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6 PRESERVING FREE SPEECH AND REINING IN BIG TECH CENSORSHIP

7 TUESDAY, MARCH 28, 2023

8 House of Representatives,

9 Subcommittee on Communications and Technology,

10 Committee on Energy and Commerce,

11 Washington, D.C.

12

13 The Subcommittee met, pursuant to call, at 10:30 a.m.,

14 in Room 2322, Rayburn House Office Building, Hon. Robert

15 Latta [Chairman of the Subcommittee] presiding.

16

17 Present: Representatives Latta, Bilirakis, Walberg,

18 Carter, Dunn, Curtis, Joyce, Weber, Allen, Balderson,

19 Fulcher, Pfluger, Harshbarger, Cammack, Obernolte, Rodgers

20 [ex officio]; Matsui, Clarke, Veasey, Soto, Eshoo, Cardenas,

21 Craig, Kuster, and Pallone [ex officio].

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23 Also present: Representative Johnson.

24

25 Staff present: Deep Buddharaju, Senior Counsel,
26 Oversight and Investigations; Slate Herman, Counsel, C&T;
27 Tara Hupman, Chief Counsel; Noah Jackson, Clerk; Sean Kelly,
28 Press Secretary; Peter Kielty, General Counsel; Emily King,
29 Member Services Director; Giulia Leganski, Professional
30 Staff Member, C&T; Kate O'Connor, Chief Counsel, C&T;
31 Michael Taggart, Policy Director; Dray Thorne, Director of
32 Information Technology; Evan Viau, Professional Staff
33 Member, C&T; Jennifer Epperson, Minority Chief Counsel, C&T;
34 Waverly Gordon, Minority Deputy Staff Director and General
35 Counsel; Tiffany Guarascio, Minority Staff Director; Dan
36 Miller, Minority Professional Staff Member; Joe Orlando,
37 Minority Senior Policy Analyst; Greg Pugh, Minority Staff
38 Assistant; Caroline Rinker, Minority Press Assistant;
39 Michael Scurato, Minority FCC Detailee; and Andrew Souvall,
40 Minority Director of Communications, Outreach and Member
41 Services.

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43 *Mr. Latta. Well, good morning. The subcommittee will
44 come to order. The chair recognizes himself for an opening
45 statement. Again, good morning, and welcome to today's
46 hearing on Preserving Free Speech and Reining in Big Tech
47 Censorship. I would like to begin this hearing with a
48 simple statement. Free speech is the cornerstone of
49 democracy. In fact, it is free speech that separates the
50 United States from the monarchies of yesterday and the
51 authoritarian governments of today.

52 When we discussed the importance of free speech in the
53 21st century, it is impossible to ignore the large-scale
54 online platforms from which our ideas are shared and heard
55 most frequently, social media. For better or worse, social
56 media has fundamentally changed the way we communicate. It
57 has allowed us to connect with people all over the world and
58 express our thoughts to a wider audience than ever before.
59 Its vast online reach expands from coast to coast and across
60 almost all nations.

61 But as social media companies have grown over the
62 years, so has the influence of big tech. It is a scary
63 truth, but the power these companies have to influence

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64 public debate has become increasingly emboldened. In fact,
65 big tech companies have the ability to influence almost
66 every part of our lives. They can determine what a user
67 sees, hears or learns and can even target what they purchase
68 online.

69 Now more than ever, we see online platforms engaging in
70 the wrong types of content moderation. This includes
71 removing content of opposing viewpoints that aids in
72 important public discourse and amplifying content that
73 enables drug trafficking and promotes self-harm and
74 endangers children.

75 In recent years, online platforms have had the
76 capability to remove duly-elected officials and blocked
77 trusted news stories from emerging. When this type of
78 censorship is used to silence dissenting voices, it can have
79 a damaging effect on democracy and public discourse. At the
80 dawn of the internet, Section 230 of the Communications
81 Decency Act provided vital protections for internet startups
82 to engage in content moderation and removal without fear of
83 being sued for content posted by their users.

84 Section 230 has been the foundation of the modern

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85 internet, allowing the internet economy to bloom into what
86 it has become today. However, Section 230 is outdated. The
87 law was enacted in 1996 when print newspapers were delivered
88 to nearly every household and before the creation of social
89 media and the explosion of online content. It has been
90 interpreted by the court to provide a blanket liability
91 shield to all online platforms. As a result, it lacks the
92 nuance needed to hold today's digital world accountable,
93 especially as the power of AI-backed algorithms continue to
94 evolve. Big tech's role in directing and amplifying the
95 type of content that has served the users, becoming
96 increasingly apparent. While all tech companies should
97 strive to uphold American values and their content
98 moderation practices, not all tech companies face the same
99 challenges.

100 For instance, small businesses still need the
101 protection of Section 230 to grow into vibrant members of
102 the e-commerce community and to compete with the big tech
103 community companies like Google and Facebook. Small online
104 businesses deserve the same benefit protection that big tech
105 companies receive when they first started out. But as they

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106 grow, so does the responsibility to protect our kids and all
107 other users across America.

108 As this subcommittee continues to consider section 2 of
109 the reform legislation, we must strike a delicate balance.
110 For too long, big tech platforms have acted like publishers
111 instead of platforms for free speech and open dialogue. So
112 they must be treated as such. I look forward to hearing
113 from our witnesses and working with our colleagues to reform
114 Section 230 so we can hold big tech accountable and preserve
115 Americans' freedom of speech.

116

117

118 [The prepared statement of Mr. Latta follows:]

119

120 *****COMMITTEE INSERT*****

121

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122 *Mr. Latta. I thank you all for being here today, and
123 at this time, I yield five minutes to the ranking member of
124 the subcommittee, the gentlelady from California, for five
125 minutes.

126 *Ms. Matsui. Thank you very much, Mr. Chairman. At
127 last week's TikTok hearing, there was bipartisan concern
128 about the rise in harmful content on the platform. While
129 some of the examples highlighted by members were jarring,
130 TikTok is by no means unique. This hearing provides another
131 chance to explore those same concerns across the wider
132 internet ecosystem.

133 The spread of misinformation, hate speech and political
134 extremism online has been meteoric. During the early days
135 of the pandemic, hate speech targeting Chinese and other
136 Asian Americans boomed. One study from the AI company Like
137 documented a 900 percent increase targeting Chinese people
138 in China. That same study showed that the amount of traffic
139 going to specific posts and hate sites targeting agents
140 increased threefold over the same period.

141 But this increase wasn't limited to just racial
142 motivations. Young people of all backgrounds have been

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143 subjected to some of the most appalling examples of cyber
144 bullying and hate speech. There was also a 70 percent
145 increase in the number of instances of hate speech between
146 teens and children during the initial months of quarantine.
147 But that is not all. Political extremism and dangerous
148 conspiracy theories are also on the rise.

149 A study by the double verify, a digital media and
150 analytics company, found that inflammatory and misleading
151 news increased 83 percent year over year during 2020 U.S.
152 presidential election. And perhaps most disturbingly, hate
153 speech tripled in the 10 days following the capital
154 insurrection compared with the 10 days preceding that
155 violence.

156 The week after the capital insurrection, the volume of
157 inflammatory politics and news content increased more than
158 20 percent week over week. So across all sections or
159 sectors, the amount of online speech related to political
160 extremism, race-based violence and the targeting of other
161 protected classes is growing.

162 The reason this increase is so concerning to me is
163 because it rarely stays online only. A 2019 study by New

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164 York University analyzed more than 530 million tweets
165 published between 2011 and 2016 to investigate the
166 connection between online hate speech and real-world
167 violence. Unsurprisingly, the study found more targeted
168 discriminatory tweets posted in a city related to a higher
169 number of hate crimes. This backed similar findings from
170 studies in the U.K. and Europe.

171 This trend is backed up by the FBI's own real-world
172 data on hate crimes which show that the number has only
173 increased. This escalation isn't a one-way problem. Social
174 media platforms are taking daily steps to foment it and see
175 that it reaches as many people as possible. The algorithms
176 that promote harmful content with the users it will resonate
177 with most have benefited from massive investments in R&D and
178 personnel. In many ways, these platforms are competing over
179 the effectiveness of their respective algorithms. They
180 represent a conscious choice by online platforms and one
181 that I believe means they must assume more responsibility
182 and accountability for the content they are actively
183 choosing to promote.

184 In a 2020 academic article describing racial bias

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185 online, Professor Overton notes that through data collection
186 and algorithms that identify which users see suppressive
187 ads, social media companies make a material contribution to
188 the illegal racial targeting. This point is an important
189 one. Online platforms are making regular and conscious
190 contributions to the spread of harmful content.

191 This isn't about ideological preferences. It's about
192 profit. Simply put, online platforms amplify hateful and
193 misleading content because it makes them more money. And
194 without a meaningful reorganization of their priorities,
195 their behavior won't change. And that's where this
196 subcommittee must step in.

197 On a bipartisan basis, there is widespread agreement
198 that the protections outlined in Section 230 of the
199 Communications Decency Act need to be modernized because
200 continuing to accept the status quo just isn't an option
201 without bipartisan updates to Section 230. It is naïve to
202 think large, online platforms will change their behavior.
203 Their profit motive is too great, and the structural
204 oversight too weak. The discussion we will have at today's
205 hearing is an important one and one that I hope serves as a

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206 precursor to substantive bipartisan legislation.

207 Section 230 needs to be reformed, and I am ready to get
208 to work. With that, I yield the remainder of my time.

209 [The prepared statement of Ms. Matsui follows:]

210

211 *****COMMITTEE INSERT*****

212

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213 *Mr. Latta. Thank you. The gentlelady yields back.
214 The chair now recognizes The Chair of the full committee,
215 the gentlelady from Washington, for five minutes for her
216 opening statement.

217 *The Chair. Good morning, and thank you Mr. Chairman.
218 I want to begin today by celebrating why Americans cherish
219 our most fundamental right of free speech. It is how we,
220 the people, innovate, create new things, make our own
221 arguments stronger, and engage in the battle of ideas to
222 make our communities better. Perhaps most importantly, it
223 is the strongest tool people have to hold a politically --
224 the politically powerful accountable. It is why regimes
225 across the world shut down free speech, arrest journalists
226 and limit people's rights to question authority.

227 Free speech is foundational to democracy. It is
228 foundational to America. Big tech is shutting down free
229 speech. Its authoritarian actions violate Americans' most
230 fundamental rights, to engage in the battle of ideas and
231 hold the politically powerful accountable.

232 For the crime of posting content that doesn't fit the
233 narrative, they want people to see, hear or believe big tech

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234 is flagging, suppressing and outright banning users from its
235 platforms. Today we are joined by several of these people
236 who have been silenced by big tech. They will have their
237 voice before this subcommittee.

238 Big tech proactively amplifies its allies on the left
239 while weakening any dissent, creating a silo, an echo
240 chamber, a place where only the right ideas are determined
241 by the faceless algorithm or a few corporate leaders. House
242 Energy and Commerce Republicans have repeatedly condemned
243 these censorship actions even in the challenges to
244 mainstream media when they turned out to be correct, as was
245 the case with Hunter Biden laptop story.

246 What's worse is the government collusion with big tech
247 companies to censor disfavored views and be the gatekeepers
248 of truth. Who deserves to be the arbiters of truth? Big
249 tech companies and government officials? That sounds like
250 the actions taken by the Chinese Communist Party. We had
251 the CEO of TikTok before this committee last week where we
252 exposed them for their ties to the Chinese Communist Party
253 and the censorship TikTok does on its behalf. Let me be
254 clear. Government-censored -- sponsored censorship has no

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255 place in our country. It never will. A healthy marketplace
256 of ideas is integral to every day American life and a
257 healthy democracy.

258 Social media is a place for us to connect with friends
259 and a place where we should be able to share our views and
260 learn from one another. Big tech companies in America have
261 benefitted from the liability protections given to them by
262 Congress in 1996 under Section 230 of the Telecommunications
263 Decency Act. As a result, they should be a forum for public
264 discourse and a place for people to openly debate all ideas.

265 But instead, censorship on their platforms shut down
266 these debates and risk a long-lasting stain on our society
267 by undermining the spirit of our First Amendment. At the
268 same time this censorship is happening, big tech is failing
269 to invest in tools to protect our kids. Snapchat, TikTok,
270 Instagram, their platforms are riddled with predators
271 seeking to sell illicit drugs laced with fentanyl and
272 exploit our innocent children.

273 Over and over, and I hear from parents who have lost a
274 child due to targeted content by a social media platform.
275 And yet instead of addressing this, big tech chooses to

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276 focus on shutting down certain speech. As I've said before
277 and I will say it again, big tech remains my biggest fear as
278 a parent, and they need to be held accountable for their
279 actions. President Joe Biden and his administration are on
280 a dangerous authoritarian mission to institutionalize
281 censorship of American voices and control the narrative to
282 benefit their political agenda. They have admitted to
283 flagging problematic content for big tech companies to
284 censor. The CDC, the Surgeon General, the Department of
285 Homeland Security, and -- are any of them working?

286 *Mr. Latta. Mine is not.

287 *The Chair. Well, we know that these companies sought
288 to establish a disinformation governance board with
289 Department of Homeland Security to monitor and censor
290 Americans online. This hearing provides us an opportunity
291 to hear from those that have been silenced by big tech
292 censorship. Americans must have their voices heard, and I
293 look forward to hearing from our witnesses. Thank you, and
294 I yield back.

295 [The prepared statement of The Chair follows:]

296

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297 *****COMMITTEE INSERT*****

298

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299 *Mr. Latta. Well, thank you very much. The gentlelady
300 yields back. And again, this is the Communications and
301 Technology Subcommittee, and we can't get our mics to work.
302 The chair now recognizes the ranking member of the full
303 committee, the gentleman from New Jersey, for five minutes.

304 *Mr. Pallone. Thank you, Chairman Latta. I have to
305 say that I am deeply disappointed with this hearing today.
306 We could be having a serious discussion about the need to
307 reform Section 230 of the Communications Decency Act, but
308 instead Republicans have chosen to focus on so-called big
309 tech censorship. This hearing is nothing more than red meat
310 for the extreme conservative press, who will certainly eat
311 it up. They will share it on social media where studies show
312 conservative voices are dominant. The voices of the
313 Republican witnesses have been far from silenced. They are
314 incredibly popular on big tech platforms. They are featured
315 in countless videos on YouTube and TikTok. They have books
316 for sale on Amazon, websites and email newsletters with paid
317 subscribers. They are guests on popular podcasts and
318 regularly appear on right-wing cable and streaming channels.
319 Say what you want about them, but they certainly aren't

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320 censored. The Republican witnesses have engaged in
321 pseudoscience to minimize the worsening climate crisis and
322 see dangerous ideas about COVID-19 and vaccines. One
323 bankrolls another social media personality that he is
324 calling heroic for spewing vile, anti-LGBTQ hate, resulting
325 in harassment, threats of violence and intimidation across
326 the country.

327 And like the big tech platforms themselves, I am sure
328 they profit handsomely from the controversy. Now, that's
329 not to say there isn't real censorship happening across the
330 country. But it's not the Democrats or the tech platforms
331 that are responsible. It's the Republicans. In fact, the
332 Republican Party is responsible for some of the most
333 egregious First Amendment violations and censorship that we
334 witness in years.

335 Republican-led states across the nation have considered
336 bills that promote censorship and threaten free speech,
337 giving a vocal minority the power to impose their extreme
338 beliefs on everyone else in their community. They have
339 banned books about African-American history, suppressed
340 information about safe abortions, and demanded teachers

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341 don't say "gay.'" Now, that is real censorship in my
342 opinion.

343 What Republicans are trying to do here today is to
344 force private companies to carry content that is
345 misinformation or disinformation, dangerous or harmful.
346 Companies have been moderating content since the beginning
347 of the internet. And research has repeatedly refuted
348 Republican claims of an anti-conservative bias in that
349 moderation.

