



January 11, 2024

General Counsel
Meta Platforms, Inc., d/b/a Meta
1 Meta Way
Menlo Park, CA 94025

RE: Violation of Meta's Terms of Service

As General Counsel for the America First Policy Institute ("AFPI"), I am writing today to demand that Meta fully explain its recent decision to suspend and threaten the deletion of AFPI's Instagram account (@afpolicy). AFPI is a 501(c)(3) non-profit, non-partisan research institute that exists to put the American people first. AFPI uses its social media accounts, including Instagram, to connect with millions of Americans and promote ideas to restore American freedom, support American workers, and broadly promote the America First Agenda.

For more than two years, AFPI has posted on Instagram and has received no "community strikes" and no notice of a single Community Guideline violation. AFPI's posts have covered a wide range of content, including economics, healthcare, and national security, all with the goal of educating the American public about policies that will help the U.S. succeed. Its posts have also frequently addressed important legal issues, including those related to preferential treatment in the American legal system. Thus, Meta's decision to suspend AFPI's Instagram account, in contravention with Meta's own terms of service, came as a significant surprise.

On January 10th, AFPI published an Instagram post at 8:21 a.m. (ET) regarding the dismantling of the rule of law in our Nation. The post consisted of a series of images that contained the following text:

- "The Biden Administration has DISMANTLED THE RULE OF LAW IN OUR NATION"
- "HUNTER BIDEN RECENTLY *DEFIED A CONGRESSIONAL SUBPOENA*"
- "THE BIDEN ADMINISTRATION HAS *PROSECUTED CONSERVATIVES* FOR FAILING TO HONOR CONGRESSIONAL SUBPOENAS. WILL THE BIDEN ADMINISTRATION HOLD HUNTER ACCOUNTABLE?"
- "STEVE BANNON WAS CONVICTED FOR IGNORING A CONGRESSIONAL SUBPOENA AND SENTENCED TO *FOUR MONTHS IN PRISON.*"
- "PETER NAVARRO WAS CONVICTED FOR IGNORING A CONGRESSIONAL SUBPOENA AND FACES UP TO *TWO YEARS IN PRISON.*"
- "THE BIDEN ADMINISTRATION ATTEMPTED TO GIVE HUNTER BIDEN A *SWEETHEART PLEA DEAL* FOR SERIOUS ALLEGATIONS OF TAX FRAUD THAT NO ORDINARY AMERICAN WOULD HAVE RECEIVED."

- “IRS WHISTLEBLOWERS REVEALED THAT THE DEPARTMENT OF JUSTICE (DOJ) SLOW-WALKED AND *PREVENTED THE IRS FROM THOROUGHLY INVESTIGATING* THE BIDEN FAMILY’S INTERNATIONAL BUSINESS DEALINGS.”
- “THE DOJ EVEN *TIPPED OFF THE BIDEN TRANSITION TEAM* SO THEY WOULD KNOW SENSITIVE DETAILS OF THIS INVESTIGATION, A COMPLETELY UNPRECEDENTED MOVE.”

Just 28 minutes later, Meta suspended @a1policy at 8:49 a.m. (ET) without providing any explanation or details. AFPI’s Chief Digital Officer, a regular custodian and user of AFPI’s account, then appealed the decision at 9:10 a.m. (ET) by clicking the link provided in the email regarding the suspension.

AFPI appealed the decision using the link provided by Meta. This was complete at 9:13 a.m., and three minutes later, Meta replied to AFPI by saying that the review was complete, and our account was in violation of “community standards” related to “fraud and deception.” This email, which was sent at 9:16 a.m. (ET), informed AFPI that its Instagram account “has been permanently disabled.”

AFPI personnel with access to the AFPI Instagram account were notified by Instagram that “No one can see or find your account and you can’t use it. All your information will be permanently deleted. You cannot request another review of this decision.”

The screenshot shows an email interface with a list of messages on the left and a detailed view of an email on the right. The list includes:

- [Redacted] 10:09 AM
- [Redacted] 10:08 AM
- Instagram [External]We reviewed y... 9:16 AM (labeled **Deleted**)
- Instagram [External]Your email con... 9:10 AM (labeled **Appeal**)
- Instagram [External]Action needed... 8:49 AM (labeled **Ban**)

The detailed email view shows:

- From: Instagram <no-reply@mail.instagram.com>
- To: Socials
- Date: Wed 1/10/2024 9:16 AM
- Subject: We disabled your account, a1policy
- Body: Hi a1policy, We reviewed your account and found that it still doesn't follow our [Community Guidelines](#). As a result, your account has been permanently disabled.
- Footer: Learn how our [Community Guidelines](#) help keep the Instagram community an authentic and respectful place for people to express themselves.

As evident in the language in AFPI's post, AFPI's message was to challenge the integrity of the Biden Administration and its equal application of the law regarding President Joe Biden's son, Hunter Biden. Meta's platforms have a rich history of targeting and censoring content regarding President Biden's son, including the infamous Hunter Biden Laptop Story¹ and Meta's broad practice of striking any user content that distributed or promoted the credibility and reach of that story. Meta's CEO, Mark Zuckerberg, recognized the misstep in Meta's censorship of the Hunter Biden Laptop Story and the public conversation it created.² While AFPI has regularly challenged an apparent two-tiered system of justice in its Instagram posts, and always without issue or account suspension, only upon challenging the Biden Administration's treatment of Joe Biden's son did Instagram choose to suspend AFPI's account.

