

No. 21-51178

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In the United States Court of Appeals for the Fifth Circuit

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NetChoice, LLC d/b/a NetChoice, and Computer & Communications Industry  
Association d/b/a/ CCIA

Plaintiffs-Appellees,

v.

Kenneth Paxton, in his official capacity as Attorney General of Texas, Defendant-  
Appellant.

\_\_\_\_\_

Leonid Goldstein

**AFFIDAVIT AND ENCLOSED EXHIBITS**

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DECLARATION OF LEONID GOLDSTEIN

IN SUPPORT OF HIS MOTION FOR LEAVE TO INTERVENE

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## Section.01.Foreign\_Governments\_Control\_Platforms

On September 26, 2018, the European Commission published a “self-regulatory” Code of Practice on Disinformation.<sup>1</sup> On October 16, 2018 (three weeks before the **US elections**) Google, Facebook, and Twitter, signed this Code of Practice, and even presented individual roadmaps of how they would implement it. This Code of Practice requires the Platforms to perform censorship under direction and control of the European Commission and individual governments.

Much of the Code seems to be targeted at the US. Google, Facebook, and Twitter consented and have been subjecting US citizens in the US to this code.

German laws provide for fines of up to 50 million Euros per “fake news” offense. The Code of Practice on Disinformation specifically spells certain practices,<sup>2</sup> used by Google (including YouTube), Facebook, and Twitter:

“Relevant Signatories commit to deploy policies and processes to disrupt advertising and monetization incentives for relevant behaviours ... These policies and processes can include, for example, the restriction of advertising services or limiting paid placements ...”

“Signatories commit to keep complying with the requirement set by EU and national laws, and outlined in self-regulatory Codes ...”

“Relevant Signatories commit to support good faith independent efforts to track Disinformation and understand its impact, including the independent network of fact-checkers facilitated by the European Commission upon its establishment.”

“... the Signatories will meet annually to review the Code and to take further steps if necessary.”

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<sup>1</sup> Saved at <https://archive.ph/TTH9S>

<sup>2</sup> [https://ec.europa.eu/newsroom/dae/document.cfm?doc\\_id=54454](https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=54454)

“Each Signatory may at any time inform the other Signatories that it believes a Signatory is not complying with its commitments under the Code, and of the grounds for this belief. The Signatories may decide to consider the matter in a plenary meeting.”

The World Federation of Advertisers (WFA), mentioned by the Plaintiffs, is also a signatory to these documents, although in a different capacity.

## Section.02.CCP\_Operations

On January 28, 2020, a financial writer using pseudonym Zerohedge published on his website a well-researched article about artificial origin of the SARS-COV-2 (the coronavirus causing COVID-19).<sup>3</sup> The article named Wuhan Institute of Virology and the person overseeing bat coronavirus research. The article rejected the official theory of the Government and Communist Party of China that SARS-COV-2 that SARS-COV-2 originated on the Wuhan market. Zerohedge tweeted information<sup>4</sup> and the link<sup>5</sup> to his article on his Twitter account @zerohedge. On January 31, Twitter suspended (de-platformed) @zerohedge and removed all his tweets.<sup>6</sup> Twitter falsely claimed that the reason for suspension was “abuse and harassment.”

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<sup>3</sup> <https://www.zerohedge.com/health/man-behind-global-coronavirus-pandemic> | <https://archive.ph/607gr>

<sup>4</sup> <https://twitter.com/zerohedge/status/1222337691309826052>

<sup>5</sup> <https://twitter.com/zerohedge/status/1222346370163625985>

<sup>6</sup> <https://reclaimthenet.org/zero-hedge-twitter-suspended/> | <https://archive.ph/UQ4ta>

Twitter still shadowbans<sup>7</sup> the link to this article, and puts a warning,<sup>8</sup> discouraging Twitter consumers from visiting it.

Fig.10.1. Twitter's warning about the article on artificial origin of SARS-COV-2.

## Warning: this link may be unsafe

<https://www.zerohedge.com/health/man-behind-global-coronavirus-pandemic>

The link you are trying to access has been identified by Twitter or our partners as being potentially spammy or unsafe, in accordance with Twitter's [URL Policy](#). This link could fall into any of the below categories:

- malicious links that could steal personal information or harm electronic devices
- spammy links that mislead people or disrupt their experience
- violent or misleading content that could lead to real-world harm
- certain categories of content that, if posted directly on Twitter, are a violation of the [Twitter Rules](#)

[Back to previous page](#)

Ignore this warning and [continue](#)

The likely cause of these actions was a request from the Government and Communist Party of China.

Twitter's former head of security, now whistleblower,<sup>9</sup> Peiter 'Mudge' Zatk0, has confirmed the long-suspected infiltration of Twitter by the Government and

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<sup>7</sup> [https://twitter.com/search?q=https%3A%2F%2Fwww.zerohedge.com%2Fhealth%2Fman-behind-global-coronavirus-pandemic&src=typed\\_query&f=live](https://twitter.com/search?q=https%3A%2F%2Fwww.zerohedge.com%2Fhealth%2Fman-behind-global-coronavirus-pandemic&src=typed_query&f=live) | <https://archive.ph/mKMEp>

<sup>8</sup> [https://twitter.com/safety/unsafe\\_link\\_warning?unsafe\\_link=https://www.zerohedge.com/health/man-behind-global-coronavirus-pandemic](https://twitter.com/safety/unsafe_link_warning?unsafe_link=https://www.zerohedge.com/health/man-behind-global-coronavirus-pandemic)

<sup>9</sup> <https://docs.reclaimthenet.org/twitter-mudge-whistleblower-disclosure.pdf>

Communist Party of China, Twitter management’s knowledge of that.<sup>10</sup> According to *ReclaimTheNet*, 09/13/2020,<sup>11</sup> Mudge said:

“I had been told because the corporate security, physical security team had been contacted and told that there was at least one agent of the MSS [Ministry of State Security], which is one of China’s intelligence services, on the payroll inside Twitter.”