350 As I said, it is disappointing that we could not have
351 had a serious discussion about Section 230 reform. We all
352 seem to agree there is harmful content on these platforms
353 that should be taken down. Last week at the TikTok hearing,
354 we were deeply troubled when we saw an implied threat
355 against the committee with imagery of a gun. We also saw
356 examples of disturbing videos glorifying suicide and eating
357 disorders, dangerous challenges leading to death, merciless
358 bullying and harassment, graphic violence and drug sales.

359 And this terrible content is harmful to all of us but
360 particularly our kids. There is no doubt that Republicans
361 and Democrats want social media platforms to better protect

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362 users from harmful content. We want to hold platforms
363 accountable and bring about more transparency about how
364 algorithms and content moderation processes work. And of
365 course the details matter tremendously here. And that is
366 why our inability to have a serious conversation today is so
367 frustrating to me. Every day, we allow courts to interpret
368 Section 230 to indiscriminately shield platforms from
369 liability for real-world harm.

370 Every day like that is a day that further endangers our
371 young people, our democracy, and our society as a whole.
372 Now, Democrats today are going to try to have a productive
373 conversation about these issues with our expert witnesses.
374 But it's a shame that, in my opinion, our colleagues on the
375 other side of the aisle are not going to -- joining us in
376 this endeavor. And with that, I yield back, Mr. Chairman.

377 [The prepared statement of Mr. Pallone follows:]

378

379 *****COMMITTEE INSERT*****

380

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381 *Mr. Latta. Thank you very much. The gentleman yields
382 back the balance of his time. The chair reminds members
383 that pursuant to the committee rules, all members' opening
384 statements will be made part of the record. Are there any
385 members wishing to make an opening statement? Seeing none,
386 I now would like to note for the witnesses that the timer
387 light in front of you will turn yellow when you have one
388 minute remaining of your five minutes. And we will -- it
389 will turn red when your time has expired.

390 We will go down to the -- our list of witnesses. Our
391 first witness today is Seth Dillon, the CEO of Babylon Bee
392 and I am going to turn to the gentlelady from California's
393 16th District for an introduction.

394 *Ms. Eshoo. Thank you, Mr. Chairman. Let me get --
395 well, I am not going to go to my notes. My constituent,
396 Doctor -- how do you pronounce your name? Bhattacharya is a
397 professor at Stanford, a critic of mine, which is very fair.
398 And I've never attempted to censor anything he had to say
399 about me. But I want to welcome you and thank you for
400 traveling across the country to be with us. So thank you,
401 Mr. Chairman.

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402 *Mr. Latta. Thank you very much. The gentlelady
403 yields back. Our next witness is Spencer Overton, who is
404 the president of the Joint Center for Political and Economic
405 Studies and research professor at George Washington Law
406 School. Thank you for being with us. And our final witness
407 is Michael Shellenberger, the founder and president of
408 Environmental Progress. And we appreciate you being here.
409 And Mr. Dillon, you will start for our witnesses today, and
410 you have five minutes. So thank you very much for being
411 with us today. Hopefully the mic is working there on your
412 end.

413 *Mr. Dillon. Do I have to turn them --

414 *Mr. Latta. There we go. Got it.

415

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416 STATEMENT OF SETH DILLION, CEO, BABYLON BEE; JAY
417 BHATTACHARYA, M.D., PH.D., PROFESSOR OF HEALTH POLICY,
418 STANFORD UNIVERSITY; SPENCER OVERTON, PATRICIA ROBERTS
419 HARRIS RESEARCH PROFESSOR, GEORGE WASHINGTON UNIVERSITY LAW
420 SCHOOL; AND MICHAEL SHELLENBERGER, FOUNDER AND PRESIDENT,
421 ENVIRONMENTAL PROGRESS

422

423 STATEMENT OF SETH DILLON

424

425 *Mr. Dillon. I am being censored. I want to start by
426 thanking this community for -- this committee for giving me
427 the opportunity to speak today and for the willingness of
428 its members to address this important issue of censorship.
429 My name is Seth Dillon. I am the CEO of the Babylon Bee, a
430 popular humor site that satirizes real-world events and
431 public figures. Our experience with big tech censorship
432 dates back to 2018 when Facebook started working with fact
433 checkers to crack down on the spread of misinformation.

434 We published a headline that read, "CNN Purchases
435 Industrial-Sized Washing Machine to Spin the News Before
436 Publication.'" Snopes rated that story false, prompting

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437 Facebook to threaten us with a permanent ban. Since then,
438 our jokes have been repeatedly fact-checked, flagged for
439 hate speech and removed for incitement to violence,
440 resulting in a string of warnings and a drastic reduction in
441 our reach. Even our email service suspended us for
442 spreading harmful misinformation.

443 We found ourselves taking breaks from writing jokes to
444 go on TV and defend our right to tell them in the first
445 place. That's an awkward position to be in as humorous in a
446 free society. Last year, we made a joke about Rachel
447 Levine, a transgender health admiral in the Biden
448 Administration. USA Today had named Levine woman of the
449 year. So we fired back in defense of women and sanity with
450 this satirical headline. "The Babylon Bee's Man of the Year
451 is Rachel Levine."

452 Twitter was not amused. They locked our account for
453 hateful conduct, and we spent the next eight months in
454 Twitter jail. We learned the hard way that censorship
455 guards the narrative, not the truth. In fact, it guards the
456 narrative at the expense of the truth. All the more
457 outrageous was Twitter's lip-service commitment to free

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458 expression. Twitter's mission, they write, is to give
459 everyone the power to create and share ideas and information
460 and to express their opinions and beliefs without barriers.

461 As promising as that sounds, it rings hollow when you
462 consider all the barriers that we and so many others have
463 encountered. The comedian's job is to poke holes in the
464 popular narrative. If the popular narrative is off-limits,
465 then comedy itself is off-limits. And that's basically
466 where we find ourselves today. Our speech is restricted to
467 the point where we can't even joke about the insane ideas
468 that are being imposed on us from the top down.

469 The only reason Twitter is now an exception is because
470 the world's richest man took matters into his own hands and
471 declared comedy legal again. We should all be thankful that
472 he did. The most offensive comedy is harmless when compared
473 with even the most well-intentioned censorship. I hope we
474 can all agree that we shouldn't have to depend on benevolent
475 billionaires to safeguard speech. That is a function of the
476 law. But the law only protects against government
477 censorship. It hasn't caught up to the fact that the vast
478 majority of public discourse now takes place on

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479 privately-owned platforms.

480 So where is the law that protects us from them? The
481 levers of censorship will tell us that there can be no such
482 law. The Constitution won't allow it. But they are wrong,
483 and their arguments fail. I only have time to deal with a
484 few of them very briefly. One, they say private companies
485 are free to do whatever they want. That's nonsense,
486 especially when applied to companies that serve a critical
487 public function. A transportation service can't ban
488 passengers based on their viewpoints, nor can telecom
489 providers.

490 Under common carrier doctrine, they are required to
491 treat everyone equally. That precedent applies comfortably
492 to big tech. The argument that only the government can be
493 guilty of censorship falls short because it fails to make a
494 distinction between the way things are and the way they
495 should be. If these platforms are the modern public squares
496 the Supreme Court has described them, then speech rights
497 should be protected there even if they presently are not.
498 The current state of affairs being what they are is not a
499 good argument for failing to take action to improve them.

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500 But beyond that, these platforms have explicitly
501 promised us free expression without barriers. To give us
502 anything less than that is fraud. Two, they say these
503 platforms have a First Amendment right to censor as if
504 censorship were a form of protected speech, but it isn't.
505 Censorship is a form of conduct. The state has always been
506 able to regulate conduct. The idea that censorship is
507 speech was forcefully rejected by the Fifth Circuit Court of
508 Appeals in their recent decision to uphold an
509 antidiscrimination law in Texas. The court mocked the idea
510 that, buried somewhere in the enumerated right to free
511 speech, lies a corporation's unenumerated right to muzzle
512 speech.

513 No such right exists, and how could it? The claim that
514 censorship is speech is as nonsensical as saying war is
515 peace or freedom is slavery. Three, they say these
516 platforms are like newspapers. They can't be forced to
517 print anything they don't want to, but they aren't like
518 newspapers. They aren't curating every piece of content
519 they host. And they aren't expressing themselves when they
520 host it. They are merely conduits for the speech of others.

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521 That's how they've repeatedly described themselves,
522 including in court proceedings. And that's how Section 230
523 defines them.

524 As a final point, I think it's important to acknowledge
525 that the call for an end to censorship is not a call for an
526 end to content moderation. Some will try to make that
527 claim. But Section 230 gives these platforms clearance to
528 moderate lewd, obscene and unlawful speech, and
529 antidiscrimination legislation would respect that. The only
530 thing it would prevent is viewpoint discrimination. And
531 such prevention would not be unconstitutional because it
532 would only regulate the platform's conduct. It would
533 neither compel nor curb their speech. Thank you.

534 [The prepared statement of Mr. Dillon follows:]

535

536 *****COMMITTEE INSERT*****

537

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538 *Mr. Latta. Thank you very much.

539 Mr. Bhattacharya, you are recognized for five minutes.

540

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541 STATEMENT OF JAY BHATTACHARYA

542

543 *Dr. Bhattacharya. Thank you. Thank you for the
544 opportunity to present to this committee. I am a professor
545 of health policy at Stanford University School of Medicine.
546 I have been -- I hold an M.D. and a Ph.D. from Stanford
547 University. I have been a professor for 20-some years.
548 Because of my views of the COVID-19 restrictions, I have
549 been specifically targeted for censorship by federal
550 government officials.

551 On October 4, 2020, I and two colleagues, Dr. Martin
552 Kulldorff, a professor of medicine on leave now at Harvard
553 University and Dr. Sunetra Gupta, an epidemiologist at the
554 University of Oxford published the Great Barrington
555 Declaration. The declaration called for an end to economic
556 lockdowns, school shutdowns and similar restrictive policies
557 on the grounds that they disproportionately harm the young
558 and economically disadvantaged while conferring limited
559 benefits.

560 We know that the vulnerability to death from COVID-19
561 is more than a thousand-fold higher in the old and infirm

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562 than in the young. The declaration endorsed a policy of
563 focused protection that called for strong measures to
564 protect high-risk populations while allowing the lower-risk
565 individuals to return to normal life, including specifically
566 opening schools with reasonable precautions.

567 Tens of thousands of doctors and scientists signed on
568 to the declaration. Because it contradicted the
569 government's preferred narrative on COVID-19, the Great
570 Barrington Declaration was immediately targeted for
571 suppression by federal officials.

572 Four days after we wrote the declaration, the
573 then-director of the National Institute of Health, Dr.
574 Francis Collins, emailed Dr. Tony Fauci about the
575 declaration. I have an email from -- that I found via FOIA,
576 which I can enter for the record. The email stated, "Hi,
577 Tony and Cliff. This proposal from three fringe
578 epidemiologists -- that's -- that's me, Martin Kulldorff for
579 Harvard and Sunetra Gupta of Oxford who met with the
580 Secretary seems to be getting a lot of attention. And even
581 a cosignature from Nobel Prize Winner Mike Leavitt at
582 Stanford. There needs to be a quick and devastating

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583 published takedown of its premises. I don't see anything
584 like that online yet. Is it underway? Francis.'

585 This email is produced over a year later in response to
586 FOIA request. It is possible to surmise from this email
587 that Collins viewed the Great Barrington Declaration as a
588 threat to the illusion that there was a consensus assigned
589 to the consensus of people who agreed with him about the
590 necessity of lockdown. In the following days, I was
591 subjected to what I can only describe as a propaganda
592 attack.

593 Though the Great Barrington Declaration called public
594 health authorities to think more creatively about how to
595 protect vulnerable older people, reporters accused me of
596 wanting to let the virus rip. Another FOIA'd email which I
597 also have available -- I'd like to introduce for the record
598 -- showed Tony Fauci forwarding a Wired magazine article
599 saying something along those lines to Francis Collins only a
600 couple of days after Collins' call for a devastating
601 takedown.

602 A key part of the government's propaganda campaign
603 supporting lockdowns and other pandemic strategies have been

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604 censorship of discourse by scientists and regular people. I
605 am party to a case brought by the Missouri and Louisiana
606 Attorney General's office against the Biden Administration.
607 Through this case, lawyers have had the opportunity to pose
608 under oath representatives from many federal agencies
609 involved in the censorship efforts, including
610 representatives of the Biden Administration and Tony Fauci
611 himself.

612 What this case has revealed is that there is nearly a
613 dozen federal agencies, including the CDC Office of the
614 Surgeon General and White House pressured social media
615 companies like Google, Facebook and Twitter to censor and
616 de-boost even true speech that contradicted federal pandemic
617 priorities, especially inconvenient facts about COVID
618 vaccines such as their inefficacy against COVID disease
619 transmission.

620 I know for a fact that the Great Barrington Declaration
621 suffered from censorship from many media -- social media
622 companies including Google, Reddit and Twitter, which
623 removed -- which when I was placed on a trends blacklist the
624 moment I joined in August of 2021. In March 2020 -- in

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625 March 2021, I was part of a roundtable with Governor
626 DeSantis that was filmed where we discussed masking
627 children.

628 That video of the governor of the state of Florida
629 talking to his scientific advisors was censored off of
630 YouTube. The suppression of scientific discussion online
631 clearly violates the U.S. First Amendment. But perhaps even
632 more importantly, the censorship of scientific discussion
633 permitted a policy environment where clear scientific truths
634 were muddled, and as a result, destructive and ineffective
635 policies persist much longer they would have otherwise.

636 Government censorship permitted ideas, false ideas, for
637 instance, that the -- that the risk of COVID is not steeply
638 stratified or that the recovery from COVID does not provide
639 substantial immunity against -- against future infection or
640 severe disease on future infection, that the COVID vaccines
641 do stop disease transmission. All these -- that school
642 ideas -- school closures were warranted. All of these
643 destructive ideas harm the health and well-being of the
644 American people. And many people that are dead today would
645 be alive had those ideas been countered.

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646 Government censorship -- if there is anything we've
647 learned from the pandemic, it should be that the First
648 Amendment is more important during a pandemic, not less.

649 [The prepared statement of Dr. Bhattacharya follows:]

650

651 *****COMMITTEE INSERT*****

652

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653 *Mr. Latta. Well, thank you very much, and Mr.
654 Overton, you are recognized for five minutes for your
655 statement.
656

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657 STATEMENT OF SPENCER OVERTON

658

659 *Mr. Overton. Thank you. Chairs, ranking members, and
660 members of the committee, thanks for inviting me to testify.
661 My name is Spencer Overton. I am the president of the Joint
662 Center for Political and Economic Studies. We research the
663 impact of tech platforms on Black communities. I am also a
664 professor at GW and focus on democracy and tech platform
665 accountability. Now, while I favor tech platform
666 accountability, this hearing's framing preserving free
667 speech and reining in big tech censorship, it isn't
668 accurate. This framing suggests that the way that
669 government preserves free speech is to prevent tech
670 companies from engaging in content moderation.

671 In fact, the First Amendment protects private-sector
672 tech companies in their right to determine what to leave up
673 and what to take down on their platform. That's the part of
674 freedom of association, freedom of speech. The censorship
675 the First Amendment prohibits is government attempting to
676 restrict or compel private actors to speak in a particular
677 way. Congress shall make no law that abridges the freedom

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678 of speech.

679 Now, if we were to accept this characterization that
680 tech platform censor every time they remove a post, that's
681 going to mean that Fox News censors every time it selects
682 hosts to lead its primetime lineup. It means that the Wall
683 Street Journal censors every time it declines an op-ed.
684 Now, some partisans may want to tell Fox News and the Wall
685 Street Journal how to moderate their conduct. They may want
686 government to silence those institutions. But that's not in
687 line with the First Amendment because the freedom of speech
688 that private platforms enjoy in terms of content moderation,
689 because of that, Trip Advisor has the right to take down
690 comments that have nothing to do with travel.

691 Truth Social enjoys the right to take down posts from
692 users about the January 6th committee hearings or those
693 people who express pro-choice opinions here. These
694 institutions are not common carriers. I will discuss that
695 maybe if we have time in terms of our discussion piece. The
696 -- the period -- the 11th Circuit explained it in detail in
697 2022.

