

# COMPELLED SILENCE:

## How Government-Directed Platform Policy Circumvents the First Amendment

*A Legal and Factual Brief Seeking First Amendment Counsel*

*Submitted by Pen name Angelsamongus1)*

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### Executive Summary

This brief presents a documented, multi-layered case demonstrating that the United States federal government has systematically circumvented First Amendment free speech protections by leveraging its authority and relationships with private social media platforms to suppress content contradicting institutionally approved medical, scientific, and political consensus. Rather than passing laws restricting speech, government agencies directed, pressured, and coordinated with private platforms to restrict it on their behalf, a mechanism specifically designed to avoid direct constitutional accountability.

The author is a former Claims Expert at Humana who accidentally discovered and documented CDC and NCSL primary source records confirming coordinated national deployment of unlicensed medical personnel with simultaneous liability immunity during the COVID-19 pandemic. Every piece of content that was subsequently suppressed was pulled directly from official government websites, pharmaceutical regulatory filings, court-released documents, and official legislative databases. To characterize any of it as misinformation required simultaneously claiming that the CDC, FDA, Pfizer, NCSL, and the federal Office of Disease Prevention and Health Promotion were publishing misinformation on their own official websites.

This brief presents a specific and novel legal claim arising from TikTok's compelled creator compliance mechanism, in which the platform systematically denied appeal rights following content removal, then presented a compliance test as the sole available remedy for clearing negative account marks caused by those removals. The test explicitly required creators to acknowledge that content contradicting the positions of licensed medical institutions and government health authorities is prohibited. This compelled acknowledgment, presented as the only exit from a deliberately designed remediation funnel after all other options were foreclosed, constitutes a form of speech

suppression that existing litigation has not yet directly addressed and which may offer a stronger path toward legal standing than prior cases.

The author's TikTok account accumulated 3,416 system notifications as of May 1, 2026, each representing an individual enforcement action, reflecting years of documented systematic targeting that is itself subject to discovery through TikTok's internal records.

The evidence supporting this brief is drawn from congressional testimony, public admissions by platform executives, Supreme Court proceedings, documented government agency communications, timestamped Telegram channel records, TikTok's own system notifications, and direct personal experience as a content creator subject to these policies over five years.

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## **I. The Constitutional Framework**

### **A. What the First Amendment Protects**

The First Amendment to the United States Constitution prohibits Congress from making any law abridging the freedom of speech. By extension through the Fourteenth Amendment, this prohibition applies to all government actors at federal and state levels. The core principle is that the government may not restrict protected speech based on its content or viewpoint.

The First Amendment does not apply to purely private actors. A private company making its own editorial decisions is generally not subject to First Amendment constraints. This principle has historically insulated platforms from liability for content they choose to host or remove.

### **B. Where Private Action Becomes State Action**

The constitutional boundary shifts when private actors operate as instruments of government policy. The Supreme Court recognized in *Manhattan Community Access Corp. v. Halleck*, 139 S. Ct. 1921 (2019), that a private entity can qualify as a state actor when the government compels the private entity to take a particular action, or when the government acts jointly with the private entity. When a platform restricts speech not by its own independent judgment but in direct response to government pressure, direction, or coordination, that restriction may properly be attributed to the government rather than the platform, triggering First Amendment scrutiny.

### **C. Viewpoint Discrimination**

The Supreme Court has consistently held that viewpoint discrimination represents one of the most egregious forms of content-based censorship prohibited by the First Amendment. *Matal v. Tam*, 582 U.S. 218 (2017), established that the government may not suppress speech expressing a particular viewpoint even when regulating a legitimate category of content. A policy that claims to regulate misinformation but

applies only to information contradicting the government's preferred narrative, while permitting information supporting that narrative to flow freely, is viewpoint discrimination regardless of how it is labeled.

The pattern documented in this brief demonstrates precisely this form of viewpoint discrimination. TikTok's published policy states the platform aligns content standards with the consensus of what is commonly believed by the medical and science community. Government regulatory filings, CDC published data, FDA clinical trial records, and court-released pharmaceutical documents are by definition primary outputs of the medical and scientific establishment itself. They are not fringe sources. They are the foundational records from which medical and scientific consensus is derived. When TikTok suppresses content sourced directly from these official records as contradicting medical and scientific consensus, the platform is simultaneously claiming that the CDC, FDA, and Pfizer's own court-released records contradict the consensus those same agencies helped establish. That logical impossibility has one coherent resolution: the policy does not actually protect consensus. It protects the government's preferred narrative about consensus. When the narrative and the underlying evidence diverge, the narrative wins and the evidence gets suppressed.