### Section.03.Market\_Caps

The market value of Facebook and Google during the COVID-19 pandemic (January 1, 2020, to January 1, 2022) increased 77%.<sup>12 13</sup>

Corporation	Ticker	1/1/2020	Cap, Billions	1/1/2022	Cap	Growth
Google (Alphabet)	GOOG	\$1,434	\$950B	\$2,726	\$1,810B	1.90
Facebook (Meta)	FB	\$202	\$560B	\$318	\$880B	1.57

<sup>10</sup> <https://reclaimthenet.org/a-summary-of-the-peiter-mudge-zatko-twitter-whistleblower-hearing/> | <https://archive.ph/bbSK6> , <https://reclaimthenet.org/whistleblower-twitter-penetrated-foreign-intelligence-agencies/> | <https://archive.ph/Sxllf>

<sup>11</sup> <https://reclaimthenet.org/a-summary-of-the-peiter-mudge-zatko-twitter-whistleblower-hearing/> | <https://archive.ph/bbSK6>

<sup>12</sup> <https://defyccc.com/pandemic-trillions/>

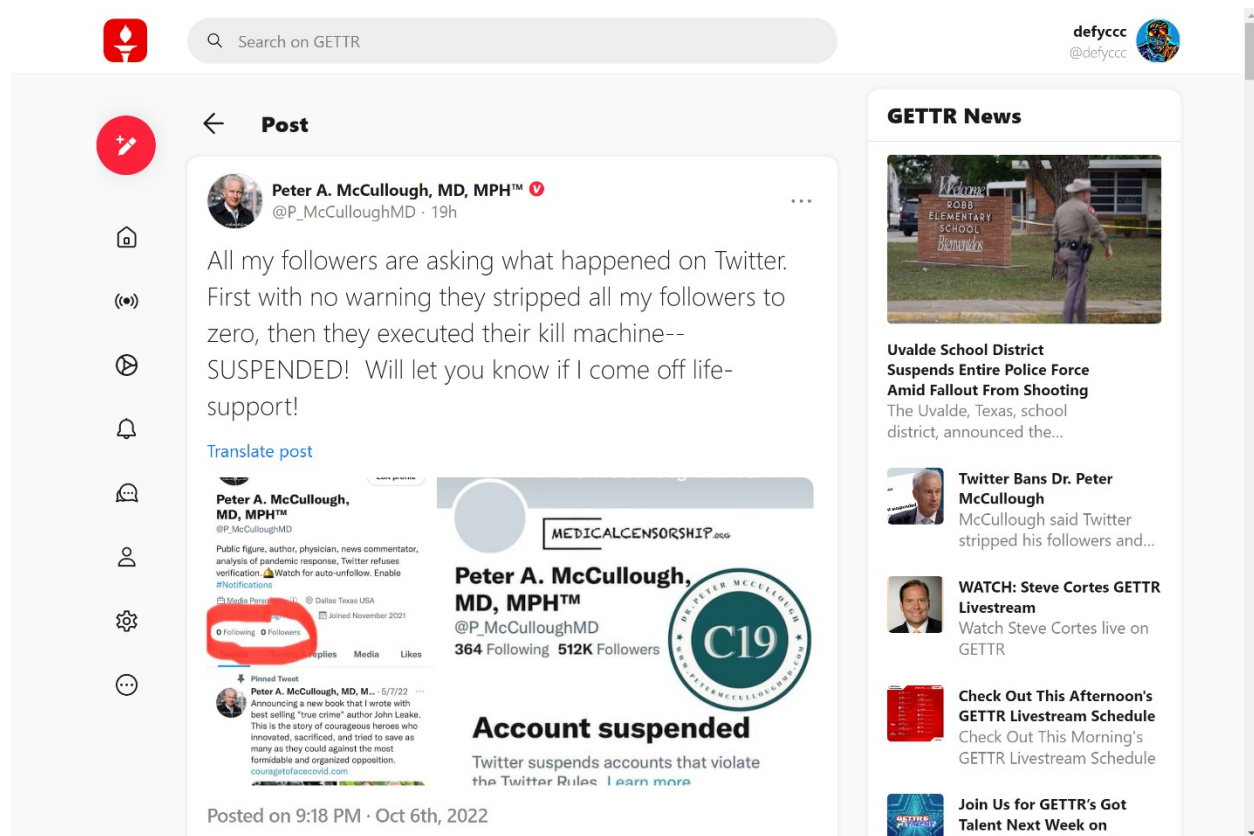
<sup>13</sup> Together \$2.69T (with Twitter - \$2.72T) on Jan 1, 2022. Data source – finance.yahoo.com. Calculated on or before January 20, 2022.

## Exhibits

The screenshots in this declaration were captured between 10/24/2022 and 10/30/2022, unless otherwise stated. Each screenshot and fragment of a screenshot true and accurate capture, and is presented as is, not for the truth of its content, unless specifically stated. All screenshots from the Platforms' services are made on a laptop using a web browser.

### Ex.01.Dr\_McCullough\_Deplatforming

Presented for the truth of it – confirmation of the deplatforming of Dr. McCullough by Twitter.<sup>14</sup> The screenshot is from GETTR.



<sup>14</sup> Dr. McCullough deplatformed by Twitter. The screenshot was taken on 2022-10-07. On 2022-10-08, I verified that his account was disabled or banned on Twitter, and that he had ~512,000 FOLLOW'ers before that (using archive.org and/or archive.is). See also [https://twitter.com/P\\_McCulloughMD](https://twitter.com/P_McCulloughMD)

## Ex.02.Google\_Funds\_News

From Google CEO Sundar Pichai’s Congressional Testimony in March 2021 (emphasis is added):<sup>15</sup>

“Over the past 20 years, we have collaborated closely with the news industry and provided billions of dollars to support the creation of quality journalism in the digital age.”

“Each month, people click through from Google Search and Google News results to publishers’ websites more than 24 billion times — that’s over 9,000 clicks per second. This free traffic helps new publishers increase their readership, build trust with readers and earn money through advertising and subscriptions. We also recently announced a new investment in Google News Showcase and committed \$1 billion over the next three years to pay publishers to produce editorially curated content experiences and for limited free user access to paywalled content.”

More in the article How Google supports journalism and the news industry on Google Blog.<sup>16</sup>

## Ex.03.Twitter\_Utility

1) Jack Dorsey, a tweet from April 2009, still up on 10/28/2022<sup>17</sup>

“Twitter succeeds when it’s not talked about so much, blurs into the background, & is used as a utility. Like electricity.”

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<sup>15</sup> [https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Witness\\_Testimony\\_Pichai\\_CAT\\_CPC\\_2021.03.25.pdf](https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Witness_Testimony_Pichai_CAT_CPC_2021.03.25.pdf)

<sup>16</sup> <https://blog.google/supportingnews/#overview> | <https://archive.ph/veGOV>

<sup>17</sup> <https://twitter.com/jack/status/1587314254> | <https://archive.ph/GdzH9>





Twitter succeeds when it's not talked about so much, blurs into the background, & is used as a utility. Like electricity.

2:17 PM · Apr 22, 2009 · Twitter SMS

18 Retweets 33 Quote Tweets 59 Likes

- 2) “Biz Stone [Twitter co-founder], 2009:<sup>18</sup> I think of Twitter first as a communication network that has very social elements to it. ... You’re trying to organize a quick meeting among friends at a bar at 6 tonight and it’s 5:30, so you send out a Twitter message to everyone saying, “I’m here, who’s with me?” That’s not blogging, that’s communication.”