698 Now, while existing research suggests that large

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699 platforms like Facebook, Instagram, YouTube, do not disfavor
700 or target conservatives for removal here, you know, they, in
701 fact, favor -- go out of their way to favor conservatives
702 for fear of accusations of political bias and because these
703 folks are an important and valuable advertising base. But
704 in fact, that's really beside the point; right? That's
705 beside the point. The real point is that private companies
706 have this First Amendment right to engage in content
707 moderation.

708 Now, also, if we were to treat these tech platforms as
709 state actors and require that they keep up all
710 constitutionally protected speech, the internet would be
711 even worse, particularly for teenagers, for -- for young
712 children. We would see more violence, more pornography,
713 more graphic content. We would see more instructions on
714 self-mutilation and suicide and more swastikas, more
715 Holocaust denials, more white supremacist organizing. All
716 of this is constitutionally protected speech; right? But
717 right now, platforms can take it down because they are not
718 state actors here.

719 We would see more deep fakes, more political

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720 disinformation, more spam. Now, even though the First
721 Amendment protects private tech platforms, it doesn't demand
722 that they bear no responsibility for what they choose to
723 amplify and the harms that they create. That is not a part
724 of the First Amendment. That's a part of the
725 overinterpretation of courts of Section 2 -- I am sorry --
726 of Section 230 of the Communications Decency Act.

727 I think Republicans and Democrats can agree on several
728 issues, including the fact, as you said, Mr. Chair, that
729 this isn't 1996. The world has changed since 1996 when 230
730 was enacted. By -- Democrats and Republicans can act in a
731 bipartisan way to ensure that tech companies don't impose
732 harms on others through their algorithms and other
733 activities they use to profit. Thank you so much.

734 [The prepared statement of Dr. Overton follows:]

735

736 *****COMMITTEE INSERT*****

737

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738 *Mr. Latta. Thank you. And Mr. Shellenberger, you are
739 recognized for five minutes for your statement.
740

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

741 STATEMENT OF MICHEALE SHELLENBERGER

742

743 *Mr. Shellenberger. Thank you, Chairman Latta, Ranking
744 Member Matsui, and members of the subcommittee for inviting
745 me to testify today. Here are events that actually
746 happened. Twitter suspended a woman for saying, "Quote,
747 women aren't men.'" Facebook censored accurate information
748 about COVID vaccine side effects. Twitter censored a
749 Harvard Professor of epidemiology for expressing his opinion
750 that children did not need the COVID vaccine.

751 Facebook censored speculation that the coronavirus came
752 from a lab. Facebook censored a journalist for saying
753 accurately that natural disasters were getting better, not
754 worse. Twitter permanently suspended a sitting President of
755 the United States even though Twitter censors themselves had
756 decided he had not violated its terms of service.

757 Now, maybe that kind of censorship doesn't bother you
758 because people were doing their best to prevent real-world
759 harm with the knowledge they had at the time. But what if
760 the shoe were on the other foot? Consider how you would
761 feel if the following occurred. Twitter suspended a woman

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762 for saying trans women are women. Facebook censored
763 accurate information about COVID vaccine benefits. Twitter
764 censored a Harvard professor for saying children needed to
765 be COVID vaxxed annually.

766 Facebook censored speculation that the coronavirus came
767 from nature. Facebook censored a member of Congress for
768 saying the world is going to end in 12 years because of
769 climate change. Twitter permanently suspended President
770 Biden even though, according to Twitter's top censor, he had
771 not violated its terms of service.

772 Now, it's true that private media companies are allowed
773 by law to censor whoever they want. And it would violate
774 the First Amendment of the United States for the government
775 to try to prevent them from doing so. But Internet
776 platforms, including Twitter, Facebook, and Google only
777 exist thanks to Section 230 of the Communications Decency
778 Act, which exempts them from legal liabilities that burden
779 traditional media companies.

780 If Congress simply eliminated Section 230, internet
781 search and social media platforms would no longer exist.
782 And maybe that's what Congress should do. These platforms

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783 are obviously far too powerful. They are making the
784 American people, all of us, dogmatic and intolerant. And
785 the evidence is now overwhelming that they have a -- that
786 they have played a primary cause, if not the primary cause,
787 in America's worsening mental health crisis.

788 We might be healthier nation if we simply reverted to
789 the good old days of websites that have the same liability
790 as newspapers. But doing so would reduce, rather than
791 increase, freedom of speech and may not be necessary to
792 protect American citizens.

793 As such, I would propose an immediate and partial
794 remedy, which would also allow us to understand what else,
795 if anything, is needed to protect the free speech of
796 citizens. And that would be true transparency. By
797 "transparency," I do not mean that which is being proposed
798 by a Senate transparency bill which would only allow
799 National Science Foundation-certified researchers across --
800 allow NSF-certified researchers access to content moderation
801 decisions.

802 That bill would increase the power of the censorship
803 industrial complex, which is actively undermining our free

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804 speech. Rather, I mean immediate public transparency into
805 all content moderation decisions relating to matters of
806 social and political importance. We do not need to know how
807 the platforms, for example, are removing pornography or
808 criminal activities. Those things should be cracked down
809 upon immediately.

810 But when Twitter, Facebook and Google censor people for
811 expressing disfavored views on transgenderism, climate
812 change, energy, vaccines and other plainly social and
813 political issues, they must immediately announce those
814 content moderations decisions publicly and give the censored
815 individuals the right to respond.

816 And to protect free speech from government, Congress
817 could require government contractors and government
818 employees to immediately report any content-related
819 communications they make to internet platforms.

820 What I am proposing is rather simple. If the White
821 House is going to demand that Facebook censor accurate
822 information about COVID vaccine side effects, which it did
823 do, then it would need to immediately send an email to be
824 posted on a website, to be tweeted out, to be put on

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825 Facebook. But that's what they did. And if Facebook is
826 going to take down accurate information about side effects
827 of COVID vaccines, it should be required to explain that it
828 did that.

829 If it's going to censor Dr. Bhattacharya or Mr. Dillon,
830 then it should be required to explain why it did and how it
831 did that. And it should be required to give them a chance
832 to respond. Such a solution would not eliminate unfair
833 censorship and content moderation since those things are
834 always subjective. But it would bring it out into the open.
835 It would restore the right of free citizens to have voice,
836 and it would open the possibility for better, freer content
837 moderation in the future. Thank you very much.

838

839

840

841 [The prepared statement of Mr. Shellenberger follows:]

842

843 *****COMMITTEE INSERT*****

844

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845 *Mr. Latta. Well, thank you very much to all of our
846 witnesses, and that will conclude our five-minute openings
847 with our witnesses. And I will now recognize myself for
848 five minutes for questioning. My first question is to all
849 of our witnesses. And hopefully just pretty much a simple
850 yes-or-no answer will suffice. This subcommittee has sole
851 jurisdiction over legislation that would amend Section 230
852 of the Communications Decency Act.

853 Given the proven censorship actions taken by big tech
854 not limited to satirical, scientific and political
855 viewpoints, do you agree that Section 230 must be reformed?
856 Mr. Dillon, would you like to start with a yes or no?

857 *Mr. Dillon. Is it a simple yes or no? I think reform
858 would be helpful. Yes. I do think there is also room for
859 legislation that would address the issue of viewpoint
860 discrimination outside of reform to Section 230.

861 *Mr. Latta. Thank you. Mr. Bhattacharya?

862 *Dr. Bhattacharya. Yes, and I think that there should
863 be restrictions on the ability of government officials to
864 use Section 230 and other -- other mechanisms to try to
865 censor scientific debate online.

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866 *Mr. Latta. Thank you. Mr. Overton?

867 *Mr. Overton. I do think reform to 230 is in order. I
868 think it's a question about what kind of reform.

869 *Mr. Latta. Thank you. Mr. Shellenberger? Thank you.
870 Thank you very much. Mr. Bhattacharya, in early 2021, you
871 published a scientific article that discussed age-based
872 mortality risk and natural immunity to COVID; is that
873 correct?

874 *Dr. Bhattacharya. Yeah. I've published several
875 articles on this.

876 *Mr. Latta. Okay. At the time it was published, were
877 the findings in your article consistent -- consistent with
878 public health authorities in -- with a view on your topic?

879 *Dr. Bhattacharya. So I think that the main -- the
880 main findings that -- of -- if it's the article I think you
881 are thinking of was that the lockdown restrictions that did
882 not -- that ignored age-based risk from COVID had not been
883 successful in -- in actually restricting the spread of COVID
884 and that at the -- the other -- the other thing from other
885 people's findings, very clear in the scientific literature,
886 is that those kinds of restrictions were very damaging,

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887 especially to young people.

888 *Mr. Latta. Let me follow up now on this. What you
889 were talking about on findings. As a professor of medicine
890 at Stanford University over the course of your career, how
891 often is it that researchers disagree through the scientific
892 process?

893 *Dr. Bhattacharya. It happens all the time.

894 *Mr. Latta. Thank you.

895 *Dr. Bhattacharya. The norm.

896 *Mr. Latta. You know, after you were banned on
897 Twitter, you were unable to have an open discussion to
898 provide medical research data to the most consequential
899 public health decisions made in generations. How do you
900 believe censoring that scientific contact -- content
901 impacted the ability of Americans' appearance, small
902 business owners and others to make educated decisions
903 related to COVID-19 during the pandemic?

904 *Dr. Bhattacharya. I think that -- that the -- the
905 government's actions to create an illusion of scientific
906 consensus on those topics harmed the health and well-being
907 of every single American. I think it closed small

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908 businesses. It meant that children couldn't -- little
909 children couldn't go to school. Minority kids specifically
910 were harmed more than -- because minority kids schools that
911 were closed more. And many people who were under the
912 impression that the vaccine would stop transmission and it
913 didn't were also harmed because they refused the ability to
914 get the full set of facts about the -- about the vaccines
915 when they were making those decisions whether to take --

916 *Mr. Latta. And what recourse did you have with
917 Twitter?

918 *Dr. Bhattacharya. None until Elon Musk bought --
919 bought Twitter. What I -- what I found out after he did buy
920 Twitter is he invited me to come visit Twitter headquarters.
921 And I found that I was placed on a blacklist the day that I
922 joined Twitter.

923 *Mr. Latta. Thank you. Mr. Shellenberger, according
924 to the information recently uncovered through the Twitter
925 files, we know that Twitter sensors specific -- specific
926 conservative users through its visibility tools and has used
927 this tool by tagging the accounts of conservative activists
928 as do-not-amplify. This was after assurances from Twitter's

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929 head of legal policy and trust that Twitter does not shadow
930 -- shadow ban. Based on your reporting, what other tools
931 have you uncovered that used by Twitter or other platforms
932 to censor conservative voices?

933 *Mr. Shellenberger. Well, thank you for the question.
934 I would just say we -- we describe the censorship that
935 occurred as occurring against disfavored voices because I
936 don't think -- and this is why I am very skeptical of any of
937 these studies which claim to measure bias being more liberal
938 or conservative because we can't agree on what's liberal or
939 conservative. The concerns that Dr. Bhattacharya just
940 raised about the disproportionate impact of school lockdowns
941 on students of color, I don't think those are necessarily
942 conservative or liberal. I think those are just human
943 rights concerns.

944 But we saw -- there is a range of tools that were used
945 both to do not amplify -- to not amplify voices to censor
946 tweets. The Harvard professor, Marshal Kulldorff, was
947 censored by having a warning on one of his tweets about
948 where he said that kids don't need to be given COVID
949 vaccines. We see -- which I think is important to point

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950 out.

951 It's a particular form of censorship that's also
952 humiliating and discrediting. I mean, here we have the most
953 powerful mass media communications organizations in human
954 history basically accusing people of being liars or
955 misleading or deniers, really toxic kind of labeling. So
956 it's occurring both through removing tweets, putting people
957 -- deplatforming people and also attempting to --

958 *Mr. Latta. Well, thank you very much. My time has
959 expired. So these are examples of censorship by big tech
960 companies underscores the need to reform Section 230. And
961 they are acting as bad Samaritans on their platforms and
962 don't deserve that blanket liability. So I yield back. And
963 at this time, I recognize the ranking member of the
964 subcommittee for five minutes.

965 *Ms. Matsui. Thank you very much, Mr. Chairman. I
966 want to focus on algorithms. Section 230 protections were
967 initially conceived to protect neutral platforms that
968 passively host information from third parties. While this
969 approach allowed the internet ecosystem to flourish, I
970 believe the central tenant is flawed. Modern platforms

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971 consciously promote some speech over others through
972 sophisticated algorithms and data collection practices.
973 Professor Overton, can you describe how algorithms and data
974 collection practices materially contribute to discrimination
975 online?

976 *Mr. Overton. Yes. Thank you so much, Ranking Member.
977 Essentially, platforms like a Facebook or a Twitter make
978 money off of ad revenue and views and this type of thing.
979 And so what they do is they try to use these algorithms to
980 deliver content, ads, etc., to make money and to profit.
981 Facebook, what they've done is a couple of things. One,
982 they have had dropdowns that basically allow people to
983 target particular racial groups in the past or ethnic
984 affinity drop-downs. And as a result, advertisers have been
985 able to, for example, target employment or housing ads away
986 from African-American communities or Latino communities.

987 *Ms. Matsui. Okay.

988 *Mr. Overton. But then also, the algorithms, as you
989 have talked about, are also problematic. The advertisers
990 may not even know. And then the algorithms steer the ads
991 away from Black and Latino people.

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992 *Ms. Matsui. Okay. So could I ask this?

993 *Mr. Overton. Yeah.

994 *Ms. Matsui. Do you believe the use of algorithms to
995 target the distribution of certain content should alter our
996 understanding of the 230 framework?

997 *Mr. Overton. I do think -- yes, absolutely.

998 *Ms. Matsui. Okay. Now, in Gonzalez v. Google --

999 *Mr. Overton. Right.

1000 *Ms. Matsui. -- a court found that Google did not act
1001 as an information content provider --

1002 *Mr. Overton. Mm-hmm.

1003 *Ms. Matsui. -- when using algorithms to recommend
1004 terrorist --

1005 *Mr. Overton. Right.

1006 *Ms. Matsui. -- content because Google used a neutral
1007 algorithm --

1008 *Mr. Overton. Right.

1009 *Ms. Matsui. -- that did not treat ISIS-created
1010 content differently than any other third-party-created
1011 content. And Google provided a neutral platform that did
1012 not encourage the posting of unlawful material. So

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

1013 Professor, I often see the phrase "neutral" --

1014 *Mr. Overton. Mm-hmm.

1015 *Ms. Matsui. -- used to describe social media
1016 algorithms. However, I have concerns that phrase glosses
1017 over the inherent biases and certainly algorithms --

1018 *Mr. Overton. Yeah.

1019 *Ms. Matsui. -- construction and effect. Do you
1020 believe algorithms can ever be truly neutral? And if not,
1021 how should that fact inform our understanding of --

1022 *Mr. Overton. Yeah.

1023 *Ms. Matsui. -- Section 230?

1024 *Mr. Overton. Yeah. I think it's wrong to have a
1025 broad neutral rule here that all algorithms are neutral and
1026 mechanical. Certainly they have harms in terms of
1027 particular communities.

1028 *Ms. Matsui. Okay. Social media and online platforms
1029 have shown consistent success in preventing many forms of
1030 objectionable content like obscenity and nudity. They have
1031 also moved quickly in some cases to identify and label
1032 misinformation around COVID-19 and vaccines. However, the
1033 same efficiency does not extend to racial equity and voting

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1034 rights. Professor Overton, why do you believe online
1035 platforms haven't had commensurate success in preventing
1036 harms to racial equity and voting rights?

1037 *Mr. Overton. Yeah. I think that there are some steps
1038 that have been made by some companies, but it's not enough.
1039 And part of it is that profit is a big motive in terms of
1040 company, so that's what they are focused on in terms of the
1041 advertising dollars or whatever is going to drive the bottom
1042 line.

