

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

STATE OF MISSOURI *ex rel.* ERIC S.
SCHMITT, Attorney General, and

STATE OF LOUISIANA *ex rel.* JEFFREY
M. LANDRY, Attorney General,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States, *et*
al.;

Defendants.

Case No. 3:22-cv-01213

DECLARATION OF JEFF ALLEN

1. I, Jeff Allen, am over the age of 18 and competent to testify about the matters discussed herein.
2. I reside in Missouri and am the President of Programming for NewsTalkSTL, a popular news talk radio station in the St. Louis, Missouri region.
3. The talk radio station enjoys a substantial Missouri audience and features several on-air personalities covering a broad range of topics relevant to both a local and national audience.
4. Our station has been targeted by YouTube from the moment of its launch in July 2021.
5. Around the time of our launch, Facebook flagged our promotional video, but we still do not know why. We believe it may be because our promotional video mentioned “conservative”.
6. YouTube subsequently issued “strikes” against our content for COVID-related and election-related “misinformation.”

7. YouTube sent what appeared to be automated emails advising we had received a strike, including the following text (below), but at no time were we provided specific information on exactly how we violated the policy or how to avoid doing so in the future.

How this affects your channel

Your channel now has 1 strike. You won't be able to do things like upload, post, or live stream for 1 week. A second strike will prevent you from publishing content for 2 weeks. Three strikes in the same 90 day period will result in your channel being permanently removed from YouTube.

What to do next

95% of creators who get 1 strike never get another one. We want that for you too, so please:

- Make sure you understand YouTube's [Community Guidelines](#) and [strikes basics](#).
- Review your content with our policies in mind. If after reviewing your content you think we made a mistake, let us know. You can appeal this decision [here](#).
- Understand that this strike will expire after 90 days, and that deleting the content will not remove the strike.
- Remember, if your channel has been restricted from using any YouTube features, you're prohibited from using another channel to get around these restrictions. Doing so is considered circumvention under our [Terms of Service](#), and may result in termination of your account and all your channels.

Sincerely,
The YouTube Team

8. We appealed these strikes, but each time the appeals were denied by YouTube.

9. For example, on 12/30/21, we aired an episode of the “Tim Jones and Chris Arps Show” and posted it to our YouTube channel. The show featured discussion of timely COVID issues, including testing and vaccines and treatments.

10. YouTube removed the show and issued a strike, stating in an email that it violated its “medical misinformation policy” and contradicted the medical information about COVID-19 from

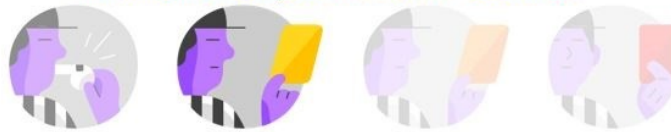
the World Health Organization (WHO) or from local health authorities, including recommendations of harmful substances for the treatment or prevention of COVID-19, as demonstrated below:



Hi NewsTalkSTL,

Our team has reviewed your content, and, unfortunately, we think it violates our **medical misinformation policy**. We've removed the following content from YouTube:

Video: [Tim Jones and Chris Arps Show 12-30-2021 NewsTalkSTL](#)



We know that this might be disappointing, but it's important to us that YouTube is a safe place for all. If content breaks our rules, we remove it. If you think we've made a mistake, you can appeal and we'll take another look. Keep reading for more details.

How your content violated the policy

YouTube does not allow content that spreads medical misinformation that contradicts the World Health Organization (WHO) or local health authorities' medical information about COVID-19, including recommendation of harmful substances for the treatment or prevention of COVID-19. [Learn more here.](#)

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Sincerely,
The YouTube Team

11. We appealed the decision of YouTube, but the decision was upheld (below) and our content remained censored.



Hi NewsTalkSTL,

We have reviewed your appeal for the following content:

Video: [Tim Jones and Chris Arps Show 12-30-2021 NewsTalkSTL](#)

We reviewed your content carefully, and have confirmed that it violates our medical misinformation policy. We know this is probably disappointing news, but it's our job to make sure that YouTube is a safe place for all.

How this affects your channel

- We won't be putting your content back up on YouTube.
- If your appeal was for a warning, you will not be given another warning in the future.
- If your appeal was for a strike, the strike will remain on your channel.