### Ex.03b.Twitter\_Net\_Neutrality

Twitter in 2017:<sup>19</sup>

- a) The admission of the role, Obamanet played in Twitter’s rise:

“Without the guiding principles of Net Neutrality, it is entirely possible Twitter would not have come from a somewhat quirky experimental 140-character SMS service to where we are today, an international company with thousands of employees and a service that incorporates pictures, video, and live streaming and connects the world to every side of what’s happening.”

- b) Twitter’s commitment to free speech, promised to its consumers.

<sup>18</sup> <https://abcnews.go.com/Technology/story?id=6959214> | <https://archive.ph/w7oar>

<sup>19</sup> [https://blog.twitter.com/official/en\\_us/topics/company/2017/Join-the-Fight-for-NetNeutrality.html](https://blog.twitter.com/official/en_us/topics/company/2017/Join-the-Fight-for-NetNeutrality.html) | <https://archive.ph/zcTP5>

“Free expression is part of our company DNA. We are the platform that lets users see what’s happening and to see all sides. Whether it be music, sports, news or entertainment, being able to see every side of a topic makes Twitter unlike any other platform or service in the world. Net Neutrality is one of the most important free expression issues of our time because without Net Neutrality, ISPs would be able to charge content providers more to access the Internet or to reach other users, frustrating the free flow of information.”

## Ex.04.SCOTUS\_Threats

Sample screenshots.<sup>20</sup>

- 1) An allegedly user-generated Google Map shows addresses of six Justices. It was referenced on other Platforms in calls to threaten or even attack them at their homes. Screenshot was taken on May 5, 2022 and edited by whiteout the graphical pointers to the Justices’ addresses and some area around.
- 2) Twitter’s ShutDown DC account offers bounties for “sightings” of Supreme Court Justices. Posted on July 8, 2022. ShutDown DC is a violent leftist group.
- 3) A Twitter post from June 2-3, 2022,<sup>21</sup> says “Abort Alito”. In the context of Twitter and surrounding events, it is a call to murder. The screenshot is made from the archived version because Twitter deleted the original one.

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<sup>20</sup> See also <https://defyccc.com/assault-on-scotus-hb20/>

<sup>21</sup> <https://archive.ph/xsJWp>

Fig.04.1. Screenshot of a Google Map, showing addresses of six Justices

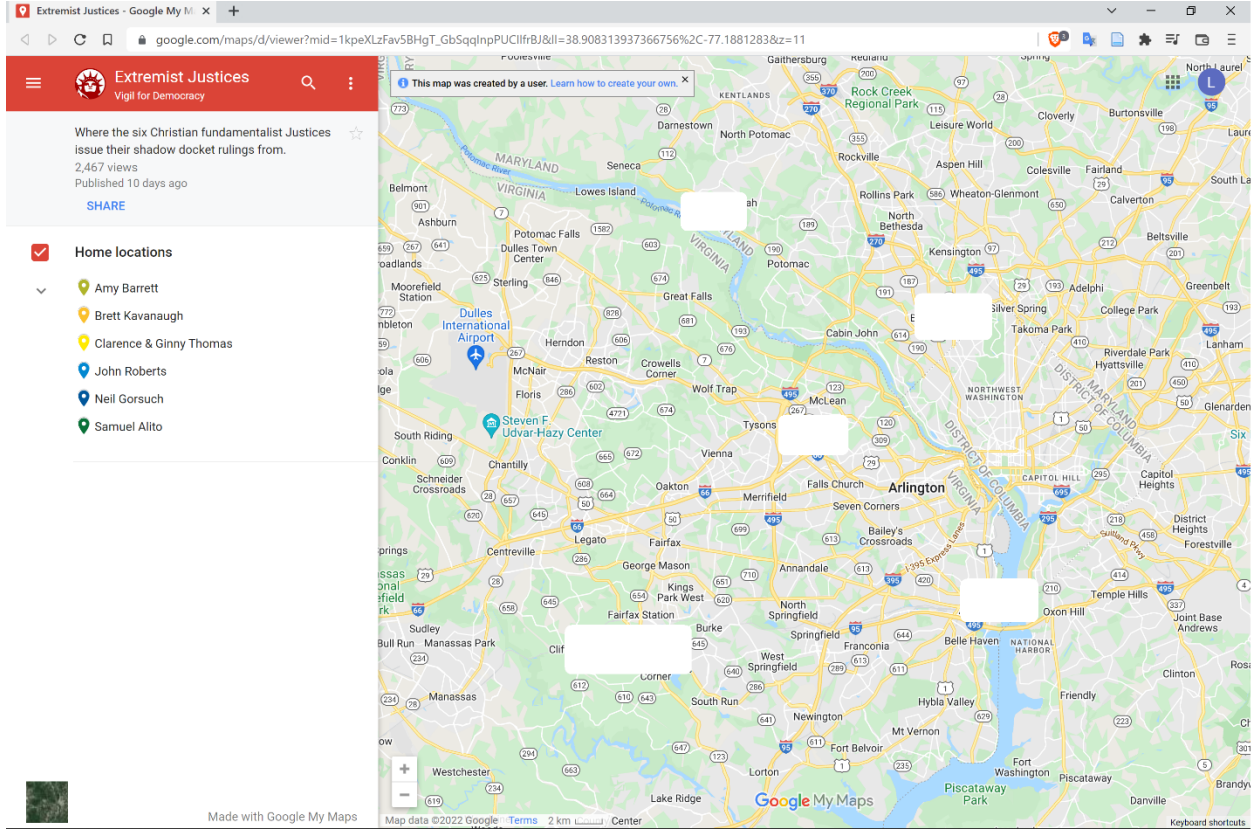


Fig.04.2. Screenshot from a ShutDown DC account.

