

# Vinson&Elkins

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March 25, 2021

The Honorable Carolyn B. Maloney, Chairwoman  
Committee on Oversight and Reform  
U.S. House of Representatives  
2157 Rayburn House Office Building  
Washington, DC 20515

Re: Parler LLC

Dear Chairwoman Maloney:

On behalf of Parler LLC (“Parler” or the “Company”), we write to respond to your February 8, 2021 letter to Parler (the “Committee’s Letter”) and request for a voluntary production of documents. Parler thanks the Committee for the opportunity to respond and address the widespread disinformation campaign that Big Tech has waged in the media against Parler, which appears to have piqued the Committee’s interest.

There is no truth to the absurd conspiracy theories that have been put forth by Big Tech and its media allies to unfairly malign the Company and which were referenced in the Committee’s Letter. Contrary to what has been reported, and as explained in more detail below: the Company is and always has been American-owned and controlled; Parler has never engaged in any collusion with “the Russians”; and Parler never offered President Donald J. Trump an ownership interest in the Company.

The Committee’s interest in Parler appears to stem from a coordinated and widespread disinformation campaign designed to scapegoat Parler for the riots at the U.S. Capitol on January 6, 2021, and to justify Big Tech’s unlawful and anticompetitive decision to de-platform Parler just when Parler was beginning to grow in size and strength, thereby presenting a viable threat to Big Tech’s stranglehold on social media. As Big Tech companies have become more brazen in their politically biased censorship,<sup>1</sup> Americans have grown increasingly alarmed and distrustful of platforms like Facebook and Twitter, abandoning them for Parler’s refreshingly hands-off and viewpoint-neutral approach to political speech. By November 2020, Parler was the primary beneficiary of this shift away from the corporate Big Tech oligarchs, and Parler was in fact the most downloaded app on Apple’s U.S. App Store and on Google’s

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<sup>1</sup> Big Tech censorship has become an increasing problem in recent years, and people are starting to notice. Nearly three-fourths of American adults believe that it is either likely or highly likely that social media platforms intentionally censor viewpoints they deem “objectionable.” See PEW RESEARCH CENTER, *Most Americans Think Social Media Sites Censor Political Viewpoints* (Aug. 19, 2020), <https://www.pewresearch.org/internet/2020/08/19/most-americans-think-social-media-sites-censor-political-viewpoints/>.

U.S. Play Store, becoming more popular than TikTok, Zoom, and YouTube.<sup>2</sup> By the end of 2020, Parler was the tenth most downloaded app for the year, and Parler again boasted the most downloaded app on January 8, 2021, the day after Facebook and Twitter banned President Trump from their platforms.<sup>3</sup> Parler's rising popularity made the Company a competitive threat to the likes of Twitter and Facebook—Big Tech giants which use manipulative algorithms to drive traffic and derive enormous profits from digital advertising. And that threat grew very real in late 2020 and early 2021, when Parler was poised for even more explosive growth given the widespread expectation that President Trump would move his social media presence to Parler, bringing many of his 90 million followers with him.<sup>4</sup> So, together, the Big Tech companies colluded with Amazon<sup>5</sup> to destroy Parler and used the horrific attacks on the Capitol on January 6, 2021 as a shameful excuse.<sup>6</sup>

Parler now writes to set the record straight and provide new information about the positive role Parler played in the days and weeks leading up to January 6th, which should finally put an end to the spurious allegations against the Company. Everyone knows that Parler stands proudly for the fundamental American values of freedom of speech and expression. However, Parler has always recognized that there are legal limitations on free speech. The Company has acted to remove incitement and threats of violence from its platform and did so numerous times in the days before the unlawful rioting at the Capitol. As Parler grew substantially in the latter half of 2020, the Company took the extraordinary initiative to develop formal lines of communication with the Federal Bureau of Investigation (“FBI”) to facilitate proactive cooperation and referrals of violent threats and incitement to law enforcement. **In fact, in the days and weeks leading up to January 6th, Parler referred violent content from its platform to the FBI for investigation over 50 times, and Parler even alerted law enforcement to specific threats of violence being planned at the Capitol.**<sup>7</sup>

Far from being the far-right instigator and rogue company that Big Tech has portrayed Parler to be, the facts conclusively demonstrate that Parler has been a responsible and law-abiding company focused on ensuring that only free and lawful speech exists on its platform. It is thus time for Big Tech's scapegoating of Parler to stop and for Congress to start investigating the real story here: how Big Tech giants colluded to destroy a small start-up company just as it began to pose a credible threat to their dominance on social media.

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<sup>2</sup> See, e.g., Aaron Pressman, *Conservative social media site Parler shoots to the top of the download charts postelection*, FORTUNE (Nov. 9, 2020), <https://fortune.com/2020/11/09/parler-conservatives-social-media-2020-election-trump-loses-most-downloaded-app/>.

<sup>3</sup> See Jonathan Shieber, *Parler jumps to No. 1 on App Store after Facebook and Twitter ban Trump*, TECHCRUNCH, Jan. 9, 2021, <https://techcrunch.com/2021/01/09/parler-jumps-to-no-1-on-app-store-after-facebook-and-twitter-bans/>.