The viewpoint discriminatory nature of this suppression is further confirmed by a critical operational distinction. TikTok silently deleted content the platform determined could cause physical harm to users without requiring any compliance acknowledgment or formal process. The identical platform simultaneously required a formal compliance test, presented as the sole remedy after systematic denial of appeals, only for content contradicting government health authority positions. Physical safety content is handled administratively. Institutional authority contradicting content triggers a compelled acknowledgment mechanism. That operational distinction reveals that the compliance test's purpose was institutional protection rather than user safety. The policy as actually applied protects the government's preferred narrative. It does not apply when information supports that narrative regardless of its actual scientific basis. It applies only when information contradicts it.

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## II. The Documented Government-Platform Relationship

### A. Congressional Admissions by Platform Executives

**Meta/Facebook:** In August 2024, Meta CEO Mark Zuckerberg sent a letter to House Judiciary Committee Chairman Jim Jordan formally admitting that White House officials pressured his teams for months to censor certain COVID-19 content, that he believed the pressure was wrong, and that he regretted that Meta was not more outspoken about it at the time.

*Primary source: Zuckerberg letter to House Judiciary Committee Chairman Jordan, August 2024. Reported by Fox Business (August 27, 2024) and Al Jazeera (August 27, 2024).*

**Twitter/X:** Congressional testimony by journalist Matt Taibbi before the House Select Subcommittee on the Weaponization of the Federal Government on March 9, 2023,

presented evidence entered into the congressional record that Twitter, Facebook, Google, and other platforms had developed a formal system for taking in moderation requests from the FBI, DHS, HHS, DOD, the Global Engagement Center at the State Department, and the CIA.

*Primary source: House Select Subcommittee on the Weaponization of the Federal Government, hearing transcript, March 9, 2023. Available via [Congress.gov](https://congress.gov).*

## **B. The Government Agency Network**

Congressional investigators documented an organized network of government agencies, quasi-governmental organizations, and taxpayer-funded entities that collectively operated what journalist Michael Shellenberger characterized as a censorship-industrial complex during the same March 2023 congressional testimony. CISA's documented open line of communication and collaboration with TikTok was acknowledged by senior DHS officials and recorded by the New America Foundation.

*Source: New America Foundation, 'TikTok,' January 25, 2026. [newamerica.org/insights/protecting-vote/tiktok/](https://newamerica.org/insights/protecting-vote/tiktok/).*

## **C. The Murthy v. Missouri Precedent and 2026 Settlement**

The Supreme Court addressed the government-platform coordination question in *Murthy v. Missouri*, 603 U.S. 43, decided June 26, 2024. The Court did not find that no First Amendment violation occurred. In a 6-3 decision the majority held only that the specific plaintiffs lacked standing. Justice Alito's dissent characterized the ruling as permitting a successful campaign of coercion to stand as an attractive model for future officials who want to control what the people say, hear, and think.

*Primary source: *Murthy v. Missouri*, 603 U.S. 43 (2024). Full opinion at [supremecourt.gov/opinions/23pdf/23-411\\_3dq3.pdf](https://supremecourt.gov/opinions/23pdf/23-411_3dq3.pdf).*

On March 24, 2026, a consent decree settlement permanently enjoined the U.S. Surgeon General, the CDC, and CISA from using any threat of legal, regulatory, or economic punishment to pressure social media companies into removing or suppressing constitutionally protected speech. This consent decree implicitly acknowledges that such coercion had occurred.

*Source: Public Knowledge, March 30, 2026. [publicknowledge.org](https://publicknowledge.org). First Amendment Encyclopedia MTSU, updated March 27, 2026. [firstamendment.mtsu.edu](https://firstamendment.mtsu.edu). NOTE: Attorney should obtain primary court filing from Western District of Louisiana docket to verify exact consent decree language.*

The Electronic Frontier Foundation clarified that a successful plaintiff must prove that a particular government actor pressured a particular platform to censor a particular topic before that platform suppressed a particular plaintiff's speech on that topic. Plaintiffs are not required to show the government targeted their specific posts, only the general topic.