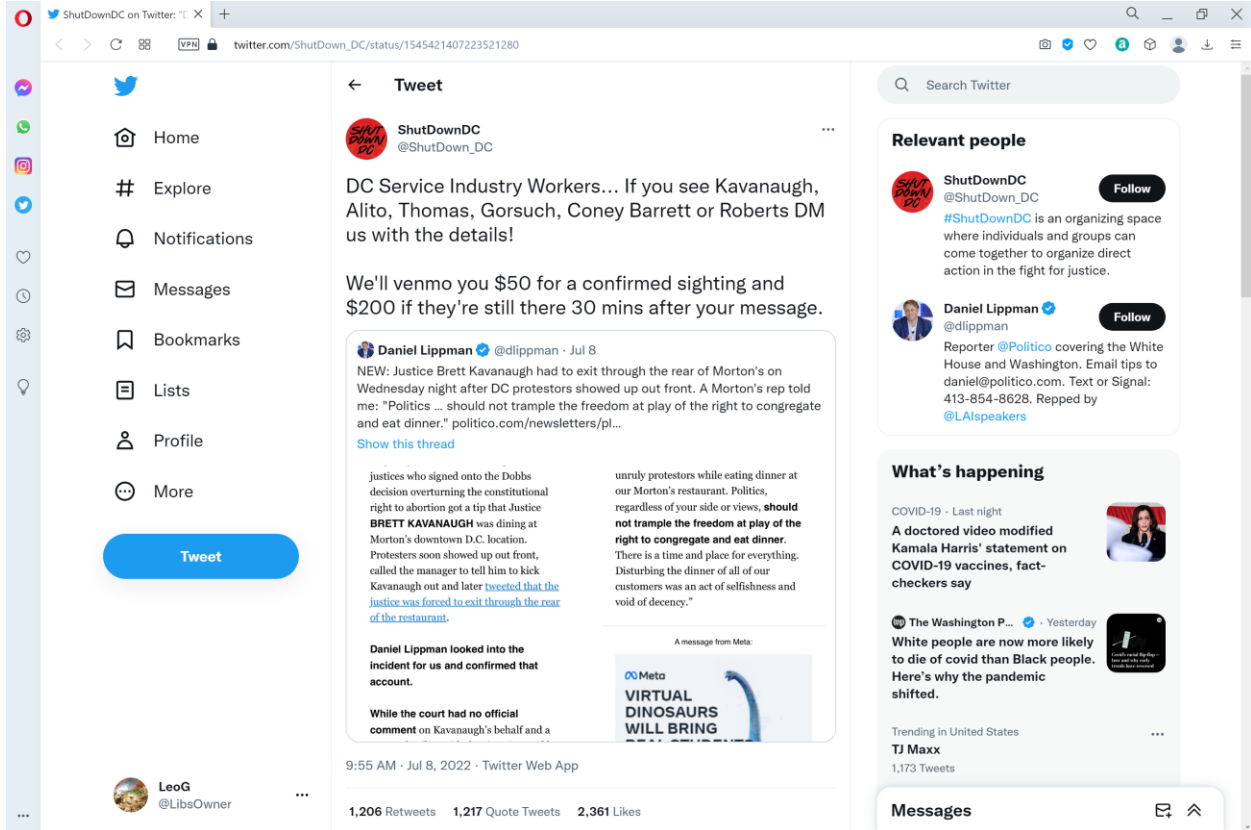
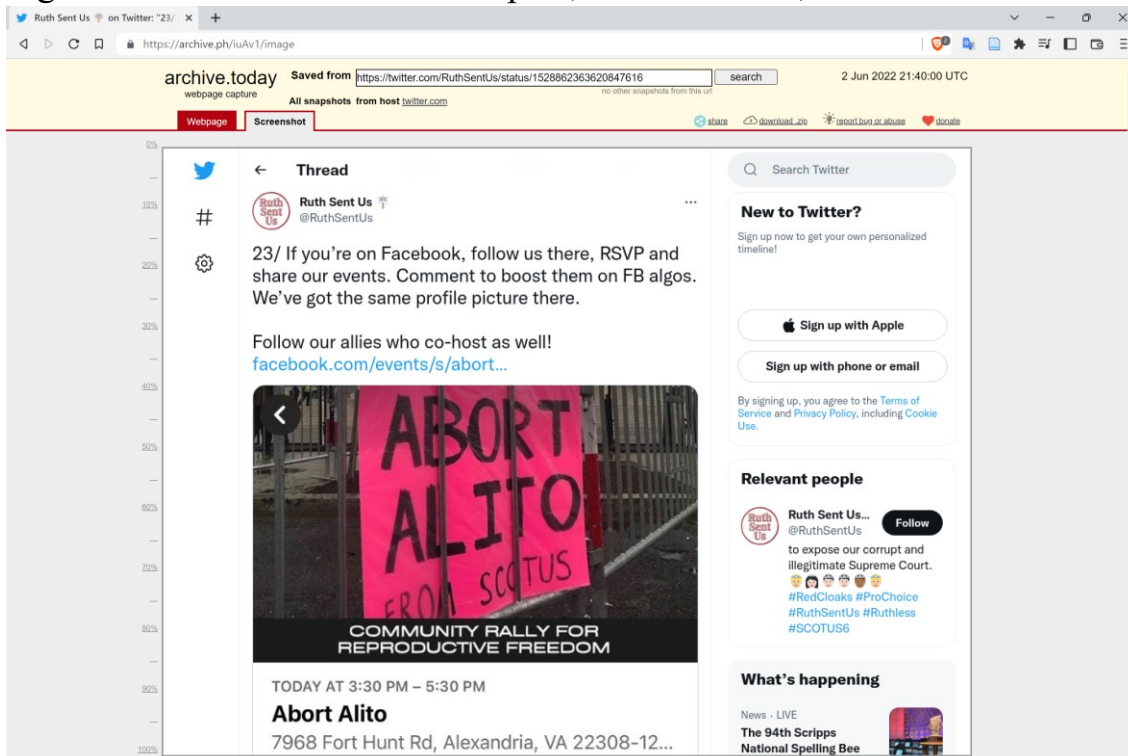
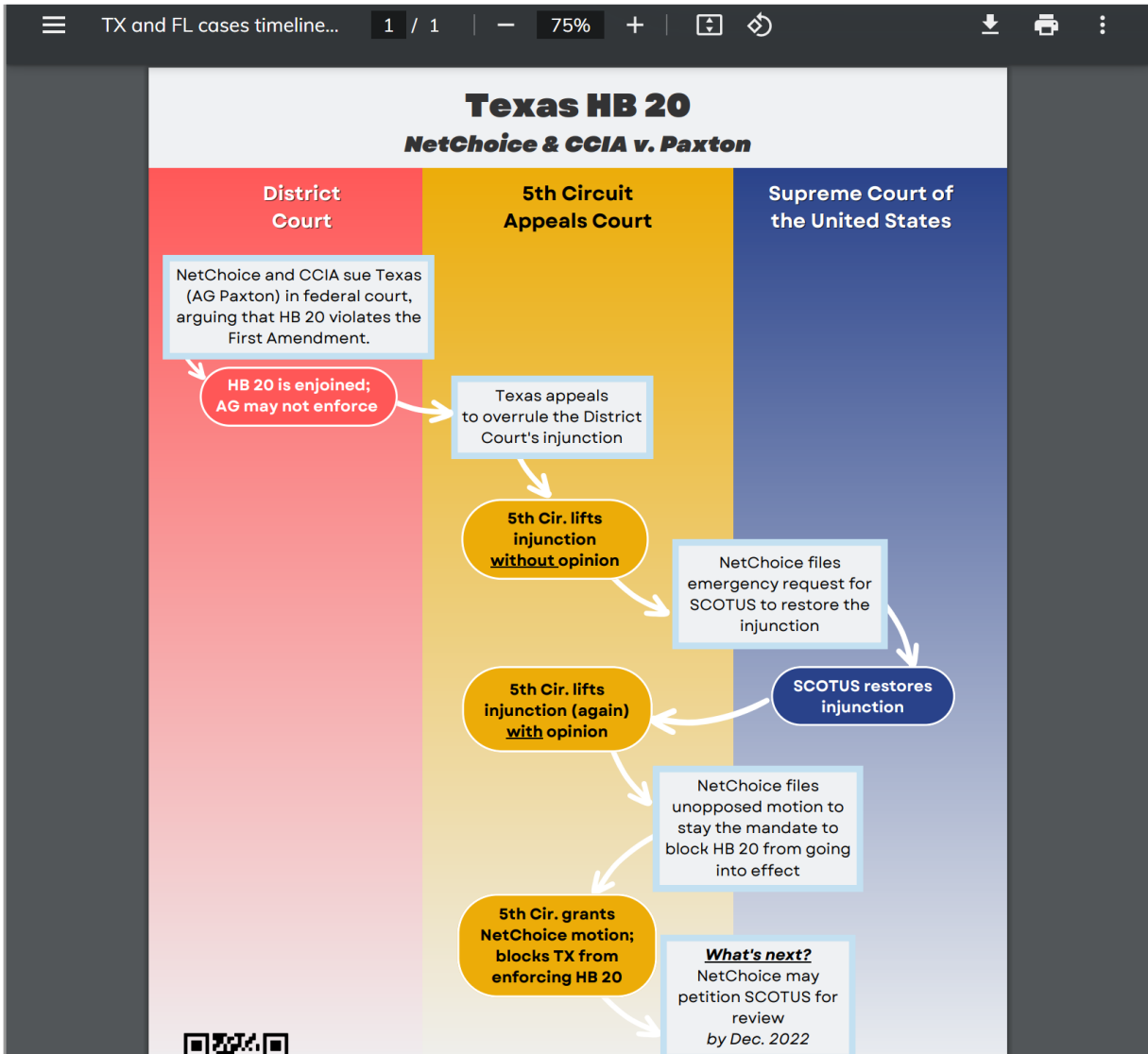