<sup>4</sup> Former President Trump never moved his social media presence to Parler. Of course, Parler welcomes President Trump, President Biden and all politicians from across the political spectrum to join Parler's non-partisan platform to engage in free and open debate.

<sup>5</sup> Only a few weeks before terminating Parler's services, Amazon Web Services signed a major new contract with Parler's principal competitor, Twitter. See Matt Day & Kurt Wagner, *Twitter Will Use Amazon Web Services to Power Feeds*, BLOOMBERG, Dec. 15, 2020, <https://www.bloomberg.com/news/articles/2020-12-15/twitter-will-use-amazon-web-services-to-power-user-feeds>.

<sup>6</sup> See, e.g., Glenn Greenwald, *How Silicon Valley, in a Show of Monopolistic Force, Destroyed Parler*, SUBSTACK, Jan. 12, 2021, <https://greenwald.substack.com/p/how-silicon-valley-in-a-show-of-monopolistic>.

<sup>7</sup> See Ex. A (selected correspondence and referrals by Parler to the FBI for investigation into incitement on Parler's platform).

**I. Parler Is Not Big Tech: Parler Stands for Free Speech, Never Sells User Data, and Refuses to Deploy Algorithms to Drive User “Engagement Through Enragement”**

Founded in 2018, Parler is a small, American-owned and American-controlled start-up social media company with fewer than 50 full-time employees.<sup>8</sup> The Supreme Court recently recognized that social media plays a special role in promoting free speech in America today,<sup>9</sup> and Parler has enjoyed massive growth as Americans have come to learn that Parler respects its users and is fundamentally different from its Big Tech rivals in many critically important ways:

- **Free and Lawful Speech and Expression on a Viewpoint-Neutral Platform.** Unlike its Big Tech rivals which use their immense power to censor speech and to promote their policy preferences and political agendas,<sup>10</sup> Parler offers users a non-partisan, content-neutral platform dedicated to the American values of free speech and the fostering of tolerance through open and lawful debate.<sup>11</sup>
- **No Algorithms or “Engagement Through Enragement.”** Unlike its Big Tech rivals which use manipulative algorithms on unwitting consumers to fuel the “engagement through enragement” that maximizes their profits, while exacerbating existing divides in our country and coarsening our

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<sup>8</sup> Your February 8, 2021 letter requests a capitalization table providing for ownership interests in Parler; a list of individuals and entities with control over Parler; and a list of Parler creditors who hold or held at least \$10,000 of debt. *See* Committee Letter at 2 (Request Nos. 1-3). The capitalization table is attached as Ex. B. Parler is owned by NDMascendent, LLC (“NDM”), which is owned and controlled by Rebekah Mercer. Other owners include Bongino, Inc., which Parler understands to be owned and controlled by Dan Bongino, and 13 past and present employees of the Company, none of whom is Russian. Parler is currently controlled by Rebekah Mercer and interim CEO Mark Meckler. Parler was also formerly controlled by former CEO John Matze. We understand that Parler’s current and past creditors are: Rebekah Mercer, who holds two notes in her name valued at approximately \$5,000,071 with an interest rate of 2.5% and scheduled maturity dates of September 4, 2021 and February 22, 2022; a note in NDM’s name valued at \$750,000 with an interest rate of 6%; and two passive investment vehicles which hold convertible notes with a principal amount outstanding of \$1,355,000, with an interest rate of 6% and scheduled maturity dates falling on December 20, 2021, June 8, 2022, June 10, 2022, June 11, 2022, June 15, 2022, June 16, 2022, June 24, 2022, June 25, 2022, June 26, 2022, June 29, 2022, July 28, 2022, and November 2, 2022. Jeffrey Wernick is the managing member of one of the passive investment vehicles. According to Mr. Wernick, the passive investment vehicles have never had any Russian members and are not otherwise subject to the control of any Russian individual or entity. *See* Ex. C (affidavit of Jeffrey Wernick).

<sup>9</sup> In *Packingham v. North Carolina*, the Supreme Court explained:

A fundamental principle of the First Amendment is that all persons have access to places where they can speak and listen, and then, after reflection, speak and listen once more. . . . While in the past there may have been difficulty identifying the most important places (in a spatial sense) for the exchange of views, today the answer is clear. It is cyberspace . . . and social media in particular.

137 S. Ct. 1730, 1735 (2017) (citation omitted).

<sup>10</sup> In one recent and particularly egregious example, Twitter and Facebook both acted to suppress the distribution of a *New York Post* article that exposed then-Democratic presidential nominee Joe Biden’s controversial foreign business entanglements just weeks before the presidential election. *See* Shannon Bond, *Facebook and Twitter Limit Sharing ‘New York Post’ Story About Joe Biden*, NPR, Oct. 14, 2020, <https://www.npr.org/2020/10/14/923766097/facebook-and-twitter-limit-sharing-new-york-post-story-about-joe-biden>.