You can find more information about warnings and strikes at the [YouTube Help Center](#).

Sincerely,
The YouTube Team

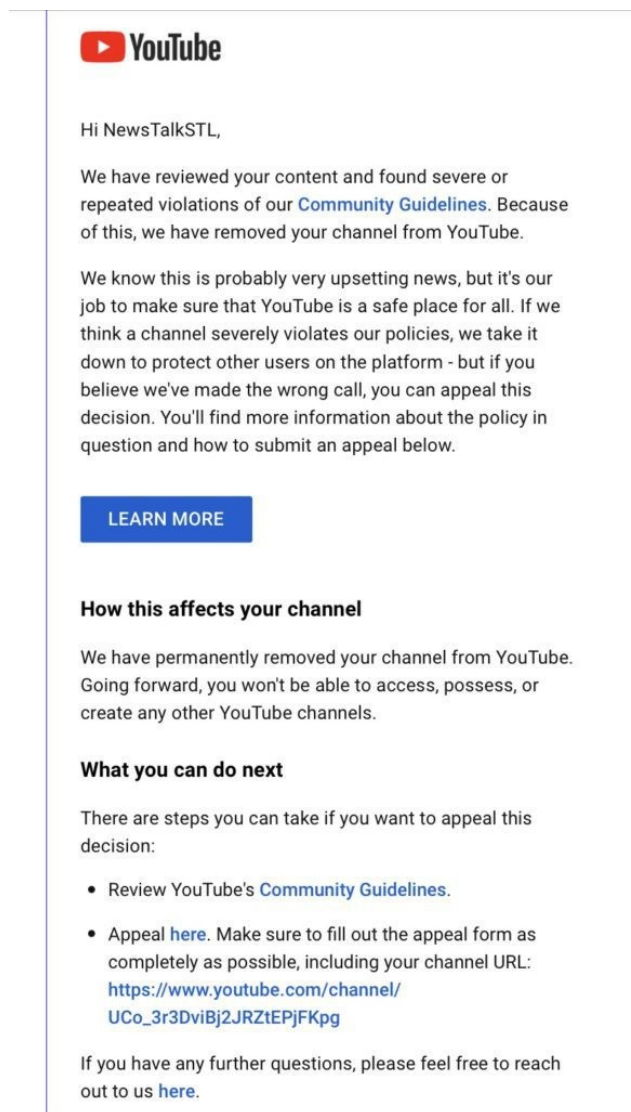
12. The NewsTalkSTL channel on YouTube continued to receive strikes in the first week of January and into February, 2022, due to “medical misinformation” about COVID-19 alternative treatments. Our “offending” posts involved discussions of stories from news and other sources about the topic. None of the automated emails from YouTube announcing strikes detailed the specific moment or statement that caused the supposed policy violations.

13. On March 14, 2022, NewsTalkSTL aired an episode of “The Vic Porcelli Show” featuring discussion about election integrity and restoring voters’ confidence in future elections. The show discussed a Rasmussen poll finding that 83% of likely voters believe election integrity will be an

important issue in the upcoming midterm elections. The discussion covered the 2020 election cycle and the need for election integrity legislation.

14. At no point did the hosts or guest claim the 2020 election was stolen; instead, they noted more than half of Americans polled thought that fraud and cheating had occurred. The conversation focused on the perception many voters have of election fraud, the lack of confidence in our elections, and how reform legislation might restore trust in future elections.

15. On March 21, 2022, YouTube emailed NewsTalkSTL to advise its channel was permanently removed from the platform for “severe or repeated violations,” per the below:



16. In so doing, YouTube deleted all of our content and prevented any more posts, silencing our voice and our expression from the platform entirely. It appears our election discussion was the big moment, as compared to the previous COVID-related strikes, that resulted in our permanent ban from YouTube.

17. The banning of our channel appeared to be based on simply talking about the subject of voter fraud and Americans' thoughts on the subject, not even a claim such fraud occurred.

18. Facebook has also targeted our content, pulling advertisements and issuing temporary suspensions, also for COVID and election-related "misinformation," although they have not permanently banned our content as YouTube has done.

I swear or affirm under penalty of perjury that the foregoing is true and correct.

Dated: June 11, 2022

Signed: /s/ Jeff Allen