Fig.04.3. Screenshot of a Twitter post, from June 2-3, 2022.<sup>22</sup>



<sup>22</sup> <https://archive.ph/xsJWp>

# Ex.05.NetChoice\_Boast



<https://netchoice.org/explainer-timeline-in-netchoice-v-paxton/>

as of 10/26/2022

## Ex.06.Facebook\_Alleged\_Whistleblower

The following quotes from a book by Christopher Wylie. He is not an ordinary consumer, because he worked for Cambridge Analytica, one of many companies buying raw consumer's data from Facebook. Nevertheless, they demonstrate importance of the Platforms in the lives of many people, especially those below age 40.

“When Facebook banned me, they did not simply deactivate my account; they erased my entire presence on Facebook and Instagram. When my friends tried to look up old messages I had sent, nothing came up: My name, my words—everything—had disappeared. I became a shadow.” (p. 237)

“... only when I was erased from Facebook that I truly realized how frequently my life touched their platform. Several of my phone's apps stopped working—a dating app, a taxi app, a messaging app—because they used Facebook authentication. Subscriptions and accounts I had on websites failed for the same reason. People often talk about a dualism: the cyber world and our “real lives.” But after having most of my digital identity confiscated, I can tell you they are not separate. When you are erased from social media, you lose touch with people. I stopped getting invited to parties—not intentionally, but because those invites always happened on Facebook or were posted on Instagram. Friends who did not have my new phone number found it nearly impossible to get hold of me, except by trying to send an email to my lawyers.” (p. 224)

*Wylie, Christopher.* Mindf\*ck. Random House Publishing Group. Kindle Edition.

## Ex.07.Ready\_Gov

Ready.gov, an official website of the Department of Homeland Security offers visitors ability to subscribe for emergency alerts on Facebook, Twitter, and, possibly, YouTube.

Facebook deplatformed me on November 6, 2018, and I have not been able to log into it since then. Twitter banned my account @defyccc in 2021. Then it restored my ability to log into it. Nevertheless, it did not allow me to subscribe (FOLLOW) @Readygov account. The pop up at the bottom of Fig.07.2 says (white on blue): “Your account is suspended and is not permitted to follow users.”

Twitter allows receiving email notifications on posts from consumer-selected accounts. Twitter banned my account @defyccc without any warning or notification. If I were subscribed to receive emergency alerts, I would have missed all alerts sent after the ban.