<sup>11</sup> *See* PARLER, VALUES, <https://company.parler.com/values> (“content curation exacerbates hate. . . Parler’s viewpoint-neutral policies foster a community of individuals who tolerate the expression of all non-violent ideas”).

national discourse,<sup>12</sup> Parler empowers its users to choose the content they want to see and engage with the voices they want to hear.<sup>13</sup>

- **No Tracking and Selling of User Data to Third Parties.** Unlike its Big Tech rivals which profit from creepy forms of “surveillance capitalism” and track their users’ personal data and preferences so that they can sell that data to third parties,<sup>14</sup> Parler respects its users’ privacy and never commoditizes human beings by selling their personal information.<sup>15</sup>
- **Respect for Democracy and the Rule of Law.** Finally, unlike its Big Tech rivals which have sacrificed liberal democratic principles and catered to foreign despots and dictators to suppress free speech and dissent<sup>16</sup> and who have even enabled genocide and political violence abroad,<sup>17</sup> Parler promotes the free and healthy exchange of ideas around the globe and across the political spectrum, and as explained below, the Company has proactively partnered with law enforcement whenever necessary to fight unlawful speech and keep incitement off of its platform.

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<sup>12</sup> See generally THE SOCIAL DILEMMA (Netflix 2020). According to one internal report from Facebook, these dangerous algorithms “exploit the human brain’s attraction to divisiveness.” See, e.g., J. Edward Moreno, *Internal Facebook report found algorithms drove people apart: report*, THE HILL, May 26, 2020, <https://thehill.com/policy/technology/499611-internal-facebook-report-found-algorithms-drove-people-apart-report>. For all their talk of moderating online “hate,” Big Tech profits most from the algorithms they use to encourage hateful rhetoric on their platforms. See Emily DeCiccio, *Capitol Riot a ‘Rocket Ship’ for Twitter and Facebook, Ad Media Expert Says*, CNBC, Jan. 7, 2021, <https://www.cnbc.com/2021/01/07/capitol-riot-a-rocket-ship-for-twitter-and-facebook-ad-media-expert-says.html>.

<sup>13</sup> See PARLER, VALUES, <https://company.parler.com/values> (“your profile, your way: Parler empowers you with tools to keep your profile and feed safe. Our moderation features allow you to curate your own experience on Parler.”).

<sup>14</sup> See John Laidler, *High tech is watching you*, THE HARVARD GAZETTE, Mar. 4, 2019, <https://news.harvard.edu/gazette/story/2019/03/harvard-professor-says-surveillance-capitalism-is-undermining-democracy/>; Kalev Leetaru, *Twitter Versus Facebook: Why Selling Access Is Better Than Selling Data*, FORBES, Apr. 13, 2019, <https://www.forbes.com/sites/kalevleetaru/2019/04/13/twitter-versus-facebook-why-selling-access-is-better-than-selling-data/?sh=39dfc459660e>.

<sup>15</sup> See PARLER, VALUES, <https://company.parler.com/values> (“it’s your data, not ours: any personal data shared with Parler is encrypted for your protection, and never sold to outside entities”).

<sup>16</sup> See Dave Lee, *Facebook ‘made China censorship tool’*, BBC NEWS, Nov. 23, 2016, <https://www.bbc.com/news/technology-38073949> (reporting that Facebook helped develop a censorship tool to accommodate the censorship needs of the Chinese communist government).

<sup>17</sup> See, e.g., Eva Dou & Lily Kuo, *China scrubs evidence of Xinjiang clampdown amid ‘genocide’ debate*, WASHINGTON POST, Mar. 17, 2021, [https://www.washingtonpost.com/world/asia\\_pacific/china-genocide-olympics-uyghurs-xinjiang/2021/03/17/d892816c-75b7-11eb-9489-8f7dacd51e75\\_story.html](https://www.washingtonpost.com/world/asia_pacific/china-genocide-olympics-uyghurs-xinjiang/2021/03/17/d892816c-75b7-11eb-9489-8f7dacd51e75_story.html) (reporting that Facebook is currently working with the Chinese communist government to throttle information coming from China’s Xinjiang region while governments investigate whether China is committing genocide against Uyghur ethnic minorities); Paul Mozur, *A Genocide Incited on Facebook, With Posts From Myanmar’s Military*, N.Y. TIMES, Oct. 15, 2018, <https://www.nytimes.com/2018/10/15/technology/myanmar-facebook-genocide.html> (reporting that the Myanmar military used Facebook to incite genocide against the primarily Muslim Rohingya ethnic group); Amanda Taub & Max Fisher, *Where Countries Are Tinderboxes and Facebook Is a Match*, NEW YORK TIMES, Apr. 21, 2018, <https://www.nytimes.com/2018/04/21/world/asia/facebook-sri-lanka-riots.html> (blaming Facebook for violence in Sri Lanka, and claiming that “Facebook’s newsfeed played a central role in nearly every step from rumor to killing.”).

## **II. Parler Worked With Law Enforcement and Warned the FBI About January 6th Before the Riots Began**

Parler has always recognized that there are legal limits to free speech, and Parler's policies have always prohibited threats of violence and incitement on its platform.<sup>18</sup> As Parler's popularity and userbase grew significantly in 2020, the Company understood the difficulties of scaling its procedures to curb violent content, and Parler began to enhance its technical capabilities to identify and remove such content more efficiently. At the same time, the Company also developed a strong working relationship with the FBI to facilitate cooperation and proactive reporting of unlawful incitement and violent threats. Parler formalized the relationship with the FBI in November 2020 shortly after a FBI agent sent the following message to a senior Parler representative:<sup>19</sup>

On Nov 19, 2020, at 10:58 AM, [REDACTED] (FBI) <[REDACTED]@fbi.gov> wrote:

Greetings [REDACTED],

I was encouraged to reach out to you. [REDACTED] spoke highly of you and your working relationship with the FBI. I've copied my supervisor on this email for situational awareness.