*Source: Electronic Frontier Foundation, July 30, 2024. [eff.org](https://eff.org).*

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### III. The Compelled Acknowledgment: A Novel and Stronger Claim

#### A. The Two-Phase Suppression Pattern and Deliberate Funnel Design

The suppression experienced by the author evolved across two distinct platform ownership periods in ways that are legally significant.

**Original TikTok Ownership:** The platform repeatedly removed content sourced directly from primary government documents and applied strikes to the account. After the first few strikes, appeal rights were denied entirely. After three strikes accounts were deleted. New accounts were created, built up over time, then deleted without warning, without strikes, and without any process or appeal option. This pattern repeated multiple times.

**Current TikTok Ownership:** The mechanism became more sophisticated and more constitutionally problematic. The platform deleted videos. Then notified the creator the same videos were approved. Then required completion of a compliance test. Then refused to show the approved videos anyway. The compliance test operated entirely independently of whatever the content review process determined. Content could be simultaneously approved and suppressed. The test was not a content safety measure. It was a standalone compelled acknowledgment mechanism.

The compliance test was presented specifically as the only available remedy for clearing negative marks applied to the account by the platform's own suppression actions, after appeal rights had been systematically denied. The creator was required to actively acknowledge that content contradicting the positions of licensed medical institutions and government health authorities is prohibited, as the sole available path to remediate account damage caused by that very suppression. This is a deliberately designed funnel with one exit, and the exit requires formally surrendering the speech right the platform's own actions violated.

TikTok's own system notification dated May 1, 2026 confirms the training completion in writing, stating Training completed. Thank you for completing the training. Your warning status will be removed in 14 days or on 2026.05.11, as long as there are no new violations during this period. A simultaneous notification states the creator's video appeal was reviewed and the video was restored. The video was not restored. Both notifications are preserved as timestamped screenshots captured May 1, 2026, documenting the false restoration notification alongside the compelled training completion on the same day.

#### B. The Logical Impossibility of the Applied Standard

TikTok's published policy states the platform aligns with the consensus of what is commonly believed by the medical and science community. The creator's suppressed content was sourced exclusively from the following primary documents: CDC's own published weekly and monthly death data; FDA clinical trial records from Pfizer's own regulatory submission STN-125742; court-released Pfizer documents produced under federal judge order; the NCSL publicly accessible legislative database; the ODPHP

federal government report on VAERS reporting sources; and official state executive orders and legislative actions.

These are not fringe sources. These are the foundational records of the medical and scientific establishment itself. The question this standard cannot answer is this: since when are government regulatory records, court-released pharmaceutical filings, and official legislative databases not medical and scientific consensus? The only coherent answer is that the standard does not actually mean scientific consensus. It means the current official narrative. When government records contradict that narrative, the records get suppressed and the narrative is protected. The standard applies only when it makes the government look good.

### **C. The Viewpoint Discriminatory Application Confirmed by Operational Evidence**

The viewpoint discriminatory nature of the compliance mechanism is confirmed by a critical operational distinction documented by the creator directly. Content that TikTok determined could cause physical harm to users was silently deleted with no compliance test required, no formal acknowledgment demanded, and no remediation funnel imposed. The identical platform simultaneously required a formal compelled acknowledgment specifically and exclusively for content contradicting government health authority positions. Physical danger content receives administrative deletion. Institutional authority contradicting content receives a constitutional rights extraction mechanism. That distinction is not coincidental. It reveals the actual purpose of the compliance test.

### **D. The Insider Whistleblower Dimension**

The author was not an outside observer sharing secondhand information. As a Claims Expert at Humana from 2018 to 2021 with direct access to internal records and communications with hundreds of hospitals, clinics, and healthcare professionals, she accidentally discovered official CDC documentation confirming coordinated national deployment of unlicensed medical personnel with simultaneous liability immunity. This discovery was corroborated against the NCSL's own publicly accessible database showing the identical policy replicated across multiple states. After sharing these findings internally, she faced workplace retaliation and ultimately resigned rather than accept reassignment under pressure, despite consistent Employee of the Month recognition throughout her tenure. A formal whistleblower affidavit was prepared in December 2021 under sworn declaration and subsequently submitted to the FBI in approximately October 2025. No government response was received.