1043 *Ms. Matsui. Okay. While Section 230 establishes
1044 broad protections for online platforms, it doesn't extend to
1045 an information content provider, which Section 230 defines
1046 as any person responsible in whole or in part for the
1047 creation or development of information. Courts have
1048 generally understood development in this context to mean
1049 making information usable, available or visible.

1050 *Mr. Overton. Mm-hmm.

1051 *Ms. Matsui. Professor Overton, how has our
1052 understanding of this phrase changed as technology has
1053 evolved, and where does it fit in the broader Section 230
1054 discussion?

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1055 *Mr. Overton. Certainly. Roommates, a case on the
1056 Ninth Circuit, you know, introduced the fact that there may
1057 be some material contributions where platforms don't enjoy
1058 the protection. And the problem is that it has not been
1059 clear. The difficulty about broad rules in this space is,
1060 on one hand, algorithms are troubling and can be
1061 discriminatory.
1062 On the other hand, they can be used for content moderation
1063 and cleaning up the internet. So we want to be careful in
1064 terms of flat, broad, straight rules here and be just very
1065 thoughtful about this space.

1066 *Ms. Matsui. Okay. Well, thank you very much. I
1067 realize we have a lot of work to do to help reform this. So
1068 thank you. I yield back.

1069 *Mr. Latta. Thank you. The gentlelady yields back.
1070 And at this time, the chair recognizes the gentleman from
1071 Florida for five minutes.

1072 *Mr. Bilirakis. Thank you, Mr. Chair. I appreciate it
1073 very much. And I want to thank the witnesses for their
1074 testimony. Two years ago, I put out a survey to my
1075 constituents on big tech. I asked the citizens of my

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1076 district the following question. "Do you trust big tech to
1077 be fair and responsible stewards of their platforms?" Over
1078 2700 constituents responded with 82 percent of them saying
1079 no. That's a terrible performance, in my opinion, for big
1080 tech.

1081 A year and a half later, I asked the same question to
1082 my constituents. Maybe big tech got the hint and had worked
1083 to gain public trust. This time, we had even more
1084 constituents respond to the survey, over 3200 participants
1085 in my district. Same question. Do you trust big tech to be
1086 fair and responsible stewards of their platforms? Once
1087 again, 82 percent of them said no. Zero improvement
1088 whatsoever. In 2020, the documentary Social Dilemma brought
1089 to light how social media platforms moderate their content.

1090 It showed the power that social media platforms have to
1091 polarize the views of its users based on the algorithms they
1092 use to promote certain content and the incentives to do so
1093 to keep us on their platforms longer. Mr. Shellenberger, to
1094 what extent is big tech to blame for the political
1095 polarization in America today?

1096 *Mr. Shellenberger. Thank you for the question. I

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1097 think very significant amount. It's -- obviously, there was
1098 trends of polarization occurring before the rise of social
1099 media. But we know that social media reinforces people's
1100 existing beliefs. It creates a sense of certainty where
1101 there should be more openness and uncertainty. I think it's
1102 clearly contributed to a rising amount of intolerance and
1103 dogmatism that we've seen in the survey research. So
1104 unfortunately, it has not played the role of opening people
1105 up to wider perspectives that we had hoped.

1106 *Mr. Bilirakis. Then Mr. Dillon -- thank you -- has
1107 the censorship you experienced by social media impacted your
1108 livelihoods? If so, can you explain how that has impacted
1109 your family or business relationships, please?

1110 *Mr. Dillon. That was directed at me; right?

1111 *Mr. Bilirakis. Yeah, to -- to you, Mr. Dillon. Yeah.

1112 *Mr. Dillon. Yeah. Well, I mean, we were knocked off
1113 of Twitter for eight months which is one of our primary
1114 traffic sources. So it impacted -- it impacted the business
1115 performance in terms of how much traffic and revenue we were
1116 driving from that, yes.

1117 *Mr. Bilirakis. Very good. Question for you and Mr.

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1118 Bhatta -- I am sorry -- butchered the name. Are there
1119 opinions or ideas that you have wanted to post on social
1120 media which you ultimately choose not to because of fear of
1121 retaliation by the platforms? We can start with Mr. Dillon
1122 and -- and then Mr. Bhattacharya. I did a little better
1123 that time. Please, sir.

1124 *Mr. Dillon. Can you repeat the question?

1125 *Mr. Bilirakis. Yeah. Are there opinions or ideas
1126 that you have wanted to post on social media --

1127 *Mr. Dillon. Yeah.

1128 *Mr. Bilirakis. -- which you ultimately choose not to
1129 because of a fear of retaliation by the platform?

1130 *Mr. Dillon. In my view, self-censorship is doing the
1131 [indiscernible] work for him. And so I -- I refuse to
1132 censor myself. And I -- I say what I think, come what may.
1133 And that's why, when we got locked out of Twitter, we were
1134 asked to delete that tweet. And we could get our account
1135 back if we deleted the tweet and admit that we engaged in
1136 hateful conduct. And I refused to do that too. So, no, I
1137 don't censor myself. I refuse to delete tweets that they
1138 want me to delete for hateful conduct when I don't think

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1139 they are hateful.

1140 *Mr. Bilirakis. Okay. Well, I commend you for that.

1141 Mr. Bhattacharya?

1142 *Dr. Bhattacharya. I have. I have self-censored
1143 because I didn't want to get booted off of Twitter or social
1144 media. I tried to figure out where the line was, and I
1145 think, as a result, the public didn't hear everything I
1146 wanted to say. I also say that there is a lot of younger
1147 faculty members and professors who have reached out to me,
1148 told me that they also self-censor by not going on social
1149 media at all, by not making their views public at all
1150 because of the environment created around the censorship.

1151 *Mr. Bilirakis. No, I understand that as well. Mr.
1152 Shellenberger, in your experience, are there some platforms
1153 that have a better track record at maintaining free speech
1154 principles over others, or have any improved over time? If
1155 not, why do these companies continue to engage in biased
1156 content moderation decisions? And what can Congress do to
1157 better enable constitutionally protected speech.

1158 *Mr. Shellenberger. I am not sure of the answer to the
1159 first question. I will say that I -- we have seen some --

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1160 particularly Twitter censoring some things that Facebook
1161 does not censor and Facebook censoring some things that
1162 Twitter does not. So I think some of it just depends. But
1163 I think the most important thing -- and I am really trying
1164 to propose something here that I think both parties can
1165 agree to -- is transparency. I don't think that we are
1166 going to ever -- we can't agree on what a woman is as a --
1167 as a society.

1168 So there is this famous -- people say sometimes you are
1169 entitled to your own opinions but not your own facts. We
1170 are entitled to our own facts too under the First Amendment,
1171 and that's just how we are. So I think if you can't -- we
1172 are not going to be able to legislate particular content
1173 moderation. And so we need to just move forward with
1174 transparency.

1175 *Mr. Bilirakis. Well, I appreciate it very much. Very
1176 informative. Thank you for your answers.

1177 *Mr. Latta. Thank you. The gentleman's time has
1178 expired. The chair now recognizes -- recognizes the
1179 gentlelady from New York for five minutes.

1180 *Ms. Clarke. Good morning, everyone. And let me start

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1181 by thanking our panelists for joining us today as well as
1182 our chairman, Chairman Latta, and Ranking Member Matsui for
1183 convening this hearing. I am extremely proud of much of the
1184 work this committee has done in this space. While content
1185 moderation policies and reining in the ever-increasing power
1186 of big tech are certainly topics worth exploring in this
1187 venue, I am concerned about the potential for this hearing
1188 to devolve into another airing of partisan grievances and
1189 personal anecdotes cherry-picked to spark outrage and push
1190 forth certain narratives for personal or political gain.

1191 It is widely understood that both online and here in
1192 the real world, topics that spark controversy, outrage, fear
1193 and anger are highly effective tools for attracting
1194 attention. So I urge my colleagues to be careful not to
1195 fall into that trap. We have an opportunity to discuss
1196 substantive issues impacting all Americans and most -- must
1197 take care not to let those issues take a backseat to the
1198 performative politics of outrage and fearmongering.

1199 Our current content moderation regulatory framework is
1200 a product of decades-old legislation passed when the
1201 internet was in its infancy as well as the court's overly

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1202 broad interpretation of Section 230 in the years that
1203 follow. What began with the intent to incentivize the
1204 removal of certain harmful, objectionable or obscene content
1205 has seemingly transformed into an all-encompassing shield
1206 protecting big tech firms from accountability for the
1207 unintended harms caused by their platforms and moderation
1208 policies.

1209 This is certainly -- there is certainly no shortage of
1210 issues big tech can and should be taking a more aggressive
1211 stance on, harassment, hate speech, white supremacists,
1212 radicalization, deep fakes, organized disinformation
1213 campaigns, sexually explicit material of children. And the
1214 list is almost endless.

1215 While imperfect, Section 230, as it is currently
1216 understood, along with the First Amendment, does not appear
1217 to provide big tech with the legal protections to tackle
1218 these issues. And yet this harmful content remains all too
1219 prevalent online.

1220 Unfortunately, the original intent of Section 230 has
1221 been lost as technology is developed and all too often,
1222 vulnerable communities are paying the price. So my first

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1223 question is for Mr. Overton. In your testimony, you noted
1224 that certain moderation regulations from major tech
1225 platforms differ from that of common carriers. Can you
1226 expound on why, from a legal perspective, that distinction
1227 was made and what it means for users of the platforms?

1228 *Mr. Overton. Sure. Thank you so much. The Eleventh
1229 Circuit just laid this out last year. So when people sign
1230 up, they sign agreements in terms of user agreements which
1231 says that they'll comply with community standards. Also,
1232 it's not like broadcast where there is scarcity in terms of
1233 waves. It's more like cable. And -- and the court has
1234 found that, you know, cable is not a common carrier.

1235 Also, the Telecommunications Act of 1996 explicitly
1236 says, hey, these aren't common carriers. So, you know, a
1237 variety of reasons. I really encourage folks to take a look
1238 at that Eleventh Circuit opinion.

1239 *Ms. Clarke. Thank you. Studies have shown that not
1240 only are Black Americans subject to a disproportionate
1241 amount of online harassment due to their race but have been
1242 purposely excluded from receiving certain online
1243 advertisements related to housing, education, vocational

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1244 opportunities. So Mr. Overton, can you explain for us the
1245 role, intended or not, that algorithms can play in this kind
1246 of online discrimination?

1247 *Mr. Overton. Thank you, and also thank you for the
1248 Civil Rights Modernization Act that you introduced which
1249 addresses some of these issues. In short, Facebook, its
1250 algorithms and drop-downs, they were steering housing and
1251 employment ads away from Black and Latino folks and toward
1252 White folks. And users didn't even know about it. It was a
1253 problem. As Facebook said, they don't have to comply with
1254 federal civil rights laws because of 230. Clearly, if the
1255 New York Times had an ad for housing of all White folks,
1256 there would be a civil rights problem. That's not a
1257 scenario where -- where Facebook should get a pass. It's
1258 not just there, though.

1259 Entities like Airbnb and Vrbo, they account for about
1260 20 percent of lodging in the United States in terms of
1261 revenues. Hilton, Hyatt, they have got to comply with public
1262 accommodations laws. But Airbnb and Vrbo basically claim
1263 they don't have to comply.

1264 *Ms. Clarke. Thank you, Mr. Chairman. I yield back.

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1265 *Mr. Latta. Thank you. The gentlelady yields back,
1266 and the chair now recognizes the gentleman from Michigan for
1267 five minutes.

1268 *Mr. Walberg. Thank you, Mr. Chairman, and thanks to
1269 the panel for being here. And Mr. Dillon, thank you for not
1270 self-censoring in your -- in your frame of work. I don't
1271 self-censor either. I set priorities. I try to be
1272 sensitive. I try to be proper. And my staff worries about
1273 me all the time. But I believe in truth. And truth can be
1274 put out in various ways without offense except for those who
1275 want to be offended.

1276 Mr. Bhattacharya, in October 2020, you and two
1277 colleagues from Stanford University published the Great
1278 Barrington Declaration. It was a document outlining the
1279 need to implement focused protection, your terminology, i.e.
1280 eliminating COVID lockdowns and school closures for everyone
1281 except the elderly and high-risk, which has proven to be
1282 right.

1283 The document had a simple message. But it was
1284 immediately targeted by Biden Administration officials. And
1285 subsequently, social media companies as misinformation and

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1286 downgraded across the platform. Mr. Bhattacharya, how has
1287 the suppression of concerns about school closures from big
1288 tech and the Biden Administration impacted our nation's
1289 children. And secondly, can you speak to both the effects
1290 on their well-being and their educational success?

1291 *Dr. Bhattacharya. So there is a very simple data
1292 point to look at as far as what the impact of school
1293 closures are. And that is that -- that children in Sweden
1294 have suffered zero learning loss through the pandemic. In
1295 the United States, we have created a generational divide in
1296 -- in terms of the educational impact from these school
1297 closures and lockdowns. In California where I live, schools
1298 were closed from physical -- for in-person contact for
1299 almost a year and a half.

1300 And it's minority kids in particular that have been
1301 harmed by this -- these school closures. We have created a
1302 huge deficit in the learning, and that will have
1303 consequences through the entire lives of these children.
1304 The literature on -- on the human capital investments
1305 suggests that investments in schools are the best investment
1306 we make as a society. And the school closures, as a result,

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1307 will lead to children leading shorter, less healthy lives.

1308 *Mr. Walberg. I appreciate that information being laid
1309 out. We have been always told to follow the science, and we
1310 didn't follow the science. And now we are starting to
1311 grudgingly accept the science. And in Michigan, our
1312 governor closed -- Governor Gretchen Whitmer closed all in-
1313 person learning starting in March of 2020. And it took
1314 until January 2021 for Governor Whitmer to agree to plan a
1315 fully reopening of schools in March of that year. The
1316 consequences in Michigan, like you have said, Michigan's
1317 average math score dropped four points for fourth graders
1318 and eight points for eighth graders since 2019.

1319 In reading, they dropped seven and four points
1320 respectively. Dr. Bhattacharya, how did the prevailing
1321 narrative standard opposed by social media companies bolster
1322 efforts to keep schools closed?

1323 *Dr. Bhattacharya. Well, I think the social media
1324 companies promulgated voices that panicked people regarding
1325 the danger of COVID to children far outside of what the
1326 scientific evidence was saying at the time. As a result,
1327 spread panic in school board meetings and elsewhere that

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1328 allowed schools to stay closed far past the time when they
1329 should have been opened, far -- it very -- from very early
1330 in the pandemic, there was evidence from Sweden and -- and
1331 from Iceland and other places, from Europe, that school
1332 openings were safe, that they were unnecessary to protect
1333 people from COVID and that there were alternate policies
1334 possible that would have protected older people better than
1335 school closures and caused much less harm to our children,
1336 and yet we didn't follow those policies. And the voices
1337 that pushed the panic that led to school closures were
1338 amplified on social media settings.

1339 *Mr. Walberg. Appreciate that. A constituent from
1340 Carleton, Michigan in my district wrote to me about his
1341 attempts to post an article from the NIH on his Facebook
1342 page. Facebook blocked the article from being shared
1343 because it violated their policy against misinformation,
1344 their policy. As a reminder, the article, which was
1345 entitled "facemasks in the COVID-19 era," a health
1346 hypotheses, was published by the NIH itself.

1347 But six months after its publication, the NIH retracted
1348 the article and I assume because it didn't align with our

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1349 ongoing efforts to keep people wearing masks. Mr.
1350 Shellenberger, it can't be a coincidence that an article
1351 that the NIH retracted was also deemed misinformation by
1352 Facebook. How did the two, Biden and the big tech companies,
1353 work together to downgrade or suppress information that did
1354 not support COVID goals?

1355 *Mr. Shellenberger. Emails released by the attorneys
1356 general of Louisiana and Missouri show the Biden
1357 Administration repeatedly haranguing Facebook executives.
1358 And we also saw the President threatening Section 230 status
1359 demanding that they censor information that they felt would
1360 contribute to vaccine hesitancy. And Facebook went back to
1361 the White House and said that they had been taking down
1362 accurate information about vaccine side effects. We also
1363 now know the White House was demanding censorship of private
1364 messaging through Facebook.