In an effort to efficiently streamline communication with the FBI, I'd like to establish a working relationship with you since you work in our territory of responsibility. If I may suggest, I'd like to propose we meet in the future over a lunch so we can get to know each other better, and I can answer any questions you may have in the future. Should you be amenable to my suggestion, please suggest a date and time which works with your schedule. I'll do my best to work around that schedule.

I'd also like to inform you that I'm aware of the urgent matter you articulated. I've share this with my supervisor and requested information from [REDACTED] to forward to the appropriate program manager within our office.

I look forward to meeting with you in the future.

After formalizing the lines of communication with the FBI, Parler regularly forwarded screenshots of unlawful posts that called for violence or which merited additional investigation to protect public safety. For example, on December 22, 2020, Parler sent the FBI three screenshots of particularly violent rhetoric from a user who threatened to kill politicians and who specifically threatened former Attorney General Bill Barr.<sup>20</sup>

<sup>18</sup> See PARLER, COMMUNITY GUIDELINES 1-2 (Feb. 14, 2021), <https://legal.parler.com/documents/guidelines.pdf>; PARLER, COMMUNITY GUIDELINES 1-2 (Dec. 4, 2020), <https://tinyurl.com/fdjh3sbf>; PARLER, ELABORATION ON GUIDELINES 3 (Feb. 13, 2021), <https://legal.parler.com/documents/Elaboration-on-Guidelines.pdf>; PARLER, ELABORATION ON GUIDELINES 3 (Dec. 3, 2020), <https://tinyurl.com/2mtf6zxa>.

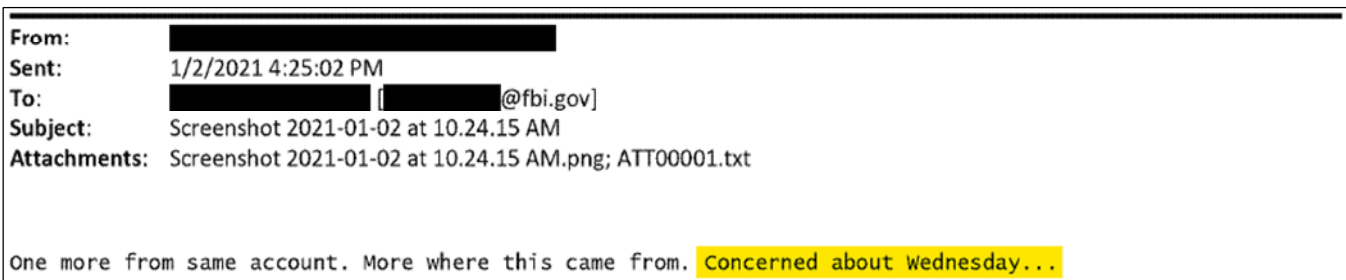
<sup>19</sup> See Ex. A at PARLER\_00000001.

<sup>20</sup> See Ex. A at PARLER\_00000002 – PARLER\_00000005.

In December 2020, Parler also began to alert the FBI about alarming content that included specific threats of organized violence at the U.S. Capitol on January 6, 2021. For example, on December 24, Parler forwarded a post to the FBI from a user who called for the congregation of an armed force of 150,000 on the Virginia side of the Potomac River to “react to the congressional events of January 6th.”<sup>21</sup> Later that same day, Parler forwarded another unlawful post to the FBI in which a user stated that he was trying to “find some guys that are planning on lighting up Antifa in Wa[shington, D.C.] on the 6th” because he wanted to “start eliminating people.”<sup>22</sup>

A few days later on January 2, 2021, Parler forwarded the FBI a series of posts by a user claiming that he would be wearing body armor and stating that the planned event in Washington, D.C. on January 6th “is not a rally and it’s no longer a protest. This is the final stand where we are drawing the red line at Capitol Hill. I trust the American people will take back the USA with force and many are ready to die to take back #USA so remember this is not a party until they announce #Trump2020 a winner. . . . And don’t be surprised if we take the #capital [sic] building . . . .”<sup>23</sup> Parler included another post in this referral to the FBI in which the user made clear that armed people would be at the Capitol on January 6, 2021 and noted that an insurrection would be necessary because “Trump needs us to cause chaos to enact the #insurrectionact.”<sup>24</sup>

Later that same day, a Parler employee expressed specific concerns “about Wednesday[, January 6<sup>th</sup>],” to the FBI while forwarding a post that included a picture of Hillary Clinton behind a noose.<sup>25</sup>



These referrals represent only a fraction of the dozens of posts with violent rhetoric that Parler collected and forwarded to the FBI for investigation in the days leading up to January 6th. Even after the violent attacks stopped, Parler continued to dutifully and proactively report posts to the FBI where users threatened additional violence, including one poster who threatened after a lengthy tirade that “[i]n the next 24 hours, you will hear the shot heard around the world!!!”<sup>26</sup> Moreover, even as its Big Tech rivals moved to unlawfully de-platform Parler, the Company still committed valuable resources to working with

<sup>21</sup> See Ex. A at PARLER\_00000006.