Fig.07.1. Screenshot from ready.gov

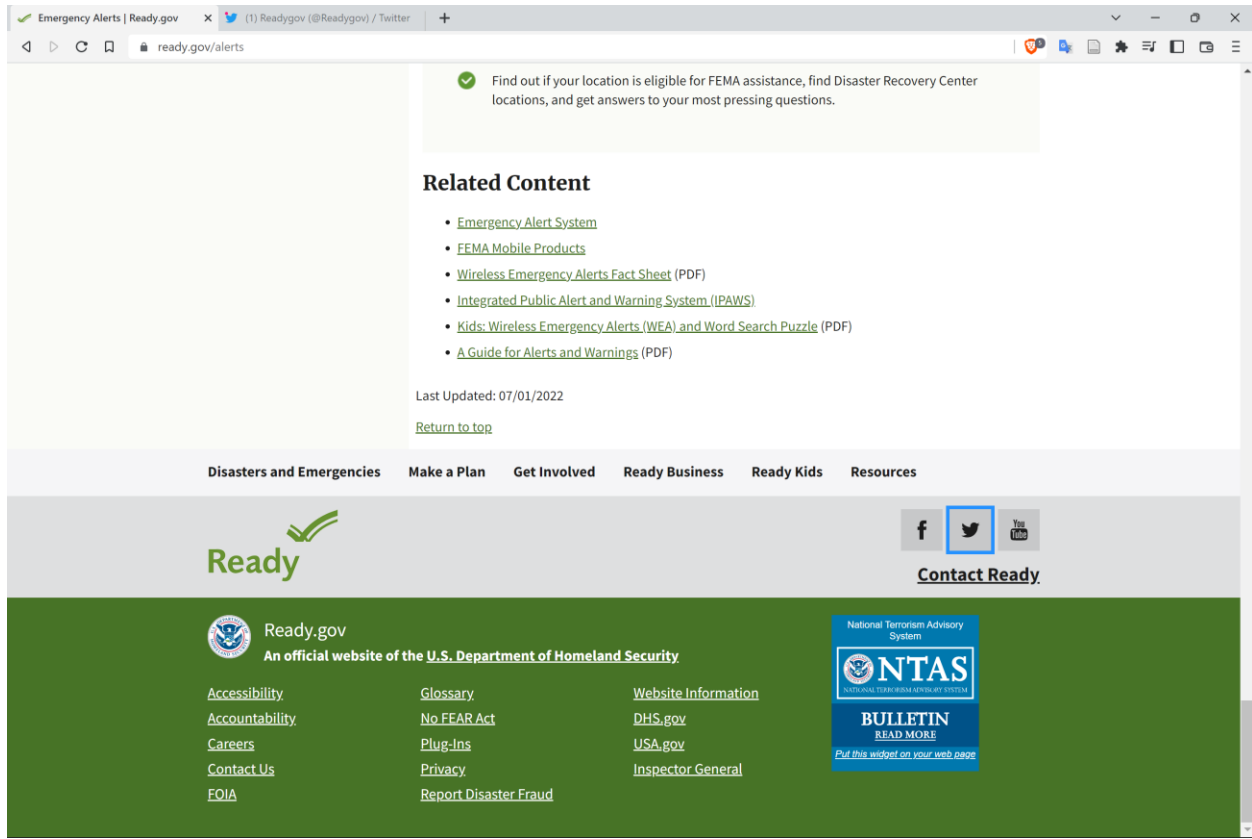
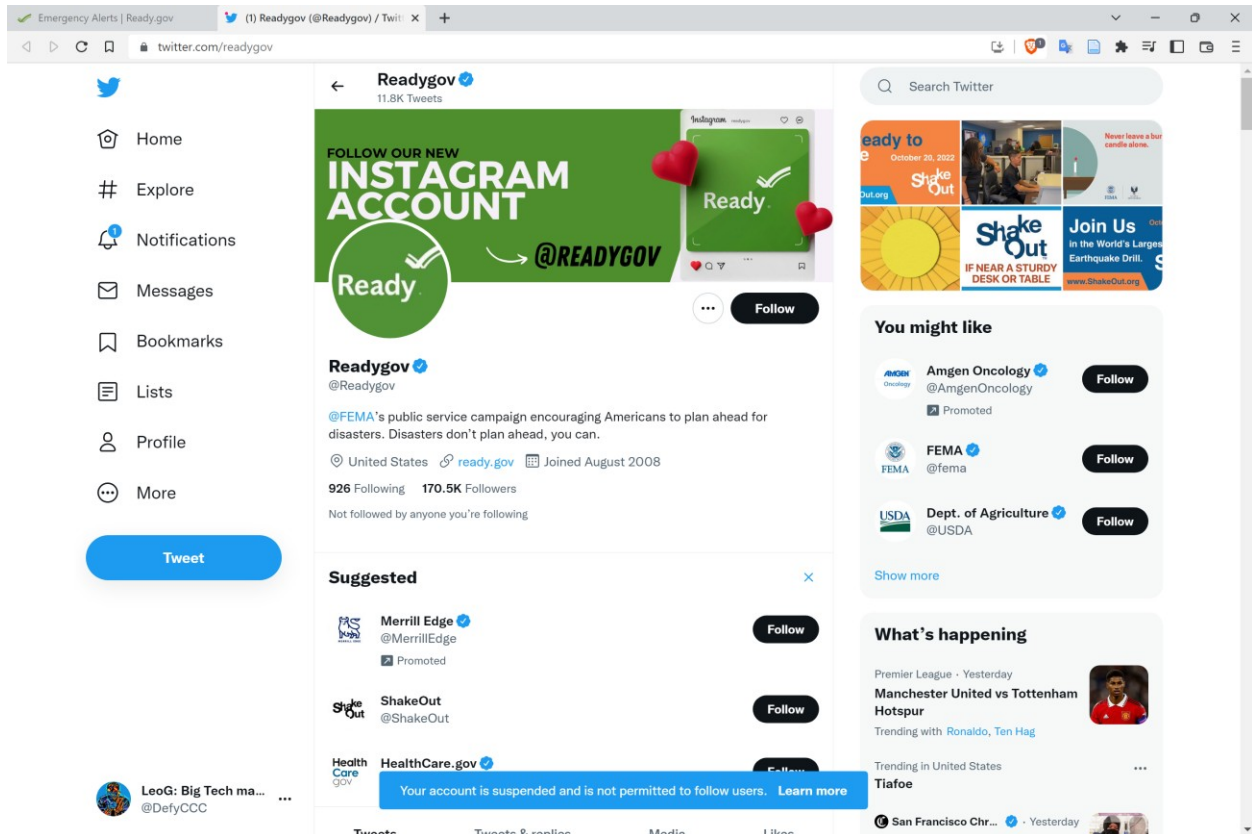


Fig.07.2. Screenshot of Ready.gov account on Twitter.





## Ex.08.Some\_Gov\_On\_Twitter

The following screenshots from some of the thousands of federal and Texas government accounts on Twitter. They are made from another account, which is not suspended but might be suspended by Twitter at any moment.

Fig.08.1. Screenshot of one of the CDC accounts, @CDCEmergency.



Fig.08.2. Screenshot of @CDC.



Fig.08.3. Screenshot of the Texas Attorney General account.