1365 *Mr. Latta. I am sorry to interrupt. The gentleman's
1366 time has expired. Thank you.

1367 *Mr. Walberg. Thank you. I yield back.

1368 *Mr. Latta. The chair now recognizes the gentleman
1369 from Texas for five minutes.

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1370 *Mr. Veasey. Mr. Chairman, thank you very much.
1371 Before I get into my remarks, I also want to remind Mr.
1372 Bhattacharya and Mr. Shellenberger in particular that
1373 something else that hurts Black children, too, is when there
1374 is misinformation put on social media about their parents
1375 and their grandparents stuffing ballot boxes, cheating and
1376 elections being stolen in places like Atlanta and Milwaukee.
1377 And people know that that is specifically meant to be
1378 targeted at Black people, that that hurts Black children
1379 too.

1380 And when misinformation like that is allowed to stay
1381 on, which it routinely is, that that is bad for Black
1382 children also. And so when it's on a social media platform
1383 like that is, there needs to be some sort of way how to do
1384 that. I hope that no one is self-censoring. But like I
1385 tell my 16-year-old every day when he goes off to school and
1386 inappropriate things can sometimes come out of his mouth,
1387 like anybody in here that has had a teenager, Democrat or
1388 Republican knows that.

1389 What I do tell him is, dude, use a filter. Use a
1390 filter, dude. You can say that, but should you really say

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1391 that? And so don't self-censor, but use a filter, dude.
1392 Use a filter. At a time when public trust in government
1393 remains low, as it has for much of the 21st century, I think
1394 that it is disingenuous for the other side of the aisle to
1395 politicize free speech in the digital age.

1396 There is stuff on Facebook right now that I saw on
1397 Hannity that's fake. And you can go on any of these social
1398 conservative sites on Facebook right now and see tons of
1399 information. This is my personal Facebook page. You can
1400 see all of this. And the truth is that free speech in the
1401 digital age will continue to dominate headlines because the
1402 internet, as it operates today, really does afford Americans
1403 all of the opportunity to freely express themselves in ways
1404 that were literally unimaginable 20 years ago.

1405 I don't believe anyone in this room can deny that
1406 digital communication is going anywhere in the foreseeable
1407 future. Instead, we need to focus on a bipartisan basis to
1408 find a path forward so we can have commonsense policy
1409 solution reforms as it relates to Section 230. We all know
1410 that the internet is not the same phenomena it was when
1411 Section 230 was enacted back in 1996.

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1412 And so let's just take a quick step back and -- and
1413 think about the actual censorship that is -- is going on
1414 today as it relates to something like voting. Right now in
1415 Texas, they are trying to make it harder for people to vote
1416 on college campuses. And to me, that's the ultimate
1417 censorship. And that's bad. And so I would hope that we
1418 can seriously, again, have a real discussion about how we
1419 can make some reforms in Section 230 and come up with some
1420 just commonsense language on some filters. Professor
1421 Overton, I want to thank you for being here today and
1422 testifying once again before this subcommittee about how
1423 disinformation is dangerous.

1424 In your 2020 testimony in front of this subcommittee,
1425 you talked about how disinformation on social media presents
1426 a real danger to racial equity, voting rights, and
1427 democracy. And I wanted to ask you are social media
1428 platforms doing a better job now than they were three years
1429 ago to curtail the spread of general disinformation that you
1430 previously discussed in front of this subcommittee.

1431 *Mr. Overton. Thank you. They are better in some
1432 ways, and in other areas, they've -- they've fallen back.

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1433 2022 wasn't as bad as 2020 in terms of the aftermath with
1434 disinformation about so-called stolen elections. We have
1435 got some new factors in terms of Elon Musk buying Twitter
1436 and laying off the content moderation staff. So things are
1437 different. I also want to -- you talked about bad for Black
1438 children and the fact that death rates are higher in Black
1439 communities is also bad for Black children. The fact that
1440 kids don't have access to internet and, as a result, have
1441 more learning loss during a pandemic as opposed to other
1442 communities is also bad for Black children.

1443 *Mr. Veasey. No, thank you very much. And as we
1444 continue to talk through these things, I hope, particularly
1445 when it comes to public health, we can try to find a
1446 consensus.

1447 *Mr. Overton. Yeah.

1448 *Mr. Veasey. I know five people in one house that they
1449 were dead in a month. Dead in a month over COVID.

1450 *Mr. Overton. Right.

1451 *Mr. Veasey. We need to try to find some consensus on
1452 these things and not -- stop -- and stop making them so
1453 divisive --

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1454 *Mr. Overton. Right.

1455 *Mr. Veasey. -- when people in our community had so
1456 many stories that we knew like that. Of course we wanted
1457 our kids in school.

1458 *Mr. Overton. Right.

1459 *Mr. Veasey. We know that it was not good for our kids
1460 to be in school. But we also had bodies in places like
1461 Detroit that were so stacked up that the morgue couldn't
1462 even handle them. And that's the reality in Black America
1463 also. Thank you very much, Mr. Chairman. I yield back.

1464 *Mr. Latta. Thank you very much. The gentleman yields
1465 back. The chair now recognizes the vice chair of the
1466 subcommittee, the gentleman from Georgia, for five minutes.

1467 *Mr. Carter. Thank you, Mr. Chairman, and thank each
1468 of you for being here. This is extremely important. Let me
1469 begin by saying I agree with my colleague from Texas who
1470 just made the comment that trust in the federal government
1471 is -- is at historical low. It's also low with the social
1472 media companies. So when the two of these combined collide,
1473 then Americans are worried and concerned. And I think we
1474 are all concerned here.

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1475 You know, we had the former CEO of Twitter, Jack
1476 Dorsey, who testified before this committee and made the
1477 statement that Twitter does not use political ideology to
1478 make any decisions. Well, we know that wasn't true. And
1479 it's clear that the big tech platforms are no longer
1480 providing an open forum for all points of view. And that's
1481 extremely important. We want that.

1482 Mr. Shellenberger, I know that you have been before --
1483 you have testified before Congress a number of times. Thank
1484 you for being here again and appreciate it. It's good to
1485 see you. But two weeks before the 2020 election, there was
1486 damning information about the President's son, Hunter Biden,
1487 that was suppressed but then later authenticated.

1488 And once -- once President Biden was in office, you
1489 were covering, as I understand, the Twitter files. What was
1490 your takeaway from how Twitter had made the decision to
1491 suppress news articles related to the Hunter Biden laptop
1492 story?

1493 *Mr. Shellenberger. Yeah. Thank you for the question.
1494 So it's important to understand that on October 14th, the
1495 New York Post published this article about emails from the

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1496 Hunter Biden laptop. Everything in the article was accurate
1497 despite some people claiming it's not. It was accurate
1498 article. Twitter's internal staff evaluated it and found
1499 that it did not violate their own policies.

1500 Then the argument was made strenuously within Twitter
1501 by the former chief counsel of the FBI, Jim Baker, that they
1502 should reverse that decision and censor that New York Post
1503 article on Twitter anyway. That -- that is -- appears to be
1504 part of a broader influence operation, most famously
1505 including former intelligence officials and others to claim
1506 that this was somehow a result of a Russian hack and leak
1507 operation.

1508 *Mr. Carter. Right.

1509 *Mr. Shellenberger. There was zero evidence that this
1510 was hacked and leaked. They had the FBI subpoena of the
1511 laptop published in the New York Post. FBI took the laptop
1512 in December 2019. So it appears to me like that was some
1513 sort of coordinated influence operation to discredit what
1514 was absolutely accurate information.

1515 *Mr. Carter. Well, let me ask you. The administration
1516 had -- had proposed to establish a disinformation governance

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1517 board within the Department of Homeland Security. Thank
1518 goodness they didn't go through with that. But what kind of
1519 danger do you think there would have been with a
1520 disinformation governance board?

1521 *Mr. Shellenberger. Well, unfortunately, that
1522 disinformation governance board was just the tip of the
1523 iceberg of the censorship industrial complex that my
1524 colleagues and I discovered. That includes agency at the
1525 Department of Homeland Security. It includes, you know,
1526 various entities, including National Science Foundation is
1527 now funding 11 universities to create censorship predicates
1528 and tools that includes DARPA funding. That all needs to be
1529 defunded and dismantled and --

1530 *Mr. Carter. Okay.

1531 *Mr. Shellenberger. -- an investigation needs to be
1532 done to figure out --

1533 *Mr. Carter. All right. I need to get on. Thank you
1534 for those answers. Mr. Dillon, you have been before
1535 Congress before as well, and thank you again for being here.
1536 When the advanced algorithms that the big tech companies use
1537 -- when they give the inordinate power to amplify or

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1538 suppress certain posts -- and we all know that happens -- if
1539 these companies were determined to be publishers of content,
1540 when they amplify or suppress using an algorithm, what do
1541 you -- what do you think the impact would be on content
1542 moderation practices? Would it be better, more, worse or
1543 what?

1544 *Mr. Dillon. You are saying if they were treated as
1545 publishers, would they moderate more aggressively?

1546 *Mr. Carter. Exactly. Or less.

1547 *Mr. Dillon. Yeah. Well, under Section 230, even
1548 publisher activity is not treated as publisher activity;
1549 right? They are not treated as the speakers. They are
1550 treated as conduits for the --

1551 *Mr. Carter. Okay.

1552 *Mr. Dillon. -- speech of others. So -- but if they
1553 were to be treated as publishers, then I imagine they would
1554 be much more mindful of what they allow to be amplified and
1555 what they don't.

1556 *Mr. Carter. Okay. Thank you. Thank you very much.
1557 Dr. Bhattacharya -- I am sorry. But anyway, look. I am a
1558 healthcare professional. I am a pharmacist. And when the

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1559 vaccine first came out, I wanted to set a good example both
1560 as a healthcare professional and as a member of Congress.
1561 So I volunteered for the clinical trials, and I did that.
1562 However, I believe very strongly that people should have the
1563 choice whether they want to do that or not.

1564 I encourage them to. I thought it was safe. But that
1565 ought to be a personal decision, in my opinion. What are
1566 the consequences of suppressing legitimate scientific and
1567 medical studies that don't fit the mainstream media?

1568 *Dr. Bhattacharya. People no longer trust public
1569 health. People no longer trust doctors. And as a
1570 consequence, people won't follow the even true good advice.
1571 I argue for older people to be vaccinated because that's
1572 what the evidence said, and I was the lead when my mom was
1573 vaccinated in April 2021. What I have seen now is a huge
1574 uptick in vaccine hesitancy for really essential vaccines
1575 like measles, mumps, rubella as a consequence of the lack of
1576 distrust. And it's a real disservice to the American people
1577 that we allowed this to happen.

1578 *Mr. Carter. Great. Thank you all very much for being
1579 here, and thank you, Mr. Chairman, and I will yield back.

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1580 *Mr. Latta. Thank you. The gentleman yields back, and
1581 the chair now recognizes the gentleman from California's
1582 29th District for five minutes.

1583 *Mr. Cardenas. Thank you very much, Mr. Chairman.
1584 There are real abuses right now on the part of social media
1585 companies not only in America but around the world. We
1586 talked about a lot of them last week when the CEO of TikTok
1587 was before us. There is a real need for accountability
1588 here, and reforming Section 230 in a targeted and thoughtful
1589 way is going to be a big part of what we should be doing in
1590 Congress. And hopefully we will get around to doing that.
1591 Many bills have been introduced, but we haven't been able to
1592 pass the legislation. Hopefully we will have success this
1593 time.

1594 But the conversation that the majority seems to be
1595 having back and forth with some of the witnesses today is a
1596 bit bizarre to me. Conservative censorship seems to be what
1597 a lot of my colleagues are focusing on.

1598 But there is a lot more going on, especially when it
1599 comes to life-and-death issues for the American people,
1600 especially American children. The idea that the big fix we

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1601 need to Section 32 is that we should be preventing social
1602 media companies from taking down harmful content.

1603 Like I said, we should definitely make sure that they
1604 are taking down content that is harming especially our
1605 children. That's not what I've been hearing from my
1606 colleagues last week. And I am not shocked that we are
1607 hearing the same thing today. So I am going to use my time
1608 to talk about very real mis- and disinformation that targets
1609 vulnerable communities like the predominantly Latino
1610 community I represent in the San Fernando Valley.

1611 I am glad we have an actual expert here, Mr. Overton,
1612 to explore this. I have seen firsthand how powerful social
1613 media misinformation and disinformation created vaccine
1614 hesitancy, which actually has cost human life. I have told
1615 the story of how my mother-in-law, whose primary language is
1616 Spanish, asked me if it was true that there were microchips
1617 in vaccines.

1618 That came from her Spanish-speaking colleagues who
1619 spend way too much time on social media who, by the way, all
1620 of them in their 60s and 70s -- these are not children --
1621 who actually were convinced or led to believe that there are

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1622 microchips in the vaccines. Other Spanish-language
1623 misinformation said that vaccines would lead to
1624 sterilization or alter your DNA, etc., etc., etc.

1625 We know the companies do a terrible job taking down
1626 Spanish-language misinformation and also don't do a very
1627 good job of doing -- pulling down misinformation and
1628 disinformation in English. And we know that this lack of
1629 content moderation doesn't make social media better. Like
1630 some of the witnesses today suggest, it makes it dangerous.
1631 So my question -- first question is to you, Professor
1632 Overton. If we follow some of the proposals here today and
1633 alter Section 230 in a way that would limit the ability of
1634 platforms to moderate content like mis- and disinformation,
1635 what could be the potential consequences for communities
1636 like the ones that I just mentioned a minute ago?

1637 *Mr. Overton. Thank you very much, Congressman.
1638 Things could be worse. Things could be worse in terms of
1639 medical misinformation, political disinformation, scams in
1640 terms of economic. And you focused on it in terms of
1641 content moderation being key. That was the original point
1642 here in terms of prodigy and a concern about platforms not

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1643 taking down the bad stuff because they were afraid of being
1644 sued. That's the whole point of it.

1645 *Mr. Cardenas. Thank you. We also know that election
1646 mis- and disinformation is a huge problem and another one
1647 that often spreads unchecked on platforms when it's in
1648 Spanish. We saw in the run-up of the 2022 midterms that
1649 election misinformation in Spanish was widespread on YouTube
1650 and other platforms. Professor Overton, I know this is one
1651 of special interest to you. Can you talk a bit about the
1652 special harms associated with spreading information that
1653 misleads voters and why it's important that social media
1654 platforms have the ability to remove such content?

1655 *Mr. Overton. Well, this is incredibly important
1656 because voting is preservative of all other rights. And we
1657 have seen polarization in terms of us being pulled apart.
1658 We have seen foreign interference in terms of Russia, Iran,
1659 other entities dividing us. We have also seen voter
1660 suppression in terms of targeting, for example, in terms of
1661 2016, particular communities targeted. So there have been
1662 some studies that found that this work is still happening.
1663 These activities in terms of operatives financed by Russia

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1664 and Iran but folks who were in places like Ghana and Nigeria
1665 scamming and basically changing our political debate. It's
1666 a real danger.

1667 *Mr. Cardenas. One of the things that people don't
1668 realize, just because they see it in print, doesn't mean
1669 it's news.

1670 *Mr. Overton. Right.

1671 *Mr. Cardenas. It is just opinion. And so thank you
1672 so much. My time has expired. I yield back.

1673 *Mr. Latta. Thank you. The gentleman's time has
1674 expired, and the chair now recognizes the gentleman from
1675 Utah for five minutes.

1676 *Mr. Curtis. Thank you, Mr. Chairman. Before I began,
1677 I would like to give my home state a shout-out. Just last
1678 week, they passed a law prohibiting social media companies
1679 from allowing people under 18 to open an account. And I
1680 would like to quote from the podcast The Daily from New York
1681 Times. It was as if the governor of Utah was saying to
1682 Congress, "You folks, while you are blathering away about
1683 the harms of TikTok, here in Utah, we are actually going to
1684 do something about it. We are taking action while you are

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1685 having a hearing.''