<sup>22</sup> See Ex. A at PARLER\_00000007 – PARLER\_00000008.

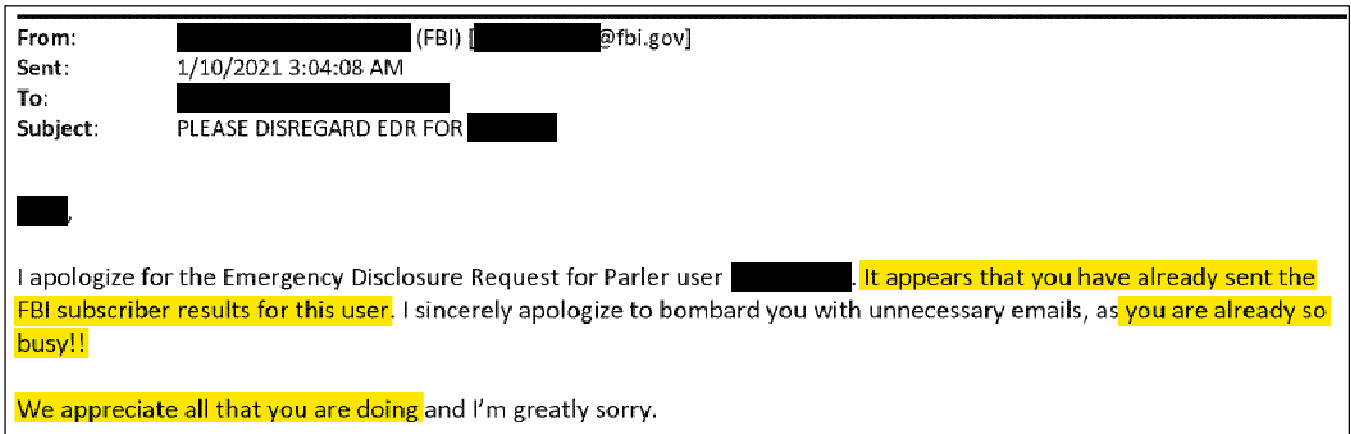
<sup>23</sup> See Ex. A at PARLER\_00000011 – PARLER\_00000013.

<sup>24</sup> *Id.*

<sup>25</sup> See Ex. A at PARLER\_00000009 – PARLER\_00000010.

<sup>26</sup> See Ex. A at PARLER\_00000014 – PARLER\_00000015.

law enforcement in order to service and expeditiously respond to Emergency Disclosure Requests, subpoenas, and warrants. The FBI understood the strain that the Company was under and thanked Parler for its efforts to help law enforcement especially under such difficult circumstances for the Company.<sup>27</sup>



Today, Parler continues to work closely with law enforcement and the Company has also implemented enhanced processes and procedures with the assistance of artificial intelligence, computerized filters, and manual reviews to better screen and remove incitement from the platform.<sup>28</sup>

### **III. There Was Far More Incitement on Facebook and Twitter, Yet Only Parler Was De-Platformed**

It is now well-documented and understood by honest observers that incitement occurred far more frequently on Big Tech platforms like Facebook and Twitter than Parler.<sup>29</sup> An independent analysis by *Forbes* found that in over 200 charging documents filed by the Department of Justice in connection with the Capitol riot, Facebook was far and away the most utilized social media platform by rioters on January 6th.<sup>30</sup> Of the charging documents analyzed, 73 included references to posts on Facebook, 24 referenced YouTube, and 20 referenced Instagram.<sup>31</sup> In contrast, there were only eight referencing Parler.<sup>32</sup> Our updated review and analysis of 270 charging documents collected by the George Washington University's

<sup>27</sup> See Ex. A at PARLER\_00000016.

<sup>28</sup> See PARLER, GUIDELINES ENFORCEMENT PROCESS (Feb. 23, 2021), <https://legal.parler.com/documents/Guidelines-Enforcement-Process.pdf>.

<sup>29</sup> Emily DeCiccio, *Capitol Riot a 'Rocket Ship' for Twitter and Facebook, Ad Media Expert Says*, CNBC, Jan. 7, 2021, <https://www.cnbc.com/2021/01/07/capitol-riot-a-rocket-ship-for-twitter-and-facebook-ad-media-expert-says.html>.

<sup>30</sup> Thomas Brewster, *Sheryl Sandberg Downplayed Facebook's Role In The Capitol Hill Siege—Justice Department Files Tell A Very Different Story*, FORBES, Feb. 7, 2021, <https://www.forbes.com/sites/thomasbrewster/2021/02/07/sheryl-sandberg-downplayed-facebooks-role-in-the-capitol-hill-siege-justice-department-files-tell-a-very-different-story/?sh=7b50268c10b3>.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

Program on Extremism reveals that over 54% of the charging documents reference Facebook, 13% reference Twitter, and nearly 13% reference Instagram, yet only about 5% reference Parler.<sup>33</sup>

