

Facebook Gave Nebraska Cops A Teen's DMs So They Could Prosecute Her For Having An Abortion

Emily Baker-White Forbes Staff

Sarah Emerson Forbes Staff

Aug 8, 2022, 09:23pm EDT



This marks one of the first instances of a person's Facebook activity being used to incriminate her in a state where abortion access is restricted. GETTY

A Nebraska teenager is facing criminal charges alleging she aborted a fetus in violation of state law, after authorities obtained her Facebook messages using a search warrant. Seventeen-year-old Celeste Burgess, who is being tried as an adult along with her mother Jessica Burgess, is awaiting trial in Madison County District Court on charges that they broke a Nebraska law banning abortions after 20 weeks.

This marks one of the first instances of a person's Facebook activity being used to

incriminate her in a state where abortion access is restricted — a scenario that has

remained largely hypothetical in the weeks following the US Supreme Court's decision to overturn Roe v. Wade. Nebraska currently outlaws abortions beyond 20 weeks. On Monday, Republican lawmakers in the state [failed to secure enough votes](#) to decrease that window to 12 weeks.

Celeste and her mother were charged in July with allegedly removing, concealing or abandoning a dead human body and concealing the death of another person after the Norfolk Police Department received a tip claiming Celeste had miscarried in April at 23 weeks of pregnancy and secretly buried the fetus with her mother's help. The case was

[first reported](#) by the *Lincoln Journal Star*.

While Celeste told police that she had suffered a miscarriage, they continued to

investigate, serving Facebook with a search warrant to access Celeste and Jessica's

Facebook accounts. They subsequently found messages between the mother and daughter allegedly detailing how Celeste had undergone a self-managed abortion with Jessica's help. There are four states that ban abortion at 24 weeks, and more than a dozen that broadly ban it at the start of fetal viability.

After this story's publication, Meta spokesperson Andy Stone said in a statement on

Twitter that "Nothing in the valid warrants we received from local law enforcement in

early June, prior to the Supreme Court decision, mentioned abortion. The warrants

concerned charges related to a criminal investigation and court documents indicate

that police at the time were investigating the case of a stillborn baby who was burned and buried, not a decision to have an abortion."Stone added that Meta was prohibited

from sharing information about the search warrant by non-disclosure orders which have since been lifted.

A month before Celeste was charged, Mark Zuckerberg, CEO of Facebook parent Meta, was asked by employees how the company will protect those seeking abortions.

Zuckerberg replied that efforts to expand encryption across the platform will "keep

people safe," [CyberScoop reported](#). In May, Meta's VP of HR, Janelle Gale, told

employees they were not allowed to discuss abortion at work, [according to the Verge](#).

The company [later announced](#) that it will reimburse employees who find they must travel to a different state to seek an abortion.

Still, Meta has [remained largely silent](#) on how it will moderate abortion content in

general. However, users recently noticed that [Instagram and Facebook posts](#) about

acquiring abortion pills such as mifepristone were being systematically removed. At

the same time, Meta continued to earn revenue from anti-abortion advertisements

containing dangerous misinformation, [Media Matters found](#). An [investigation by the Markup](#)

discovered that Facebook was collecting data from users interacting with

abortion services websites, and subsequently made that information available to anti-

abortion groups.

In response to pressure from employees, [Google announced](#) that it would delete location data of users who had used the platform to look up abortion services.

All of the largest tech giants have been pressed on whether, and to what extent, they

may cooperate in investigations that seek to punish women for seeking an abortion. In

June, Meta spokesperson Andy Stone [told the Washington Post](#) that the company

"carefully scrutinize[s] all government requests for user information and often

push[es] back, including in court."

A District Attorney assigned to the case declined to comment. An attorney for Celeste Burgess did not immediately respond to a request for comment.

Update: This story has been updated to note that the Facebook messages were obtained via search warrant.

Emily Baker-White



Sarah Emerson