1686 Pivoting a little bit, Mr. Shellenberger, I don't know
1687 about you, but I am having a little bit of a déjà vu moment.
1688 Yesterday, I boarded an airplane in California. And you
1689 were sitting to my right. And the great Congresswoman from
1690 California was sitting to my left. Unlike yesterday, I only
1691 have five minutes, not five hours, to question you. So I am
1692 going to -- I am going to push you to go a little bit quick.
1693 But I'd like to just explore this idea of -- are we missing
1694 the mark here? And let me tell you what I mean by that.

1695 Somehow we are having this conversation about human
1696 beings deciding what is acceptable for us to hear and see
1697 imperfect human beings. I don't know about you, but I have
1698 spent my life in the pursuit of truth. And I don't know
1699 anybody that can define it. If you go back to COVID, we've
1700 had a couple of examples that were obviously problematic.
1701 But if you go back to COVID, the science said no masks.
1702 Then the science said masks. Then it said double masks. It
1703 said kids shouldn't play on playgrounds because it was
1704 spread by surfaces. It got it wrong. And so how is it that
1705 we are supposed to objectively decide what people can see

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1706 and what they can't see. I know from your testimony, at
1707 least your written testimony, this concept of objectionable
1708 -- can you just take a second and describe how maybe we are
1709 off track on this?

1710 *Mr. Shellenberger. Sure. Thank you for the question.
1711 I mean, I think it's important to remind ourselves just how
1712 radical the First Amendment is and how our founding -- our --
1713 -- the people that created this country were very clear that
1714 it wasn't a piece of paper that gave us the right -- the
1715 freedom of speech. It was an unalienable right. It was
1716 something that we were born with. It's -- it's a human --
1717 it's a human right. It's a right to be able to express
1718 yourself, to make these noises, to make these scribbles.

1719 *Mr. Curtis. I going to --

1720 *Mr. Shellenberger. That's fundamental to us.

1721 *Mr. Curtis. I am just going to -- so much I want to
1722 ask you. So I am going to -- I am just going to short-
1723 change it there just a little bit. So, like -- like do you
1724 think the founders perceived a situation where there would
1725 be a little bit of a -- a jury appointed by Facebook that
1726 would make these decisions?

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1727 *Mr. Shellenberger. Absolutely not. I mean, there
1728 was --

1729 *Mr. Curtis. Is there any way, even with good intent,
1730 they can do that right?

1731 *Mr. Shellenberger. Absolutely not. I mean, it's
1732 actually -- we think that we are so much more advanced than
1733 we were 250 years ago. But 250 years ago, there was a very
1734 strong understanding that you needed people to be wrong.
1735 You needed people to the --

1736 *Mr. Curtis. Yesterday on the plane, I pointed out
1737 how, in my district, Native Americans actually wrote on
1738 rocks. And some people, quite frankly, would find some of
1739 the things they put up there offensive. I am not sure I'd
1740 want my kids to fully see them, yet --

1741 *Mr. Shellenberger. Right.

1742 *Mr. Curtis. -- they put them up there, and that's the
1743 way it is. Okay. Very quickly because I am -- I am out of
1744 time. A couple of my colleagues have pooh-pawed this
1745 hearing and this concept that it's not that big a deal. Can
1746 you explain, as an individual, what it feels like to be
1747 censored?

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1748 *Mr. Shellenberger. It's absolutely horrible. It's
1749 one of the worst experiences you'll ever have. It's
1750 humiliating. It's being told by one of the most powerful
1751 corporations in the world that you are wrong. And not -- in
1752 my case, it wasn't that the facts were wrong. It was the
1753 concern that it would be misleading, that people would get
1754 the wrong idea from it. It's -- it's dehumanizing. It's
1755 not what this country is about. It's -- it's grossly
1756 inappropriate. There is no appeals process. There is no --
1757 your voice is --

1758 *Mr. Curtis. No accountability.

1759 *Mr. Shellenberger. -- denied.

1760 *Mr. Curtis. Yeah, no accountability.

1761 *Mr. Shellenberger. It's the star chamber --

1762 *Mr. Curtis. Yeah.

1763 *Mr. Shellenberger. -- effectively.

1764 *Mr. Curtis. Thank you. Mr. Dillon, let me pivot to
1765 you for just a second. Let me talk about Section 230 in
1766 algorithms. To try to put it simply, there is -- I think
1767 230 sees two buckets. One bucket is a published content.
1768 John Curtis can publish content on there. The other bucket

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1769 is kind of a distributor of that content. I think Section
1770 230 tries to protect the distributor of that content. But
1771 this assumes that distributors of social media platforms are
1772 nothing more than a large bulletin board. You use the words
1773 "conduit" for others where -- where we can all place
1774 content for the world to see and with the exception of some
1775 predefined bad behavior, we don't hold them liable for that.

1776 But is it possible that, instead of black and white,
1777 there is actually a gray area between hosting that post and
1778 making decisions that hide or amplify that post where
1779 somebody actually shifts from a bulletin board to actually
1780 ownership of that content and shouldn't be protected from
1781 230?

1782 *Mr. Dillon. Yes. I definitely think so. When they
1783 get too hands-on with how the content is displayed, yes.
1784 And when they are also deciding who can speak, I think the
1785 big -- the main issue is the viewpoint discrimination when
1786 they start deciding who can speak and what they can say.
1787 They go far beyond what Section 230 had in mind, which was
1788 objectively, you know, unacceptable speech, like unlawful
1789 speech.

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1790 *Mr. Curtis. Clearly defined. I wondered today if my
1791 favorite sitcom, Seinfeld, would be taken down from some of
1792 these social media platforms. I really am out of time. Mr.
1793 Chairman, I yield back.

1794 *Mr. Latta. The gentleman yields back. The chair now
1795 recognizes the gentleman from Florida's Ninth District for
1796 five minutes.

1797 *Mr. Soto. Thank you, Chairman. Hailing from the
1798 great state of Florida, we see book-banning, eliminating AP
1799 African-American studies, silencing the LGBTQ community and
1800 voices, downplaying or denying the Holocaust, slavery or
1801 genocide of Native Americans. As someone of Puerto Rican
1802 descent, I would find it particularly offensive that they
1803 are censoring Roberto Clemente's own biography and books
1804 about him, a amazing Puerto Rican, an amazing baseball
1805 player, and one who contributed so much to helping out
1806 children and families. And then I think about the
1807 Borinqueneers, Puerto Ricans who were discriminated against
1808 and fought for our country nonetheless in World War II and
1809 before who were honored in a bipartisan fashion.

1810 These stories need to be told. We even see a new bill

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1811 that's attempting to allow politicians to sue news media
1812 easier because they use anonymous sources or not. I mean,
1813 if it's too hot, get out of the kitchen; right? This is
1814 part of our First Amendment rights. These are all
1815 censorship efforts happening in Florida under the grip of
1816 Governor DeSantis. The Republican majority last week got on
1817 the censorship crusade by continuing the book-banning
1818 efforts. So I think we all agree there is some need for
1819 censorship discussions, and so I appreciate us having that
1820 here today. In the context of social media, the question is
1821 what to do about it.

1822 And Professor Overton, I appreciate you being here
1823 today. I want to talk briefly about 230 reform since that's
1824 really a lot of what we are talking about. I am empathetic
1825 to the discussions that other witnesses have said here today
1826 about being silenced. I think, Professor, first of all,
1827 it's great to have a GW law professor here, as my -- being
1828 an alumni. And Dr. Dunn is also an alumni of the med
1829 school. We will give him credit for purposes of this
1830 hearing.

1831 I want to focus on two common-ground issues, federal

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1832 civil rights violations that happen over social media and
1833 then protecting our kids. So let's first start out with
1834 efforts that would be clear violations if someone did it
1835 outside of social media. What are some ideas in what we
1836 could do to draft legislation to ensure that civil rights
1837 are protected within the social media sphere?

1838 *Mr. Overton. You know, one idea is a carve-out for
1839 civil rights violations. So we have a carve-out for IP, for
1840 federal criminal law, and for a few other categories. And
1841 one would be this carve-out for federal civil rights
1842 violations.

1843 *Mr. Soto. Can you expound on that a little bit?

1844 *Mr. Overton. Sure --

1845 *Mr. Soto. How do you think --

1846 *Mr. Overton. -- so --

1847 *Mr. Soto. -- we should put it together?

1848 *Mr. Overton. So Airbnb, for example, they designed a
1849 platform that shows somebody's face and, you know, their
1850 name. And there is discrimination happening on their
1851 platforms. But right now, they are saying they are not
1852 liable because of 230. Facebook, basically their algorithms

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1853 steer housing and employment ads to White folks away from
1854 Black and Latinos. And they've got drop-downs that allow
1855 for folks to target on those -- but they say, "Hey, we are
1856 not liable because of Section 230.'" So this carve-out
1857 would basically say, hey, 230 applies generally but not for
1858 federal civil rights violations, just like it does with IP,
1859 just like it does with federal criminal law.

1860 *Mr. Soto. And about protecting our kids, you know, we
1861 have disagreements over books and things like that. But
1862 where there is common ground, yes, we all believe parents
1863 should be able to have a strong say in which books their
1864 kids are reading. They should just not be able to ban what
1865 other kids and their parents decide for -- is best for their
1866 kids. In the case of the Utah law, they are empowering
1867 parents to make decisions about access to social media pre-
1868 18, which I think there is -- there is definitely some
1869 positivity there as far as where we could go with something
1870 like this. What would you say we could be doing to protect
1871 our kids better vis-à-vis 230 reforms?

1872 *Mr. Overton. Yeah. I -- I certainly think this
1873 concept of requirements in terms of Utah is not a bad -- a

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1874 bad thing. I think the big thing, though, is if we are
1875 chilling people for moderating and platforms for moderating,
1876 we are going to see more pornography. We are going to see
1877 more obscenity, sexual solicitation. All of that comes with
1878 restraints on moderation. So that -- that's a big concern I
1879 have.

1880 *Mr. Soto. But if we established having some
1881 requirement pre-18 for parental consent, do you think that
1882 would have a substantial effect based upon your research in
1883 helping protect --

1884 *Mr. Overton. Yeah.

1885 *Mr. Soto. -- our kids from some of those things?

1886 *Mr. Overton. I think that that could, and I certainly
1887 would love to talk to you more about it and study it in more
1888 detail.

1889 *Mr. Soto. Thanks, and I yield back.

1890 *Mr. Latta. Thank you. The gentleman yields back, and
1891 the chair now recognizes the gentleman from Georgia's 12th
1892 District -- oh, I am sorry. Mr. Joyce came in. I didn't
1893 see you. I am sorry. The chair recognizes the gentleman
1894 from Pennsylvania for five minutes.

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1895 *Mr. Joyce. Thank you, Chairman Latta, and Ranking
1896 Member Matsui for holding today's hearing and for you, the
1897 witnesses, for your time and your testimony. Last week, we
1898 held a hearing regarding data privacy and the pervasive
1899 manner in which nefarious actors can manipulate content and
1900 exploit user data for financial gain.

1901 Today, we are faced with another issue, big tech
1902 companies that have inconsistently applied content
1903 moderation policies, manipulated content on their platforms,
1904 and even gone so far as to ban or blacklist users for
1905 exercising their right to free speech. These companies
1906 claim to operate as politically neutral public forums where
1907 speech, ideas and thoughts are supposed to be shared equally
1908 and unabridged.

1909 Unfortunately, this has not been the case, as evidenced
1910 by the witnesses here today and your testimony. These
1911 companies often silence opposing ideas that do not align
1912 with their platform's ideologies, all the while unabashedly
1913 using Section 230 as a vehicle to indemnify themselves. It
1914 goes without saying that the internet, our use of the
1915 internet and how we communicate, exchange ideas and interact

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1916 across the internet has evolved. And Section 230 is long
1917 overdue to evolve and reflect the reality of what we are
1918 facing today.

1919 Dr. Bhattacharya, thank you for being here today. As a
1920 physician myself, I understand that robust scientific
1921 discussion and discourse especially amidst an unprecedented
1922 public health emergency is critical to a healthy medical
1923 community. But in your case, Twitter -- and I am quoting
1924 here -- trend blacklisted -- unquote -- and stifled
1925 scientific discussion; is that correct?

1926 *Dr. Bhattacharya. Yes. I was on a trend blacklist.

1927 *Mr. Joyce. And can you please briefly describe what a
1928 trend blacklist means?

1929 *Dr. Bhattacharya. It limits the visibility of my
1930 tweets so that only my followers can see it, that it has no
1931 chance of going outside of the set of people who happen to
1932 follow me.

1933 *Mr. Joyce. And do you find that by limiting your
1934 ability communicate that that is a healthy medical
1935 community?

1936 *Dr. Bhattacharya. It -- it -- no. I think it is a

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1937 terrible thing to limit the ability for scientists to
1938 discuss openly with one another in public our disagreements.

1939 *Mr. Joyce. Thank you, Dr. Bhattacharya. The Great
1940 Barrington Declaration offered a sensible alternative
1941 approach to handling COVID-19, emphasizing more focused
1942 protection of the elderly and other higher risk groups.
1943 Tragically, this approach was not followed in my home state
1944 of Pennsylvania where our former governor ordered nursing
1945 homes to receive COVID-19-positive patients. And that was
1946 to a devastating effect.

1947 Dr. Bhattacharya, can you briefly describe what this
1948 reaction was to the declaration by public health officials
1949 and how our own government tried to suppress that free flow
1950 of ideas?

1951 *Dr. Bhattacharya. So Francis Collins, then head of
1952 the NIH, labeled me a fringe epidemiologist. Then I started
1953 -- I started getting death threats. I started getting
1954 essentially questions from reporters ask -- accusing me
1955 wanting to let the virus rip when I was calling for better
1956 protection of elderly people. What happened in nursing
1957 homes in Pennsylvania and New York where COVID-infected

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1958 patients were sent back was a violation of that principle of
1959 focused protection. Had we had that debate openly, maybe
1960 that might have been avoided.

1961 *Mr. Joyce. So the medical community at large was
1962 restricted from your ideas; is that correct?

1963 *Dr. Bhattacharya. The social media companies and also
1964 the government, the federal government in the form of the
1965 head of the National Institute of Health worked to
1966 essentially create a propaganda campaign, to make this
1967 illusion of consensus that their ideas, Francis Collins'
1968 ideas, Tony Fauci's ideas were a consensus of scientists
1969 when, in fact, it wasn't factually true.

1970 There were tens of thousands of scientists who signed
1971 on who opposed the lockdowns that were in favor of focused
1972 protection of vulnerable older people. That debate should
1973 have happened without suppression but didn't.

1974 *Mr. Joyce. Do you feel that this silencing of speech,
1975 and particularly for an individual like you from the medical
1976 community, do you feel that this has damaged the trust in
1977 public health apparatus?

1978 *Dr. Bhattacharya. It's as low as I've ever seen it in

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1979 my career. And it's tragic because public health is very
1980 important. It is important that Americans trust public
1981 health. And when public health doesn't earn that trust,
1982 very bad things happen to the health of the American public.

1983 *Mr. Joyce. So take us to the next step. How do we
1984 earn back that public trust?

1985 *Dr. Bhattacharya. Public health needs to apologize
1986 for the errors that it made, embrace honestly and list them
1987 out and say we were wrong about the ability of the vaccine
1988 to stop transmission. We were wrong about school closures.
1989 We were wrong to suppress the idea of focused protection.
1990 And then put in place reforms so that people can trust that
1991 when public health says something, it's actually the true
1992 thing -- truth and allow dissenting voices to be heard all
1993 the time.

1994 *Mr. Joyce. Dr. Bhattacharya, thank you for your
1995 candor and thank you for your expertise.

1996 Mr. Chairman, I yield back.

1997 *Mr. Latta. Thank you. The gentleman yields back and
1998 the Chair now recognizes the gentlelady from California 16th
1999 District for five minutes.

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2000 *Ms. Eshoo. Thank you, Mr. Chairman, and thank you to
2001 each one of the witnesses.

2002 This is a very important discussion today. You know, I
2003 have always thought of the American flag as the symbol of
2004 our country, but the Constitution is the soul of our nation.
2005 And so the discussion about First Amendment is a very, very
2006 important one. It is a sacred one, in my view.