Instagram provided no explanation for the initial suspension and the hasty denial of AFPI's appeal that followed. Yet, based on past practices, it is evident that AFPI's post regarding the rule of law and Hunter Biden prompted this action by Meta.

Additionally, Meta appears to have given little to no consideration to AFPI's appeal. Instead of providing some kind of reasoning for suspending the account, Meta took just three minutes to delete AFPI's Instagram account permanently. It is likewise evident that the three minutes was nothing more than a perfunctory pause before reaffirming its initial decision, followed by the immediate destruction of the organic community AFPI had spent years building on Instagram.

AFPI has rigorously developed its community on Instagram since the creation of its account. In 2023 alone, AFPI's Instagram posts and videos were viewed millions of times by other users. With more than 39,000 followers, @a1policy was in the top 85th percentile of Instagram accounts by follower count. AFPI's Instagram account provided AFPI with another important way to connect quickly with Americans all over the country. For more than four hours yesterday, AFPI lost the ability to connect on this platform. Given the rapid pace of current events and the steady news cycles regarding law and justice issues, AFPI missed out on valuable time to promote policy ideas through its account. Additionally, AFPI leadership, its legal team, and other staff members had to take time away from other pressing work to deal with this issue.

Instagram's thoughtless review and permanent account deletion had immediate and very real effects on AFPI and the American people. Within the hours of AFPI's account deletion, U.S. presidential candidates and U.S. Senators were calling on Meta for an explanation.³ Only upon the massive swell of public support and outrage did Instagram recant its initial declaration on the finality of its appeal decision. At 1:01 p.m. (ET), nearly four hours after Instagram stated they would permanently delete AFPI's account, Instagram sent an email stating, "You can use a1policy again." This email explained that Instagram was "sorry we got this wrong" and that AFPI's account "does follow our Community Guidelines on fraud and deception[.]"

¹ Emma-Jo Morris & Gabrielle Fonrouge, *Smoking-gun email reveals how Hunter Biden introduced Ukrainian businessman to VP dad*, New York Post (Oct. 14, 2020 at 5:00 a.m. ET), <https://nypost.com/2020/10/14/email-reveals-how-hunter-biden-introduced-ukrainian-biz-man-to-dad/>.

² See, # 1863 – Mark Zuckerberg, The Joe Rogan Experience (August 25, 2022), <https://open.spotify.com/episode/51gxrAActH18RGhKNza598>.

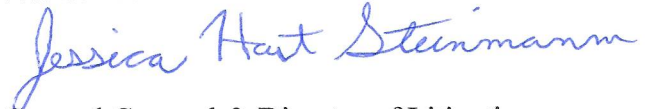
³ See, Vivek Ramaswamy (@VivekGRamaswamy), Twitter (Jan 10, 2024, 12:36 PM), <https://twitter.com/VivekGRamaswamy/status/1745137574799192572>; Mike Lee (@BasedMikeLee), Twitter (Jan 10, 2024), <https://twitter.com/BasedMikeLee/status/1745145916120617457>.

Despite its remediation, Meta's action today is a clear violation of its own Terms of Use. Instagram promises its users access to the "Instagram Service." This Service includes access to "all of the Instagram products, features applications, services, technologies and software" that Instagram provides. In exchange for this Service, Instagram requires all users to agree to follow Instagram's Terms of Use and the Instagram Community Guidelines. In describing its Service, made available to all who agree to the Terms of Use, Instagram states it will be "Developing and using technologies that help us *consistently* serve our growing community" and "Providing *consistent* and seamless experiences across other Meta company products." Yet Instagram's treatment of AFPI was anything but consistent. AFPI's account was targeted and suspended for its disfavored message while the President of Iran, the world's number one state sponsor of terrorism, maintains an active Instagram account.⁴

AFPI, therefore, demands that Meta provide a full explanation of its suspension, appeal, termination, and subsequent reinstatement of AFPI's Instagram account by 5 p.m. (ET) on Friday, January 12, 2024. AFPI further demands that Meta take all reasonable measures to hold and preserve all internal communications, records, and documentation relating to (1) the suspension, appeal, termination, and subsequent reinstatement of AFPI's Instagram account; (2) the algorithmic flagging and/or targeting of user content containing the words "Hunter Biden," "Joe Biden," "James Biden," or "Biden Family;" and (3) the algorithmic flagging and/or targeting of user content that discusses a two-tier justice system, an abuse of prosecutorial discretion, Biden Administration bias, destruction of the rule of law, or any substantially similar phrase that contemplates the unequal or unjust application of the law.

Sincerely,

Jessica Hart Steinmann



General Counsel & Director of Litigation
America First Policy Institute

⁴ See, Hassan Rouhani (@hrouhani), Instagram, <https://www.instagram.com/hrouhani/?hl=en>; Ebrahim Raisi (@raisi.ir), Instagram, <https://www.instagram.com/raisi.ir/?hl=en>.