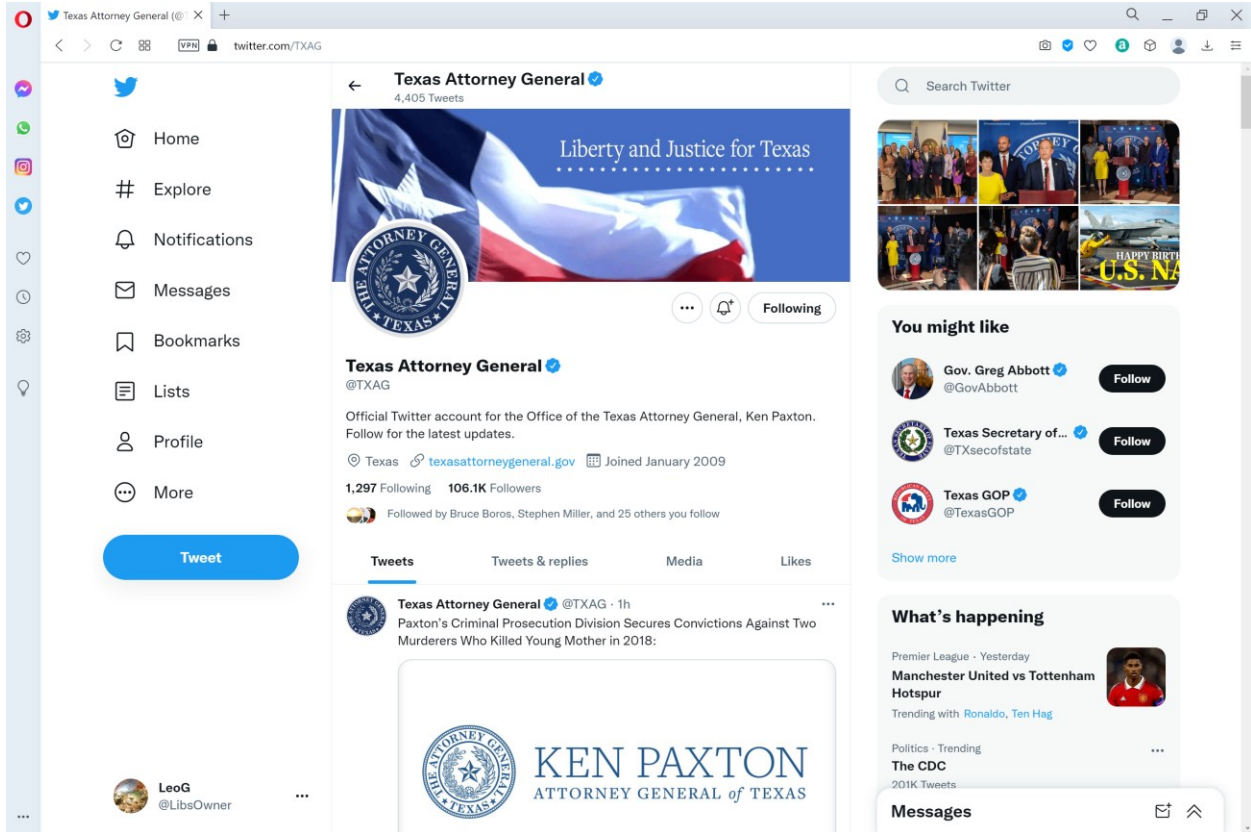
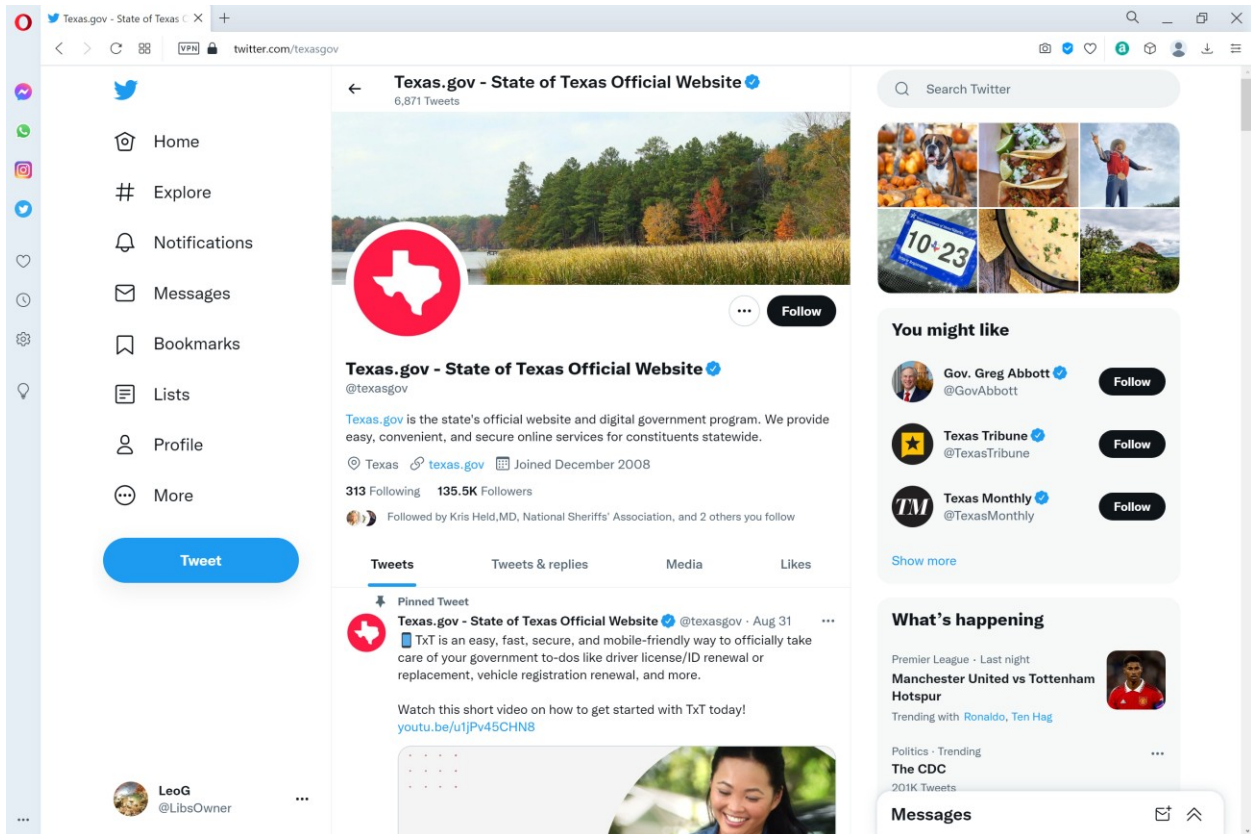


Fig.08.5. Screenshot of the State of Texas account.



## Ex.09.Obamanet\_Mon\_Value

Based on the data and calculations below, the monetary value of the Obamanet for YouTube and Facebook in 2014-2015 are estimated at \$45 Billion annually.

The following quotes and pictures are offered for the truth of them, as rough estimates.

### Fixed Internet

***Fixed broadband access revenues in the United States from 2011 to 2021, 2013***<sup>23</sup>

Revenues were estimated to be more than \$50B annually in 2014 and 2015.

***Netflix and YouTube Are America's Biggest Traffic Hogs, 2015***<sup>24</sup>

See Fig.09.1 below.

### Mobile Internet

***U.S. mobile data revenue surpasses voice call revenue: analyst, 2014***<sup>25</sup>

“Mobile data service revenue reached \$90 billion last year and accounted for more than 50 percent of revenues for wireless companies in the final quarter of 2013, according to research published by Chetan Sharma Consulting late Wednesday.”

***These Apps Are Putting a Strain on Mobile Networks, 2015***<sup>26</sup>

“According to a recent report by broadband equipment company Sandvine, YouTube and Facebook alone account for 36 percent of North America’s mobile traffic during peak hours.”

Also, see Fig.09.2 below.