2007 In listening to each one of the witnesses, I think that
2008 my sensibilities move from one kind of -- they swing from
2009 one direction to another. Are these sensibilities of
2010 individuals, professionals who have a great deal of pride
2011 about their profession, what they write, what they say?

2012 You know, in politics we say throw a punch, take a
2013 punch. Is it someone's ego that is offended by the reaction
2014 to what they have written?

2015 Dr. Bhattacharya, you wrote the Great Barrington
2016 Declaration. I think context is very important in this as
2017 well. That was in October of 2020. There were 24,930
2018 deaths due to COVID in October of 2020. An average of 787
2019 precious souls that were dying every day.

2020 We didn't have the vaccine yet. Now, your complaint,

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2021 about being censured, is with the platform. And I think
2022 that you also have a beef with who was the head of NIH and
2023 Dr. Fauci because they didn't agree with you and there was
2024 fierce opposition to what you put out.

2025 That is all part of the enormously important debate
2026 that takes place in academia and in the medical community.
2027 That is vibrant. It is a reflection of our democracy, but
2028 what I would like to get to is what the definition of
2029 censorship is?

2030 Mr. Overton, would an accurate definition of censorship
2031 be the suppression or prohibition of speech by the
2032 Government?

2033 *Mr. Overton. It is this concept of the Government.
2034 And the Government is key, in terms of censorship. The
2035 courts have come up with a test if Government is being
2036 coercive, in terms of social media.

2037 So are they being coercive? Are they going to punish
2038 social media for keeping things up? That is the state
2039 action. That is the problem.

2040 One other quick note here, is that some of this reality
2041 that frankly I just think we have missed here. In Q4 2021

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2042 alone, YouTube removed 1.26 billion comments. 1.26 billion
2043 comments.

2044 So if we think that they have got to go through and
2045 given an explanation for every comment that they have
2046 removed, that is not going to happen. Basically what's
2047 going to happen is they are going to say, we are going to
2048 get out of this business, we will just leave up the smut,
2049 the obscenity, the hate speech, that is your internet, if
2050 that is what we have to do.

2051 *Ms. Eshoo. Congress has a major responsibility in all
2052 of these areas, whether it is the reforming of Section 230,
2053 let's see what the Supreme Court does. My sense is they are
2054 going to kick it back to Congress again.

2055 *Mr. Overton. Right.

2056 *Ms. Eshoo. National Privacy Law. I don't take a back
2057 seat to anyone on that issue. Congresswoman Lofgren and
2058 myself wrote what Academission said was the most
2059 comprehensive privacy legislation in the Congress.

2060 So we have a lot on our plate and a lot of
2061 responsibilities to meet. Would a state law that prohibits
2062 private sector employers, or public university professors,

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2063 or students from discussing diversity, racial equity,
2064 systemic racism or sexual identity be considered censorship?

2065 *Mr. Overton. It would be, and in fact it was. A
2066 couple of courts last year -- yes.

2067 *Ms. Eshoo. Let me get to another question because you
2068 said, yes. Would a state law preventing public school
2069 teachers from discussing their own sexual identity and
2070 requiring them to hide it from their students be considered
2071 censorship?

2072 Would the Florida new law on banning books, would you
2073 consider that censorship?

2074 *Mr. Overton. Certainly, as applied to universities
2075 and private sector employers, yes, and courts have agreed
2076 with me.

2077 *Ms. Eshoo. Well, it seems to me that some of us speak
2078 out on what we consider censorship. There is a convenience
2079 in this that what we don't like, we consider censorship.
2080 But I think it is very broad, under the First Amendment.
2081 And I think the steps that Congress needs to take is to
2082 certainly address the reforms in 230 and a very strong
2083 national privacy law.

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2084 I wish I had more time, but I thank you again for your
2085 testimony and for your answers.

2086 *Mr. Latta. Thank you. The gentlelady yields back.

2087 The Chair now recognizes the gentleman from Florida's
2088 2nd District for five minutes.

2089 *Mr. Dunn. Yeah, thank you very much, Mr. Chairman. I
2090 have a few questions for the panel, but I notice that we ran
2091 out of time as Dr. Bhattacharya was trying to respond to
2092 Madame Eshoo. I thought I would give you a brief moment
2093 first to do that.

2094 *Dr. Bhattacharya. Thank you, Congressman. I will
2095 take very short.

2096 A couple of things. One is in October 2020, when we
2097 wrote the Great Barrington Declaration, it was already
2098 clear, from the scientific evidence that school closures
2099 were a tremendous mistake.

2100 It was already clear that there was this huge age
2101 gradient. That it was really older people that were really
2102 high risk. And so a call for protecting vulnerable people
2103 was not a controversial thing. It should not have been a
2104 controversial thing, and yet, it was censored and suppressed

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2105 by social media.

2106 Second thing, this was not simply a problem of ego. It
2107 is fine to have scientific debate. It's, in fact, I like
2108 scientific debate. The problem here was that we had federal
2109 authorities with the ability to fund scientists saying,
2110 putting their thumb on the scale and then the federal
2111 government using its power to suppress that scientific
2112 discussion online and other --

2113 *Mr. Dunn. I do agree with you, Dr. Bhattacharya, and
2114 I am going to get back to you with a question here in a
2115 minute, but thank you for that.

2116 I think there is a clear pattern of censorship and it
2117 reveals the political leanings of those who were censored,
2118 versus those doing the censoring, and I think that is
2119 evident and I think it's self-evident that the arbitrary
2120 censorship role of Big Tech has led to partisan outcomes.

2121 The same holds true with fact checkers when they
2122 collude with other interests. For instance, the company
2123 NewsGuard defines itself as a journalism and technology tool
2124 that rates the credibility of news information and tracks
2125 online misinformation, however, there are partnered with big

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2126 tech, big pharma, the National Teachers Union, and even
2127 government agencies.

2128 In fact \$750,000 went from the Department of
2129 Defense to NewsGuard in a government contract.

2130 Mr. Shellenberger, do you find this pattern of
2131 censorship and political bias to be real?

2132 *Mr. Shellenberger. To be real?

2133 *Mr. Dunn. Yes.

2134 *Mr. Shellenberger. Yes, sir.

2135 *Mr. Dunn. I do too. It is also my understanding that
2136 the vast majority of outlets targeted by NewsGuard,
2137 specifically, are conservative-leaning outlets. Do you
2138 think that is true?

2139 *Mr. Overton. I think that NewsGuard -- I mean, we
2140 know that NewsGuard rated discussion of COVID origins as
2141 coming from a lab as disinformation.

2142 *Mr. Dunn. That's right. Yeah, I remember that.

2143 *Mr. Overton. One big --

2144 *Mr. Dunn. Well, thank you. I agree with you. I
2145 think fact checkers need to be fact checked and removed from
2146 the government payroll.

This is an unedited transcript. The statements within may be inaccurate, incomplete, or misattributed to the speaker.

2147 As a medical professional, I find it extremely
2148 disturbing to see medicine become partisan, enabling global
2149 institutions, big pharma, and government to have the power
2150 to make sweeping mandates and censor personal health
2151 freedoms.

2152 This is an unequivocal departure from the same
2153 platforms that we saw what we saw with those platforms back
2154 in the days when Twitter was claiming that they are the free
2155 speech wing of the free speech party. A lot's changed in
2156 the 10 year since they made that claim.

2157 Dr. Bhattacharya, in your testimony you mentioned the
2158 mass censorship of the Great Barrington Declaration and that
2159 was a declaration where tens of thousands of doctors and
2160 public health scientists signed onto a very straight-forward
2161 declaration.

2162 In fact, I am one of those doctors. So thank you very
2163 much for that. As a medical doctor, do you consider the
2164 opinions of tens of thousands of doctors endorsing a single
2165 medical opinion as a sort of consensus of sorts?

2166 *Dr. Bhattacharya. I mean, I don't think that there
2167 was a consensus, but I also don't think that we were a

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2168 fringe position. I think that there was a legitimate
2169 discussion to be had and had we had it openly, we would have
2170 won the debate.

2171 *Mr. Dunn. I think that is true too and I was going
2172 through that in real time with my colleagues here and
2173 elsewhere.

2174 Last year's Twitter files revealed that, Dr.
2175 Bhattacharya, that you were placed on their trends
2176 blacklist, which prevented your Tweets from trending on the
2177 site. Were you ever contacted by Twitter regarding your
2178 placement on that blacklist or did you have any idea that
2179 they were targeting your account?

2180 *Dr. Bhattacharya. No, not until Elon Musk took over.

2181 *Mr. Dunn. That's excellent. So I have to say, thank
2182 you very much, Dr. Bhattacharya. We have to do more about
2183 transparency in medicine. We have to do more about
2184 censorship.

2185 We need to get back to the times where I know you
2186 remember, I recall, the times when we had free and open
2187 debate, in fact, it was demanded of us, if you will, in
2188 post-operative M&M conferences and whatnot, that we actually

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2189 review the truth, face our faults, our flaws, our mistakes.

2190 I hope that we can get back to that in the future.

2191 Thank you very much for coming.

2192 Mr. Chairman, I yield back.

2193 *Mr. Latta. Thank you. The gentleman yields back.

2194 The Chair recognizes the gentlelady from New Hampshire for
2195 five minutes.

2196 *Ms. Kuster. Great. Thank you very much, Mr. Chair.

2197 I want to spend my time focusing what I believe are real
2198 victims of online harms and examine how Section 230 plays a
2199 role in those harms.

2200 As the founder and co-chair of the Bipartisan Taskforce
2201 to End Sexual Violence, I am particularly concerned about
2202 reports of online dating apps being used to commit sexual
2203 assaults and how Section 230 has prevented the survivors
2204 from seeking justice.

2205 I recognize that Section 230 is the bedrock of our
2206 modern day internet, but Congress has a responsibility to
2207 ensure that these legal protections are functioning as
2208 intended.

2209 The protections that Section 230 provide online

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2210 platforms should not extend to bad actors and online
2211 predators. Dating platform companies have defeated numerous
2212 lawsuits regarding egregious and repeated cases of sexual
2213 assaults on the grounds of Section 230. And I think this
2214 Committee can agree that Section 230 was not intended to
2215 protect dating apps when they failed to address known flaws
2216 that facilitate sexual violence.

2217 Mr. Overton, if you could, Congress has previously
2218 examined and enacted changes to Section 230 to strengthen
2219 protections. Can you speak to how additional reforms to
2220 Section 230 could better protect the American public?

2221 *Mr. Overton. Thank you so much, Congresswoman. And
2222 just this notion that platforms, you know, if you are a
2223 company and you engage in the activity, you can be sued.
2224 But if you basically set up a platform to facilitate the
2225 activity and get paid for it? Hey, you are fine. You hide
2226 behind Section 230.

2227 And this is the true problem. So this notion of
2228 requiring that entities act in good faith and to take
2229 reasonable steps in order to enjoy the immunity is one
2230 reform that has been, you know, held up. That is

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2231 sufficiently flexible to deal with different contexts that
2232 is a possibility, in terms of dealing with this.

2233 Professor Danielle Citron has put forth this proposal.
2234 She is kind of tweaking it now. But certainly these folks
2235 who know that there is a problem and they are profiting off
2236 of these platforms, effectively profiting off of Section
2237 230, which was designed to make it easy for folks to take
2238 down this type of activity and has been twisted by courts to
2239 basically allow for a free-for-all.

2240 So I agree with you. Exploitation, particularly of
2241 minors, is a major issue that hopefully there's some
2242 bipartisan agreement on addressing.

2243 *Ms. Kuster. And based upon your expertise, do you
2244 believe that Congress should look to reform Section 230 in
2245 this way?

2246 *Mr. Overton. I definitely think that we need to think
2247 about it in a nuanced way. We definitely need to reform. I
2248 think that is one of the leading proposals and I am very
2249 open and supportive of it. There may be some other
2250 proposals.

2251 The SHIELD Act, there are a few others, SHIELD Act,

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2252 there are a few that are out there that are important.

2253 *Ms. Kuster. Well, thank you for sharing your
2254 expertise.

2255 It remains clear to me that there are real
2256 opportunities to make the internet a safer place for the
2257 American people. Section 230 was enacted almost 30 years
2258 ago and its past time for Congress to take a closer look at
2259 these legal protections.

2260 I ask that this Committee refocus its effort on Section
2261 230 on preventing real online harms and sexual violence in
2262 our communities. And I yield back.

2263 *Mr. Latta. Thank you. The gentlelady yields back and
2264 the Chair recognizes the gentleman from Georgia's 12th
2265 District for five minutes.

2266 *Mr. Allen. Thank you, Chair Latta and for convening
2267 this hearing. And I want to thank our witnesses for being
2268 here. This is a very important discussion we are having
2269 today.

2270 Big tech currently has unilateral control over the
2271 majority of public debate in our culture and it is
2272 concerning to most Americans.

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2273 What is even more concerning is that, as a result of
2274 the Twitter files, it has been made clear that big tech is
2275 also working in direct coordination with government
2276 officials to silence specific individuals whom unelected
2277 bureaucrats disagree with.

2278 This Orwellian scenario is unamerican and House
2279 Republicans will not stand for it. Last year the Poynter
2280 Institute, a self-appointed clearinghouse for fact checkers,
2281 made news when one of its fact checkers PolitiFact
2282 incorrectly labeled third-party content that challenged the
2283 Biden Administration's definition of a recession as false
2284 information.

2285 It is clear that PolitiFact was biased in the content
2286 it was flagging as misinformation or false information to
2287 fit the narrative it preferred, rather than reflecting the
2288 known facts.

2289 Mr. Dillon, in your experience are these fact checkers
2290 apolitical, neutral, fact-based researchers?

2291 *Mr. Dillon. No, that's a pretty good joke. They are
2292 not. You know, in the whole fact-checking apparatus,
2293 there's unbelievable hubris in the whole project. You know,

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2294 this idea, especially when we are talking about medical
2295 information too, I often hear people going back to say,
2296 well, it was based on what we knew at the time that we were
2297 saying this was true or that this was false.

2298 All that is is an admission that our knowledge changes
2299 over time. It is a knockdown argument against censorship.
2300 If knowledge changes over time, you should never try to say
2301 that these are the facts, these are the only things that you
2302 can say, everyone who says something opposing to that should
2303 be silenced.

2304 It is a knockdown argument against censorship in favor
2305 of open debate, which is the fastest and best way to get to
2306 the truth.

2307 *Mr. Allen. Dr. Bhattacharya, give me your experience
2308 with these fact checkers.

2309 *Dr. Bhattacharya. They have been tremendously
2310 inadequate during the COVID debate and the pandemic, just to
2311 police scientific debate. They can't tell the difference
2312 between true scientific facts and false scientific facts.

2313 They serve as narrative enforcers, more than as true
2314 referees of scientific debate, which takes lots of years of

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2315 experience that fact checkers don't have.

2316 *Mr. Allen. Mr. Shellenberger, do you know who funds
2317 these fact checkers?

2318 *Mr. Shellenberger. No, I do not.

2319 *Mr. Allen. As far as -- well, obviously, if
2320 somebody's paying them to do this information?

2321 *Mr. Dillon. Can I respond to that really quick?

2322 *Mr. Allen. Yes.

2323 *Mr. Dillon. We were fact checked. We made a joke
2324 about how the Ninth Circuit Court had overruled the death of
2325 Ruth Bader Ginsburg, and USA Today fact checked it, and that
2326 fact check was paid for by grants from Facebook, and then
2327 Facebook threatened to demonetize us in response to the
2328 false rating on that joke.

2329 *Mr. Allen. Okay. Well, great. Thank you, Mr.
2330 Dillon.

2331 As a follow-up, did the Twitter files or any research
2332 that you have done to expose the practices of big tech show
2333 if fact checkers coordinate with federal agencies when they
2334 flag information? Mr. Dillon?

2335 *Mr. Dillon. I am sorry. Can you repeat?

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2336 *Mr. Allen. As far as the Twitter files, is there any
2337 research that you have done to expose the practices of big
2338 tech that show if fact checkers coordinated with federal
2339 agencies when they flagged information?