According to one criminal indictment, an alleged militia known as the “Oath Keepers” used Facebook to plan its assault and post operational details about the strike on the Capitol.<sup>34</sup> Another independent assessment found that militia members used Facebook to coordinate their strike on the Capitol and to communicate during the incursion.<sup>35</sup> Notably, the Committee’s Letter to Parler referenced a criminal complaint and arrest warrant against William McCall Calhoun, Jr. because of certain posts that he allegedly made on Parler. However, in the very same affidavit that the Committee cites, there are far more incriminating and incendiary posts by that same user on Facebook, including a photo from outside the Capitol that the defendant allegedly posted on Facebook with the caption, “[w]e’re going to get inside the Capitol before this ends,” and another that read “[n]ow we’re all going back armed for war and the Deep State is about to get run out of DC.”<sup>36</sup> Even in the aftermath of the Capitol riots, Facebook continued

<sup>33</sup> See CAPITOL HILL SIEGE, THE GEORGE WASHINGTON UNIVERSITY PROGRAM ON EXTREMISM, <https://extremism.gwu.edu/Capitol-Hill-Cases>. Note that some charging documents apply to multiple individuals and new charging documents are added near-daily.

<sup>34</sup> *United States v. Caldwell*, First Superseding Indictment, No. 21-cr-28-APM (Feb. 19, 2021), <https://www.justice.gov/usao-dc/case-multi-defendant/file/1369071/download>. For example, on December 25, 2020, one militia member allegedly posted: “We are all staying in DC near the Capitol we are at the Hilton garden inn but I think it’s full. Dc [sic] is no guns. So mace and gas masks, some batons. If you have armor that’s good.” *Id.* ¶ 37. In another Facebook message thread from December 31, 2020, another user posted, “we have a heavy QRF [quick reaction force] 10 Min out.” *Id.* ¶ 46.

<sup>35</sup> “*This is Our House!*” A Preliminary Assessment of the Capitol Hill Siege Participants, THE GEORGE WASHINGTON UNIVERSITY PROGRAM ON EXTREMISM 24 (Mar. 2, 2021), <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/This-Is-Our-House.pdf>. The assessment cites to a criminal complaint alleging that the following posts were made on Facebook from inside the Capitol:

- “All members are in the tunnels under capital [sic] seal them in. Turn on gas”;
- “Tom take that bitch over”;
- “Tom all legislators are down in the Tunnels 3floors [sic] down”;
- “Do like we had to do when I was in the core start tearing oit florris [sic] go from top to bottom”; and
- “Go through back house chamber doors facing N left down hallway down steps.”

See *United States v. Caldwell*, Affidavit in Support of Amended Criminal Complaint, No. 1:21-mj-00119 (Jan. 19, 2021), <https://www.justice.gov/opa/page/file/1360991/download>.

<sup>36</sup> *United States v. Calhoun*, Affidavit in Support of Criminal Complaint and Arrest Warrant, No. 1:21-mj-00151-CCB (Jan. 12, 2021), [www.justice.gov/opa/page/file/1356036/download](https://www.justice.gov/opa/page/file/1356036/download). The Committee’s Letter also singled out Parler for alleged posts referring to a “civil war” on the platform, but discussion of “a looming civil war” spread wildly on Facebook the day before rioters attacked the Capitol. One private group on Facebook called the “2020 Civil War” included 1,400 members and allegedly “advised members who traveled to Washington, D.C., on where to meet up with like-minded Trump supporters and suggested that they bring concealed weapons with them.” See Georgia Wells, Ian Talley & Jeff Horwitz, *‘Trump or War’: How the Capitol Mob Mobilized on Social Media*, WALL STREET J., Jan. 7, 2021, <https://www.wsj.com/articles/trump-or-war-how-the-capitol-mob-mobilized-on-social-media-11610069778> (internal quotes omitted). One reporter posting on Twitter identified another Facebook group called “Red State Secession” that had 8,000 followers and was allegedly calling for a “Second American Revolution,” and the reporter noted that Facebook’s algorithm actually directed the reporter to join additional militias after visiting the group’s Facebook page. See Ryan Mac (@RMac18), TWITTER (Jan. 5, 2021, 1:16 PM), <https://tinyurl.com/82ruyr7u>.



to be flooded with posts calling for violent insurrection, including posts calling for the inauguration to be a “Tiananmen Square moment!!!” and other Facebook posts calling for “war.”<sup>37</sup>

Twitter had similar problems. One news report found that there were more than 20,800 Twitter accounts that included references to January 6th in the weeks leading up to the Capitol riots.<sup>38</sup> Another found that the phrase “Hang Mike Pence” was among the top trending hashtags on Twitter for days after the riot,<sup>39</sup> and it had been tweeted more than 14,000 times on Friday, January 8, 2021 alone.<sup>40</sup> In addition, users on YouTube livestreamed their rioting at the Capitol,<sup>41</sup> and one YouTube user reportedly ran ads through the YouTube platform and raised over \$1,300 in donations from viewers that day.<sup>42</sup>

We note these problems not to suggest that Big Tech social media platforms are responsible for the violent acts perpetrated by criminals who used their platforms. Rather, the Committee should recognize that curbing violent rhetoric and incitement is hard, and it is evident that even the largest and most well-resourced Big Tech companies have had significant difficulties doing it. Moreover, any honest and good faith assessment of incitement on social media platforms in the days and weeks before January 6, 2021 should include all relevant platforms, especially those Big Tech platforms like Facebook and Twitter that the rioters used in far greater volume and frequency than Parler.<sup>43</sup>

