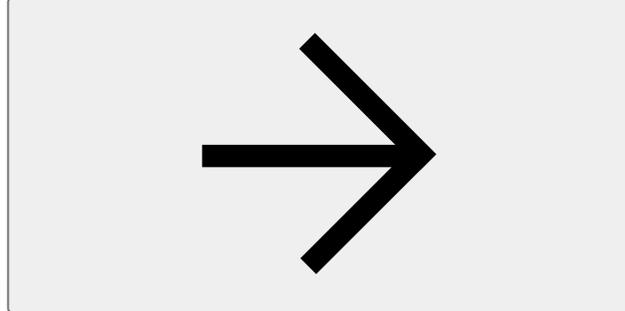
 PolitiFact **Fact-Check**

PolitiFact - Social Media Posts Push False Claims About Kamala Harris And Planned Parenthood

About This Notice

-  Independent fact-checkers say this information has no basis in fact.
-  Curious how Facebook works with independent fact-checking organizations? [Learn more](#)

172 Views · a week ago

**EXHIBIT D**

Who Pays For PolitiFact?

(Last updated: June 2020)

PolitiFact is a nonpartisan fact-checking website to sort out the truth in American politics. PolitiFact was created by the *Tampa Bay Times*, a Florida newspaper, in 2007. In 2018, PolitiFact was acquired by the Poynter Institute, a nonprofit school for journalists.

You can view The Poynter Institute's most-recent public financial disclosure form 990 [here](#).

While PolitiFact relies on administrative support from the Poynter Institute, it is otherwise financially self-sustaining. It receives funding from online advertisements placed on the website. PolitiFact also receives compensation for selling its content to media publishers and companies. Organizations that contributed more than 5 percent of total PolitiFact revenues in the previous calendar year be listed here:

- The E.W. Scripps Company
- Facebook

PolitiFact also accepts grants, which are listed by calendar year below.

In 2017, PolitiFact launched a membership campaign called the [Truth Squad](#) to allow individual donations.

Accepting financial support does not mean PolitiFact endorses the products, services or opinions of its donors. Donors have no say in the ratings PolitiFact issues. PolitiFact does not give donors the right to review or edit content.

As part of PolitiFact's mission to remain transparent and independent, PolitiFact will disclose on this page any individual donation in excess of \$1,000. PolitiFact does not accept donations from anonymous sources, political parties, elected officials or candidates seeking public office, or any other source with a conflict of interest as determined by PolitiFact's executive director.

EXHIBIT E

Reducing the Distribution of False News

- **Identifying false news:** we identify news that may be false using signs like feedback from people on Facebook. Fact-checkers may also identify stories to review on their own.
- **Reviewing stories:** fact-checkers will review stories, check their facts, and rate their accuracy.
- **Showing false stories lower in News Feed:** if a fact-checker rates a story as false, it will appear lower in News Feed. This significantly reduces the number of people who see it.
- **Taking action against repeat offenders:** Pages and websites that repeatedly share false news will see their distribution reduced and their ability to advertise removed.

Providing More Information if you See False News

- **Providing more context on false news:** when fact-checkers write articles with more information about a story, you'll see them in [Related Articles](#) immediately below the story in your News Feed
- **Notifying people when they've shared false news:** you'll receive a notification if you try to share a story or have shared one in the past that's been rated false by fact-checkers. Page Admins will also be notified if they share stories rated false.

Giving You More Tools to Identify and Give Feedback on False News

- [Learn how to spot false news.](#) Knowing what to look out for can help you make more informed decisions about what to read, trust, and share.
- [Provide feedback on stories you think are false.](#) Let us know if you think a story is false. This is one of the signs we use when trying to identify false news.