### **E. Cross-Platform Surveillance**

The suppression pattern extended beyond TikTok's own platform. The creator documented instances in which TikTok referenced content posted on her separate Telegram channel, Angelsamongus1, as the basis for account actions on TikTok, despite that content never having been posted on TikTok itself. This cross-platform surveillance, using content from an external platform beyond TikTok's jurisdictional

authority as justification for actions against a TikTok account, is documented in timestamped Telegram posts going back to 2022. A platform has no legitimate content moderation authority over speech made on a separate platform. Using external platform content to justify account actions constitutes surveillance beyond the platform's stated scope and raises serious questions under applicable privacy and communications law.

## **F. The Economic Suppression Pattern**

The suppression of non-institutional health content follows a documented and systematic pattern extending beyond platform policy into professional licensing enforcement. Practitioners who achieved positive outcomes using evidence-based approaches outside institutional endorsement have faced professional licensing challenges not because patients were harmed but because their publicly shared knowledge reduced public economic dependence on conventional medical services. The convergence of professional licensing suppression and platform content suppression creates a closed system from which effective non-institutional knowledge cannot escape regardless of its accuracy or evidentiary basis.

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# **IV. The Legal Path Forward**

## **A. Standing Requirements Under Murthy**

The Supreme Court's Murthy ruling provided a precise roadmap. A plaintiff must demonstrate that a particular government actor pressured a particular platform to censor a particular topic before that platform suppressed a particular plaintiff's speech on that topic. The documented government-TikTok relationship through CISA and DHS provides the platform-government link. TikTok's explicit alignment of its content standard with government agency positions provides the mechanism. The compelled acknowledgment presented as the sole remedy after systematic denial of appeal rights provides the specific documented coercion. The creator's experience of content suppression on health-related topics sourced exclusively from primary government documents provides the individual harm. The 3,416 documented system notifications provide the scope and duration of the targeting.

## **B. The Compelled Speech Dimension**

Beyond the coercion framework, the compliance test mechanism may support a separate constitutional claim. The Supreme Court ruled unanimously in *NRA v. Vullo*, 602 U.S. 175 (2024), that government officials cannot attempt to coerce private parties in order to punish or suppress disfavored views. When a platform requires creators to actively agree that content contradicting government health agency positions is prohibited, presents that requirement as the only remedy after systematically denying all appeals, simultaneously approves and suppresses the same content demonstrating the test operates independently of content review, and does so through a documented

relationship with government agencies, the compelled acknowledgment may constitute a First Amendment violation independent of the content suppression itself.

*Source: NRA v. Vullo, 602 U.S. 175 (2024). Unanimous Supreme Court decision. Available at [supremecourt.gov](https://www.supremecourt.gov).*

### **C. Viewpoint Discrimination as Independent Ground**

The documented pattern of suppressing content that makes the government look unfavorable while permitting content supporting the government's preferred narrative to flow freely constitutes viewpoint discrimination independent of the compelled speech and coercion claims. Under *Matal v. Tam* and its progeny, viewpoint discriminatory application of a facially neutral policy is itself a First Amendment violation. The operational evidence, specifically the contrast between silent deletion of physically harmful content and formal compelled acknowledgment required only for institutional authority contradicting content, provides direct evidence of viewpoint discriminatory application that does not depend on proving government coordination.

### **D. Recommended Legal Avenues**

This brief is presented to First Amendment counsel at the New Civil Liberties Alliance with the following requests: to evaluate whether the documented facts establish sufficient standing under the Murthy framework; to assess the viability of a compelled speech claim arising from the TikTok compliance mechanism as a remediation funnel after systematic denial of appeals; to evaluate the viewpoint discrimination claim arising from the documented operational distinction between content categories; and to determine whether the government-platform content standard, explicitly framing institutional medical consensus as the governing rule for health-related speech applied to content sourced from the government's own published documents, constitutes an unconstitutional viewpoint-based restriction on protected speech.

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## **V. Summary of Verified Key Facts**

The following facts are verified through the primary and credible secondary sources identified in this brief.

1. Mark Zuckerberg formally admitted to the House Judiciary Committee in August 2024 that the Biden administration pressured Facebook to censor COVID-19 content, that he considered the pressure wrong, and that Meta complied despite disagreement.
2. Congressional testimony entered into the record on March 9, 2023, documented a formal government-platform coordination system involving the FBI, DHS, CISA, CDC, HHS, DOD, and the State Department's Global Engagement Center.
3. CISA maintained a documented open line of communication with TikTok regarding content moderation, acknowledged by senior DHS officials and recorded by the New America Foundation.