#### **IV. Parler Never Colluded With “the Russians”**

Turning to the Committee’s requests, the Committee’s Letter references a misleading news story suggesting that Parler is either Russian-owned or colludes with Russian business interests to promote Russian disinformation, and the Committee has requested documents in connection with this strange conspiracy theory.<sup>44</sup> As we have explained to Committee staff, the allegations are unfounded.<sup>45</sup> We have

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<sup>37</sup> Cat Zakrzewski, *The Technology 202: Posts calling for political violence continue to slip through Facebook's defenses*, WASHINGTON POST, Jan. 19, 2021, <https://www.washingtonpost.com/politics/2021/01/19/technology-202-posts-calling-political-violence-continue-slip-through-facebook-defenses/>. (quoting one post: “We need to organize our militia... Wars are won with guns... and when they silence your commander in chief you are in a war.”).

<sup>38</sup>Jane Lytvynenko & Molly Hensley-Clancy, *The Rioters Who Took Over the Capitol Have Been Planning Online in the Open For Weeks*, BUZZFEED NEWS, Jan. 6, 2021, <https://www.buzzfeednews.com/article/janelytvynenko/trump-rioters-planned-online>.

<sup>39</sup> Jon Levine, *Twitter allows ‘Hang Mike Pence’ to trend hours after Trump ban*, NEW YORK POST, Jan. 9, 2021, <https://nypost.com/2021/01/09/twitter-allows-hang-mike-pence-to-trend-hours-after-trump-ban/>.

<sup>40</sup> *‘Hang Mike Pence’ trends on Twitter after platform suspends Trump for risk of ‘incitement of violence’*, FOX5 WASHINGTON DC, Jan. 9, 2021, <https://www.fox5dc.com/news/hang-mike-pence-trends-on-twitter-after-platform-suspends-trump-for-risk-of-incitement-of-violence>.

<sup>41</sup> Julia Alexander, Jacob Kastrenakes, & Bijan Stephen, *How Facebook, Twitch, and YouTube are handling live streams of the Capitol mob attack*, THE VERGE, Jan. 6, 2021, <https://www.theverge.com/2021/1/6/22217421/capitol-building-trump-mob-protest-live-stream-youtube-twitch-facebook>.

<sup>42</sup> Kaitlyn Tiffany, *Trump’s Tweets Were Never Just Tweets*, THE ATLANTIC, Jan. 6, 2021, <https://www.theatlantic.com/technology/archive/2021/01/trump-coup-qanon-twitter/617582/>.

<sup>43</sup> The refusal to investigate Facebook and Twitter begs the question why this Committee singled out Parler alone. See Ex. D (Letter from Ranking Member James Comer to Chairwoman Maloney, dated Jan. 25, 2021).

<sup>44</sup> For reference, see the Committee’s Letter at 2 (Request Nos. 4 and 5).

<sup>45</sup> Notably, the allegation is contrary to a fundamental principal of the Company’s to remove bots from the platform because they are “nuisances and are not conducive to productive and polite discourse.” See PARLER, COMMUNITY GUIDELINES (Feb. 14, 2021) (Principal #2), <https://legal.parler.com/documents/guidelines.pdf>.

investigated these claims and explained to Committee staff that there is no evident or relevant Russian connection to the Company, and we repeatedly requested that the Committee staff provide us with additional details that could facilitate a more targeted review to avoid a costly and unduly burdensome fishing expedition into the Company's files. To date, however, Committee staff has declined to provide us with any additional information.<sup>46</sup> As explained to Committee staff, Parler has no Russian owners, and the only business agreement with any Russian individual or entity that we have identified is an independent contractor agreement with a relative of the former CEO's wife who happens to be Russian. The work itself involved low-level quality assurance testing of Parler's Android app and would not have involved access to user data.<sup>47</sup>

The Committee's Letter also refers to a misleading news article about a "Russian hosting service, DDoS-Guard," and suggests that Parler had an improper business relationship with that company. This is false. After Amazon unlawfully de-platformed Parler, the Company worked tirelessly to return online to service the platform's over 15 million users who were left without a viable alternative to Facebook or Twitter. Unfortunately, due to the concerted disinformation campaign to scapegoat Parler for the January 6th riots, the Company struggled to find vendors willing to work with it. Ultimately, Parler identified a Swiss cloud services vendor to host a static page—not the Parler platform or any user data—which Parler used only to provide information and status updates to users while the Company worked to restore service.<sup>48</sup> A Scottish company, Cognitive Cloud LLP, which goes by the trade name "DDoS-Guard," was engaged as a vendor to the Swiss company to provide DDoS protection services to the static page. Parler did not learn until later that the DDoS-Guard also operated in Russia. The Swiss company's use of DDoS-Guard to provide DDoS protection services for the static page provided no security risk to Parler or its users. Contrary to inaccurate media reports, DDoS-Guard never provided any hosting services to Parler and *no user data ever passed through DDoS-Guard's servers*. Moreover, once Parler identified and engaged a U.S.-based vendor to host the Company's current platform, it discontinued the temporary use of DDoS-Guard's services for its static page.

