

June 18, 2019

Christine Flores  
General Counsel  
Pinterest  
808 Brannan Street  
San Francisco, California 94103

**Re: Project Veritas Cease and Desist Request**

Ms. Flores:

I write on behalf of my client, Project Veritas, concerning Pinterest's efforts to censor Veritas's recent exposé, "Tech Insider Leaks Pinterest Documents." Ironically enough, this news piece discussed efforts by social media platforms to suppress select points of view—usually conservative, usually Christian, usually pro-life.

It has come to our attention that Pinterest contacted a variety of social media platforms, alerting them, falsely, that the news piece constituted "malicious use" due to "doxing, dogpiling, brigading, spamming, or scamming." As a result, Project Veritas witnessed its report disappear on platforms including YouTube. Even third parties simply commenting about the news piece have had their posts censored. Pinterest alleges it is "concerned about the safety of the identified employees and doxxing." Because Pinterest is falsely accusing Project Veritas of engaging in reprehensible behavior, we ask that you cease and desist in these efforts, as well as correct earlier misstatements made.

Third-party publication of newsworthy information is protected by the First Amendment. Defamation, however, is not. Pinterest's efforts to censor Project Veritas via defamation will not go unanswered.

**1. Releasing News About Items of Public Interest is not Doxing**

The Merriam-Webster Dictionary defines doxing as an act to "publicly identify or publish private legal information about (someone) especially as a form of punishment or revenge." It is also a "troll harassment technique of finding and then posting a user's sensitive personal information, including addresses, phone numbers, and even Social Security numbers." To be clear: Project Veritas is a non-profit organization engaged in journalism. It has had over 100 videos available on YouTube and never had a report removed due to featuring the face of a subject. It performs undercover newsgathering and reports on items of public interest to expose corruption, fraud, waste, and abuse. It has never and will never dox any individual featured in its reports. It will, however, report the news—even news Pinterest may not like.

In the video report in question, Project Veritas named Megan McClellan as Pinterest's Law Enforcement and Government Operations Program Manager. It did so solely in her professional capacity as an employee of Pinterest. It did not disclose any sensitive personal identifying information about her, like a phone number, home address, personal e-mail or social media handles, or Social Security number. Pinterest's own "Community Guidelines" goes further than a standard definition of doxing and protects anything that "identifies and attacks private people. . . ." Nothing in the reported news "attacks" Ms. McClellan. It does critique and condemn the hidden censorship apparent in Pinterest's operations.

Reporting the news—even uncomfortable discoveries like blatant censorship—is not a form of harassment or abuse. It is a protected right under the Constitution, and one we intend to defend.

## 2. Efforts to Remove All Discussion of Pinterest's Censorship on the Internet Cause Legal Harms

Pinterest has taken steps to censor Project Veritas's report about Pinterest's own censorship of certain points of view on its platform. This raises two legal concerns.

By reaching out to third party publishers with false information, it has damaged Veritas's ability to publish the news. Under California law, defamation "involves (a) a publication that is (b) false, (c) defamatory, and (d) unprivileged, and that (e) has a natural tendency to injure or that causes special damage."<sup>1</sup> Where a statement in question is defamatory without having to consult extrinsic information, it is considered libelous per se. Veritas did not engage in doxing, dogpiling, brigading, spamming, or scamming as Pinterest has communicated to third parties. It reported the news—uncomfortable news that Pinterest has a pattern of censoring conservative voices—and Pinterest has now taken steps to remove all discussion of this information.

Because Pinterest is spreading falsehoods about Project Veritas to third-party publishers and social media platforms, it is engaging in defamation. We request that you:

- a. **Retract.** Issue retraction statements to third-party publishers and social media platforms you communicated these falsehoods to within three days.
- b. **Publicly Correct.** Publicly correct your misstatement that Project Veritas engaged in "doxing, dogpiling, brigading, spamming, or scamming" by posting a conspicuous notice on your website within three days.

Should you decide not to retract and correct, please let us know as soon as possible. Project Veritas intends to vigorously pursue any and all legal remedies available to it should you fail to comply with the foregoing demands.

It should be further noted that Pinterest's actions likely constitute tortious interference against Project Veritas as well. In California, tortious interference requires a showing that: (1) an economic relationship that was likely to benefit the plaintiff; (2) the defendant's knowledge of this relationship; (3) wrongful conduct by the defendant; (4) intent on the defendant's part to disrupt the economic relationship, or knowledge that disruption was likely because of their conduct; (5) disruption of the relationship; (6) harm to the plaintiff; and (7) causal connection between the wrongful act and the harm. The interference must have been wrongful "by some measure beyond the fact of the interference itself."<sup>2</sup> Should Pinterest continue to damage Veritas's ability to report the news, these damages will be remedied.

## 3. The First Amendment Protects Project Veritas's Ability to Report the News

Over the past few years, it has become clear that many social media platforms have drifted toward favoring censorship over free expression. Being the subject of a hard-hitting exposé, it is hard to expect Pinterest to take a stand for the First Amendment. But this is exactly what we expect. As a social media platform that features some 250 million monthly active users, you hold a position of public trust. With over 175 billion Pinterest pins discussing everything from stew recipes to political engagement, free speech should be a guiding Pinterest principle, not an ignored one. You can do better.

---

<sup>1</sup> *Taus v. Loftus*, 151 P.3d 1185, 1209 (Cal. 2007).

<sup>2</sup> *Della Penna v. Toyota Motor Sales, USA, Inc.*, 11 Cal.4th 376, 393 (Cal.App. 1995).

The First Amendment has, at its core, the premise that the counter to bad speech is more speech. Disagree with Project Veritas's findings? Publish your own report and reply. Engage the issue. Talk to the public. Do not use the artifice of privacy policies to abuse free speech you disagree with. Your Orwellian tactics curiously black out discussion of this issue, leaving only ignorance in their wake. The considerable precedent protecting journalism in America is about one thing: allowing items of public interest to freely circulate, thus better informing the public. Steps taken to cleverly suppress speech still run afoul of the First Amendment, as the Supreme Court taught in cases like *New York Times v. Sullivan* or *Hustler v. Falwell*. Private actors using the law to make free speech impossible still damage First Amendment freedoms. We do not intend to surrender these rights.

Out of embarrassment lies the possibility of reform and growth. We hope this is the path you will take—to retract the falsehoods at issue here and embrace the values of the First Amendment.

Respectfully,



Benjamin Barr  
STATECRAFT PLLC  
(202) 595-4671  
ben@statecraftlaw.com