4. TikTok's published community guidelines explicitly align its misinformation standard with positions established by government health agencies, enforced through IFCN-accredited fact-checking partners.
  5. The author was subjected to a two-phase suppression pattern across two ownership periods culminating in a compliance test presented as the only available remedy for account damage caused by content suppression, after appeal rights had been systematically denied, requiring active acknowledgment of a government-aligned content standard.
  6. The compliance test operated independently of content review outcomes. Content was simultaneously approved by the platform's review process and suppressed anyway, establishing the test as a standalone compelled acknowledgment mechanism rather than a content safety measure. TikTok's own system notifications dated May 1, 2026 document both the training completion and a false restoration notification on the same day.
  7. TikTok silently deleted content determined to cause physical harm without any compliance test, while simultaneously requiring formal compelled acknowledgment only for content contradicting government health authority positions, establishing viewpoint discriminatory application of the compliance mechanism.
  8. TikTok referenced content posted on the creator's external Telegram channel as justification for TikTok account actions, despite that content never having been posted on TikTok, documenting cross-platform surveillance beyond the platform's stated jurisdictional scope.
  9. Every suppressed item was sourced exclusively from primary government and pharmaceutical documents published on official websites, making misinformation characterization logically indefensible since the policy claims to protect medical and scientific consensus while suppressing the primary records from which that consensus is derived.
  10. The author's TikTok account accumulated 3,416 system notifications as of May 1, 2026, each representing an individual enforcement action, providing a complete discoverable record of systematic targeting spanning years.
  11. The Supreme Court in *Murthy v. Missouri*, 603 U.S. 43 (2024), did not find that no First Amendment violation occurred. It found only that specific plaintiffs lacked standing. Justice Alito's dissent called the ruling a permission slip for future unconstitutional coercion.
  12. A consent decree entered March 24, 2026, permanently enjoined the Surgeon General, CDC, and CISA from coercive platform pressure, establishing binding acknowledgment that such conduct had occurred.
  13. The Supreme Court ruled unanimously in *NRA v. Vullo*, 602 U.S. 175 (2024), that government officials cannot coerce private parties to suppress disfavored views, establishing the applicable coercion standard.
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## VI. Citations and Source Transparency

This section identifies every source used in this brief. Wikipedia has been deliberately excluded from all factual citations. Every factual claim is traceable to a primary source document or a credible nonpartisan secondary source identified below.

### Primary Sources

1. *Murthy v. Missouri*, 603 U.S. 43 (2024). Full text: [supremecourt.gov/opinions/23pdf/23-411\\_3dq3.pdf](https://supremecourt.gov/opinions/23pdf/23-411_3dq3.pdf). Also at [law.cornell.edu/supremecourt/text/23-411](https://law.cornell.edu/supremecourt/text/23-411) and [supreme.justia.com/cases/federal/us/603/23-411/](https://supreme.justia.com/cases/federal/us/603/23-411/).
2. *Missouri v. Biden*, 83 F.4th 350 (5th Cir. 2023). Fifth Circuit opinion finding First Amendment coercion.
3. *NRA v. Vullo*, 602 U.S. 175 (2024). Unanimous Supreme Court opinion establishing government coercion standard. Available at [supremecourt.gov](https://supremecourt.gov).
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6. Mark Zuckerberg letter to House Judiciary Committee Chairman Jim Jordan, August 2024. Reported by Fox Business (August 27, 2024) and Al Jazeera (August 27, 2024).
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13. ODPHP Healthy People 2020 report on VAERS reporting sources. Federal government primary source document.
14. Dr. Cody Meissner, AAP News 2016, American Academy of Pediatrics. Documenting VAERS reporting chain sources.

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17. Telegram channel Angelsamongus1, timestamped posts from February 25, February 27, March 4, March 25, August 2, August 3, October 26, November 14, 2022 and October 23, 2025. Screenshots preserved.

## Credible Secondary Sources

18. Electronic Frontier Foundation. 'Supreme Court Dodges Key Question in Murthy v. Missouri.' July 30, 2024. [eff.org](http://eff.org).
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