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<sup>23</sup> <https://www.statista.com/statistics/280435/fixed-broadband-access-revenues-in-the-united-states/> | <https://archive.ph/98rq7>

<sup>24</sup> <https://www.statista.com/chart/1620/top-10-traffic-hogs/> | <https://archive.ph/Jklm4>

<sup>25</sup> <https://www.reuters.com/article/us-usa-mobilephone-data/u-s-mobile-data-revenue-surpasses-voice-call-revenue-analyst-idUSBREA2C24J20140313> | <https://archive.ph/ICBu7>

<sup>26</sup> <https://www.statista.com/chart/4124/mobile-traffic-by-application/> | <https://archive.ph/Pt1HZ>

Fig.09.1. Fixed Internet

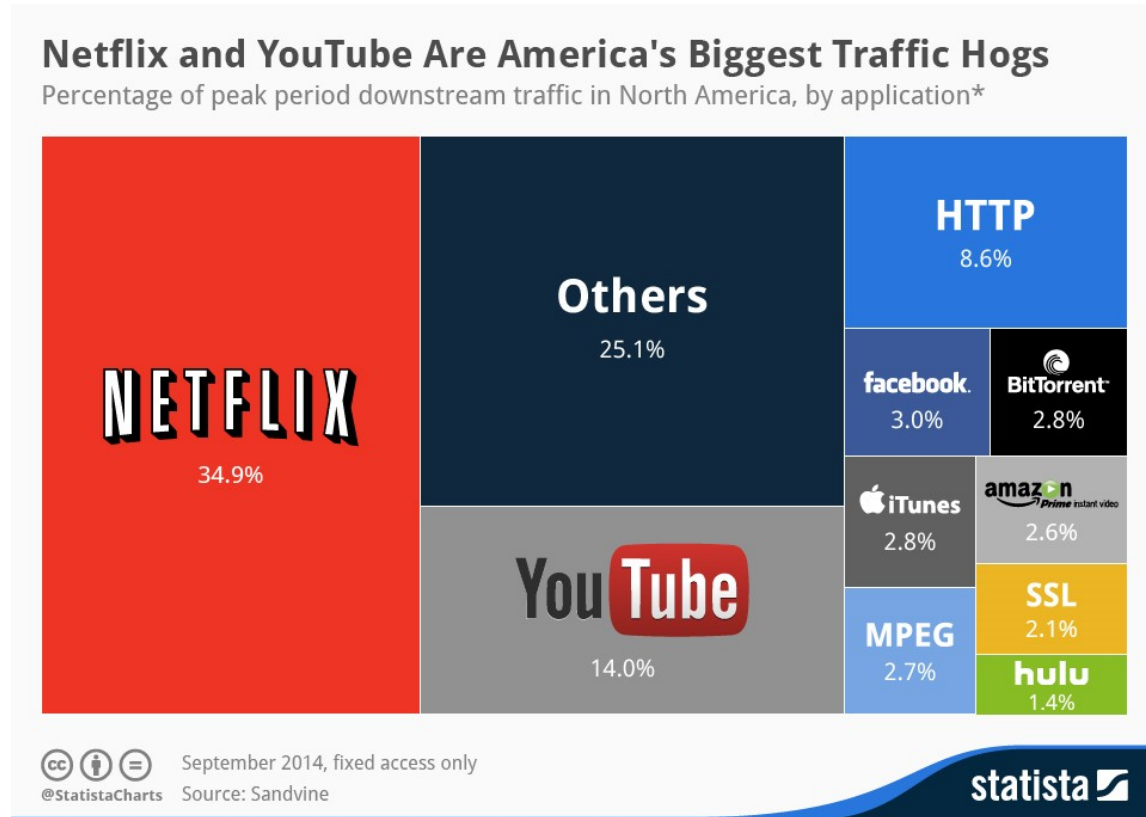
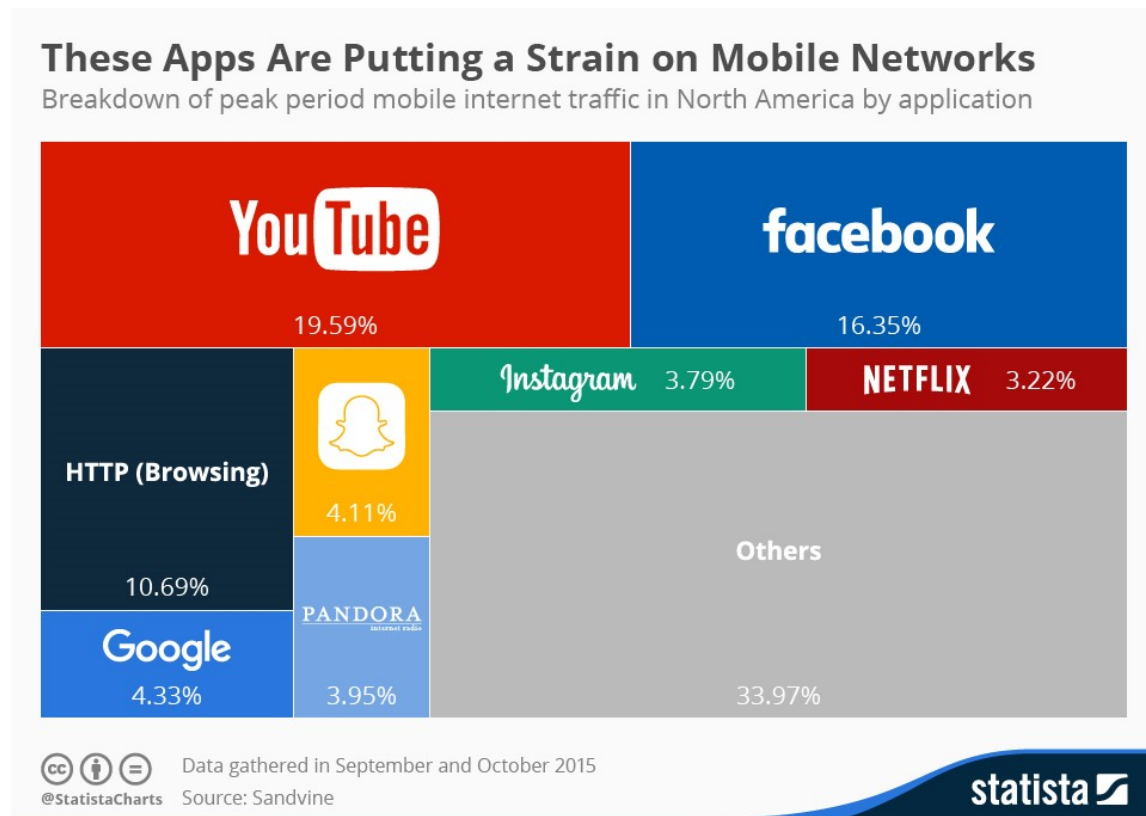


Fig.09.2. Mobile Internet



## Calculations

In 2014-2015, YouTube and Facebook were consuming about 17% of the peak fixed internet traffic. The monetary values of the compelled speech in this segment was  $17\% * \$50B = \$8.5B$  annually.

In 2014-2015, YouTube and Facebook, including Instagram, were consuming about 40% of the peak fixed internet traffic. The monetary value in this segment was  $40\% * \$90B = \$36B$  annually.

Total:  $\$8.5B + \$36B = \$44.5B \approx \$45B$  annually

## Declaration

<signed>