## V. Parler Never Offered President Trump an Ownership Interest in the Company

Finally, the Committee's Letter references a news article that suggests Parler negotiated with individuals representing then-President Donald Trump and offered to provide the former president with an ownership interest in the Company. This is also false. Based on our review of documents and interviews of relevant individuals, we have identified no evidence that Parler ever negotiated with anyone

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<sup>46</sup> We attempted to engage in good faith discussions with Committee staff on this matter multiple times, including on two telephone conferences that were held on February 26, 2021 and March 5, 2021. At both of those telephone conferences, we asked the majority staff, in the spirit of cooperation and to expedite the identification of material of interest to the Committee, to share *any* specific information they had about the Committee's allegations of Russian ownership or influence at Parler. The majority staff refused to provide any factual basis to justify this request or further inquiry into this topic.

<sup>47</sup> See Ex. E (redacted contractor agreement). This individual is hardly relevant to your inquiry and Parler has redacted the name and other identifying information to protect this individual from the consequences of such a disclosure, including intimidation, threats, and doxing that would very likely occur if personal information were released to the public. We also understand that Parler had an account for translation services with Yandex, a Nasdaq-traded company headquartered in Russia and registered in the Netherlands, but we have not identified any contract with Yandex.

<sup>48</sup> See Ex. F (example of one of Parler's static webpages at [www.parler.com](http://www.parler.com) that was hosted by the Swiss cloud service vendor).

to provide former President Donald Trump with a personal ownership interest in the Company. We understand that the Trump Campaign purchased advertisements on Parler, as it did on numerous other platforms. We also understand that there were early-stage conceptual discussions between Parler and the Trump Organization, which involved participation and oversight by legal counsel, concerning the possibility that the Trump Organization would acquire an ownership interest in Parler, but these discussions were terminated early-on before an agreement was reached.<sup>49</sup> We note that the *Buzzfeed* article you cited actually quoted individuals on both sides of such discussions who claimed on the record that “[t]he president was never part of the discussions” and “[t]he discussions were never that substantive.” To further put this matter to rest, the Trump Organization made clear to Parler that President Trump had no knowledge of, or involvement in, the discussions, and Parler engaged in the discussions with that understanding.<sup>50</sup>

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Parler thanks the Committee for the opportunity to respond to the Committee’s Letter and thereby set the record straight about Big Tech’s damaging disinformation campaign and anticompetitive efforts to de-platform the Company. As explained above, Parler was poised to challenge Twitter’s and Facebook’s dominance of social media when the Big Tech giants colluded to scapegoat Parler for the tragic events at the Capitol on January 6th.<sup>51</sup> However, as the only social media platform that stands, unbiased, for free and lawful speech; which refuses to commoditize users or their data for profit; and which rejects the use of dangerous algorithms to increase profits by driving “engagement through enagement,” Parler should not be singled out for investigation, especially given the Company’s significant and proactive partnership with the FBI before and after January 6th. We trust that the new information presented in this letter will prompt the Committee to reconsider its focus on Parler and instead investigate the unlawful and anticompetitive actions by Big Tech. Only by holding Big Tech accountable for its anticompetitive conduct will it be possible to level the playing field for small start-up companies like Parler. Parler looks forward to continuing its work towards what we assume is a shared goal: providing Americans the option

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<sup>49</sup> The media reported that there was a nondisclosure agreement in place between the Trump Organization and Parler covering these discussions. In the interest of transparency, the Trump Organization has agreed not to enforce the NDA at this time so that Parler could provide the information in this response to the Committee.

<sup>50</sup> Despite the extraordinary circumstances created by the unjust and unlawful de-platforming of Parler, coupled with the logistical difficulties associated with collecting documents and information during a pandemic, the Company has worked expeditiously to respond to the Committee staff’s aggressive timeline and requests. We reviewed numerous documents within the Company’s custody and control and attempted to speak with current and former employees, contractors, consultants and associates to respond as fulsomely as possible to the Committee’s request. We also attempted in good faith to interview Parler’s former Chief Executive Officer John Matze, but Mr. Matze refused to cooperate with our request for an interview. Parler reserves the right to supplement this response should new information come to light based on information that may have been in the sole custody or control of Mr. Matze or otherwise. *See also* Ex. C at ¶ 8 (“... I engaged in discussions with representatives from the Trump Organization concerning the Trump Organization potentially obtaining a ownership interest in Parler, but those discussions never materialized beyond the concept stage. I never communicated directly with President Donald J. Trump, nor was I ever aware of any discussions concerning President Donald J. Trump obtaining an ownership interest in Parler. The Trump Organization made it clear that President Donald J. Trump was not involved and had no knowledge of the discussions about the Trump Organization potentially obtaining an ownership interest in Parler.”).

<sup>51</sup> Unfortunately, Big Tech’s disinformation campaign against Parler has been working. Apple removed Parler from its App Store on January 9, 2021, when Parler’s app was the most downloaded app in the App Store, and as of the date of this response, Apple still has not allowed Parler back into the App Store.

of a virtual town square where the freedoms of speech, expression, and association are respected, and where the free marketplace of ideas can truly flourish.

Respectfully,

A handwritten signature in black ink, appearing to read "m. dry".

Michael S. Dry  
Ephraim (Fry) Wernick

Enclosures

cc: The Honorable James R. Comer, Ranking Member  
Committee on Oversight and Reform  
U.S. House of Representatives