2340 *Mr. Dillon. The Twitter files, I think, exposed a
2341 breadth of coordination with state actors to control the
2342 flow of information.

2343 *Mr. Allen. Okay.

2344 *Mr. Dillon. It was ongoing discussion between the
2345 two.

2346 *Mr. Allen. Dr. Bhattacharya, what do you -- do you
2347 have --

2348 *Dr. Bhattacharya. The federal government financed --
2349 funded projects at universities that then reached out to two
2350 social media companies, then told social media companies how
2351 to censor and who to censor during COVID.

2352 *Mr. Allen. Mr. Dillon, real quickly. What did
2353 Twitter's sensor of your company do to your revenue?

2354 *Mr. Dillon. Well, initially we did see a spike,
2355 because we had a lot of people sign up in support of us, but
2356 being off of Twitter for eight months took its toll.

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2357 Currently, it is where we generate the most impressions and
2358 the most traffic.

2359 I just posted the other day that we generated more
2360 impressions on Twitter in the last week than we have on
2361 Facebook, Instagram, and YouTube combined, partly because
2362 Facebook has been throttling us so much, we would get more
2363 views on a post if we stuck it on a telephone pole in a
2364 small town than we are on lately.

2365 *Mr. Allen. Yeah, so much of that is just to hide the
2366 truth, to be honest with you.

2367 I met with Dr. Caldwell who is an associate professor
2368 at the Medical College of Georgia, which is Augusta
2369 University, and she gave me a page here, protecting young
2370 people online and I would like to submit this for the
2371 record.

2372 *Mr. Latta. Without objection.

2373 *Mr. Allen. Okay. Thank you very much, all of you,
2374 and I yield back.

2375 *Mr. Latta. Thank you very much. The Chair now
2376 recognizes the gentlelady from Tennessee for five minutes.

2377 *Mrs. Harshbarger. Thank you, Mr. Chairman and thank

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2378 you to the witnesses for being here today.

2379 And Mr. Dillon, I will start with you. Would you agree
2380 that social media can't take a joke and that they can't
2381 handle the truth? Yes or no?

2382 *Mr. Dillon. Yes, I think that there is actually an
2383 ongoing outright war on the truth and reality, and a lot of
2384 the reason why some of our jokes have been censored are
2385 because they carry the truth.

2386 You know, with every joke there is a grain of truth.

2387 *Mrs. Harshbarger. Absolutely.

2388 *Mr. Dillon. And the joke that we were censored for
2389 and locked out for -- the thing I say about it most
2390 frequently is that the truth isn't hate speech. It included
2391 truth. And so they were actually moderating -- this is
2392 where the, you know, the bias and censorship comes into play
2393 in a lot of different areas.

2394 In their terms of service, they have baked radical
2395 gender ideology into them, so that you must either affirm it
2396 or remain silent. If you say anything to criticize it or
2397 even joke about it, you can get kicked off the platform.

2398 So the bias is in the terms of service.

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2399 *Mrs. Harshbarger. In the terms of service. You know,
2400 in your statement you said censorship guards the narrative
2401 not the truth. It guards the narrative at the expense of
2402 the truth.

2403 And you went on to say about Twitter, now, this is pre-
2404 Elon Musk and pre -- we know that freedom of speech costs 44
2405 billion, but instead of moving our joke themselves, they
2406 required us to delete it and admit that we would engaged in
2407 hateful conduct and, you know, it sounds to me like they
2408 forced you to make a plea deal, basically, and say you
2409 committed fraud and all that kind of stuff?

2410 Just respond to that please, sir?

2411 *Mr. Dillon. Yeah. My reaction to that, when I first
2412 say that they were requiring that we delete the joke. You
2413 know, censorship would be them deleting the joke. That
2414 would be them taking it down and saying that we don't want
2415 this platform.

2416 It went beyond censorship to what I would refer to as
2417 subjugation by telling us that we must delete it ourselves
2418 and admit, in the process, there was red font over the
2419 delete button that said we admitted that we engaged in

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2420 hateful conduct, so that is why we refused to delete the
2421 joke is because we did not engage in hateful conduct. The
2422 truth is not hate speech.

2423 *Mrs. Harshbarger. No, and it makes me want to put
2424 your fulfilled prophecies from the Babylon Bee and enter
2425 them into the congressional record just for posterity's
2426 sake, honestly, just to show that truth is stranger than
2427 fiction and it seems that satire can be a predictor of the
2428 truth, honestly.

2429 Dr. Bhattacharya, I have been a pharmacist 37 years. I
2430 am the other pharmacist in Congress. And, you know, we were
2431 constantly being told to follow the science. And it sounds
2432 like you agree with me that there was corroboration between
2433 federal government agencies and social media platforms to
2434 suppress the truth.

2435 And that goes back to the origins of COVID, the lab
2436 leak theory, vaccinations, masks, lockdowns, whole nine
2437 yards, and you know, you state that the suppression of
2438 scientific discussion online clearly violates the U.S. First
2439 Amendment, and I agree with that.

2440 So where do you go back to get your good credibility

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2441 and to get your good name? How do we restore that and how -
2442 - we know that 75 percent of Americans do not trust
2443 platforms, social media platforms.

2444 So when it comes to healthcare, how do we get that
2445 trust factor back and how do we go forward?

2446 *Dr. Bhattacharya. I think we need fundamental reform
2447 that establishes the principle that scientific debate can
2448 happen without this kind of thumb on this. Very quick funny
2449 story from this Missouri v. Biden case that I have -- or I
2450 am a party.

2451 We got to depose a whole bunch of witnesses inside the
2452 federal government, including Tony Fauci and some others in
2453 the White House. There is a huge volume of emails from the
2454 White House to Facebook pressuring Facebook to censor
2455 things.

2456 One thing that happened, at one point the White House
2457 noticed that its Facebook page wasn't growing very fast and
2458 it turned out the reason was, the CDC had put this pause on
2459 the J&J Vaccine. The White House had put that on their
2460 page, and as a result, the algorithms picked up the White
2461 House as an anti-vax group and so it suppressed the growth

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2462 of the White House page.

2463 This censorship regime affects everybody. Everyone
2464 should have the opportunity to say honestly their scientific
2465 opinion online. There should not be thumb on the scale like
2466 there has been.

2467 *Mrs. Harshbarger. Well, that is why I left the most
2468 trusted profession to come to the least trusted profession.
2469 So I understand.

2470 In 40 seconds that I have left, Mr. Shellenberger, you
2471 say in your statement, the only guaranteed remedy to big
2472 tech censorship is the elimination of Section 230 liability
2473 protections, but you go on to say Congress should reduce,
2474 rather than eliminate liability protections in Section 230.
2475 Can you expound on that?

2476 *Mr. Shellenberger. Well, my argument is actually for
2477 transparency. I think that is the right next step. I think
2478 that's the step that could get bipartisan agreement, but I
2479 think that if you don't take -- something has to be done and
2480 I would think reducing the liability protections would be a
2481 moderate step in between the chaos that we have now and --

2482 *Mrs. Harshbarger. Okay.

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2483 *Mr. Overton. -- the transparency that I think is
2484 best.

2485 *Mrs. Harshbarger. I think so too. I agree. With
2486 that, Mr. Chairman, I yield back.

2487 *Mr. Latta. Thank you. The gentlelady yields back and
2488 the Chair now recognizes the Chair of the full committee,
2489 the gentlelady from Washington for five minutes.

2490 *The Chair. Thank you, Mr. Chairman. Appreciate
2491 everyone being here.

2492 Mr. Shellenberger, I wanted to start just a little bit
2493 about the state of free speech in America online. And it
2494 has certainly been illuminated through the Twitter files,
2495 the lawsuits from state attorney generals, investigative
2496 reporting, like your own should concern every American.

2497 Big tech has used their platforms to censor Americans
2498 without due process or sufficient recourse. We also know
2499 that the Biden Administration has worked with big tech to
2500 censor specific people or content that cuts against
2501 political narratives.

2502 Throughout it all the mainstream media has not only
2503 turned a blind eye, but it oftentimes seems like they are a

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2504 willing partner in defending big techs actions. Big tech,
2505 we know, plays a central role in controlling what people
2506 see, and hear, and what they believe, and controlling
2507 thought and expression.

2508 Their censorship actions are really a risk to our
2509 democracy. I led the Protecting Speech from Government
2510 Interference Act with Chairman Comer and Jordan to prohibit
2511 federal employees from colluding with big tech to censor
2512 speech online. This bill passed the House earlier this
2513 year, but I don't think that we can take our foot off the
2514 pedal.

2515 So I would like to ask you what more can Congress do to
2516 restore and preserve the battle of ideas online and what is
2517 the risk if we don't?

2518 *Mr. Shellenberger. Well, I think the risk is the loss
2519 of this fundamental right. The loss of trust in our
2520 institutions. We are in the middle of mental health crisis.
2521 I think we need to -- I think we need more transparency and
2522 we just need to see what is going on and to be able to open
2523 up that debate more, otherwise -- these are the most
2524 powerful mass media communications entities that have ever

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2525 existed and their power is enormous.

2526 And we have seen extraordinary abuses of power in that
2527 situation. Sunlight remains the best disinfectant and I
2528 would recommend that as the next step.

2529 *The Chair. Thank you. Mr. Dillon, parody and humor
2530 have often been used to facilitate tough conversations
2531 central to public discourse and since our nation's founding,
2532 political cartoons, especially those critical of government,
2533 have been ingrained in our history so much so that in 1798,
2534 the Government tried to silence Americans by passing the
2535 Sedition Act, which prohibited American citizens from
2536 printing, uttering, or publishing any scandalous writing of
2537 the government, but we have overcome every attempt to
2538 silence American voices and return to the core principles of
2539 freedom of expression.

2540 The difference now is that it is big tech, not big
2541 brother that's doing the censoring. So what are the
2542 consequences for a society if we continue to allow this
2543 censorship of satire?

2544 *Mr. Dillon. Well, I mean, it is just -- it's that
2545 much more egregious when you see it happening with comedy.

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2546 You know, because comedy is bringing levity and laughter and
2547 to be censoring that just seems so outrageous to me.

2548 You know, and a lot of these things, like you said, we
2549 are aimed up, we are punching up at the powers that be. You
2550 know, the purpose and part of the project of comedy is to
2551 poke holes in the popular narrative.

2552 Like I said in my statement, you know, if we are
2553 restricted from doing that then the narrative goes
2554 unchallenged. And so it is extremely important that we have
2555 the freedom to be able to do that.

2556 And it is extremely notable to, we haven't had much
2557 discussion about this, but you know, we mentioned that big
2558 tech is the biggest threat to our speech right now, and we
2559 haven't been able to do anything about it, legislatively, up
2560 to this point.

2561 And so our only recourse has been that a billionaire
2562 came in and bought one of these platforms and said he was
2563 going to make it a free speech platform? I think it is
2564 crazy that it's gotten to this point where that is what
2565 we've had to depend on to be able to speak freely.

2566 And to the point of transparency, he said that he is

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2567 going to open up the algorithms and make them public and
2568 show you what is going on behind the scenes and there will
2569 be no shadow banning because you will be able to see exactly
2570 how your account is being impacted.

2571 You know, so it is great that somebody stepped in and
2572 did that, but there is a lot that can be done,
2573 legislatively, to prevent discrimination without compelling
2574 or curbing the platform's speech themselves.

2575 *The Chair. Pretty fundamental. Thank you.

2576 Mr. Bhattacharya, if we fail to stop big tech
2577 censorship of satire or scientific thoughts, how do you
2578 think it will impact our kids and future generations? Or do
2579 we already see the impact?

2580 *Dr. Bhattacharya. Sometimes I have heard that the
2581 availability of social media, the ability to communicate
2582 with so many people is a justification for censorship. You
2583 know, this is the same debate that happened when a printing
2584 press was invented.

2585 The printing press allowed the communication with
2586 tremendous numbers of people much more easily. And it was
2587 the decision to allow that to happen that led to the

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2588 scientific enlightenment.

2589 We are going to go back to a dark age if we decide that
2590 just because we have a new printing press that we should
2591 start to suppress speech.

2592 *The Chair. Well, Mr. Overton, I saw Facebook label a
2593 bible verse as false information. What do you say about
2594 that?

2595 *Mr. Overton. Of the billions of posts that they have
2596 can get some things wrong.

2597 *The Chair. They certainly got that one wrong. I
2598 yield back, Mr. Chairman.

2599 *Mr. Latta. Thank you. The gentlelady yields back,
2600 and the Chair now recognizes the Ranking Member of the full
2601 Committed, the gentleman from New Jersey for five minutes.

2602 *Mr. Pallone. Thank you, Chairman Latta. It is well
2603 documented that social media platforms have helped
2604 facilitate drug sales, influence teenagers to engage in
2605 dangerous and deadly behavior, incite a violent mobs, to
2606 election denialism and hate speech, and led to increased
2607 forms of violence against individuals.

2608 Unfortunately, the majority didn't call any experts

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2609 today to speak about these important issues and instead
2610 their witnesses are here on a mission of personal grievance
2611 and expansion of their wealth and influence, in my opinion.

2612 But let me talk, my questions are of our witness,
2613 Professor Overton. Let me ask, what are the consequences
2614 now and into the future of our failure to reform Section
2615 230, particularly for the health and well-being of our
2616 youth, our society, our democracy? If you would?

2617 *Mr. Overton. We could see magnification of
2618 discrimination and a variety of other harms that we see
2619 companies hiding behind 230 to avoid liability here. I
2620 think if we though prevent and discourage companies from
2621 taking down harmful material, we could really be in a very
2622 bad place, in terms of much more pornography, hate speech,
2623 swastikas, et cetera just throughout the internet.

2624 *Mr. Pallone. So the First Amendment is a key part of
2625 what makes America exceptional and distinguishes us from so
2626 many other countries around the world, especially our
2627 foreign adversaries.

2628 And we heard a lot today about when it is appropriate
2629 for the government to interact with tech companies about the

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2630 content broadcasted on their platforms and that is an
2631 important discussion to have, but I assume the witnesses
2632 today were just as outraged when former President Trump
2633 called on the FCC numerous times to review and revoke
2634 broadcast licenses and ask big tech platforms to remove
2635 content.

2636 So again, Professor Overton, isn't it true that the
2637 government has an interest in stopping misinformation and
2638 disinformation on these platforms, including dangerous
2639 content that leads to real-world harm to especially to our
2640 young people?

2641 *Mr. Overton. Yes, absolutely. To prevent Dylann Roof
2642 from shooting up a South Carolina church? Absolutely. Yes,
2643 the FBI and other officials should be able to contact social
2644 media.

2645 *Mr. Pallone. So in fact we saw that last week, when
2646 Committee members flagged and condemned TikTok content that
2647 appeared to threaten violence to our members, but the
2648 conversation today seems to suggest that platforms should be
2649 forced to carry all speech or at least all lawful speech,
2650 but I don't think that's how the First Amendment or Section

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2651 230 works, frankly.

2652 So my last question, you can take your time since
2653 there's two minutes is if C2 is amended or if the law is
2654 amended, would platforms be compelled to carry all lawful
2655 content?

2656 *Mr. Overton. Well, number one, they wouldn't
2657 necessarily have to because they would have First Amendment
2658 right. They have a First Amendment right to take things
2659 down, right?

2660 The problem is that it opens the door for kind of other
2661 lawsuits. This was their original problem, in terms of this
2662 case called Prodigy.

2663 If C2 is restrained, companies might just say we are
2664 not going to be in the business of content moderation and we
2665 could see more instructions on self-harm, how to commit
2666 suicide, white supremacy radicalization, and real harms, in
2667 terms of anxiety, depression, in terms of young folk, eating
2668 disorder, real discrimination.

2669 Again, it sounds good to focus on, you know, you are
2670 not going to have a Stanford medical debate in a content
2671 moderation room. That is not going to necessarily happen.

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2672 They are not going to always get it right, right?

2673 But if we require, these platforms are just going to
2674 say, we are not going to moderate and here's your smut. It
2675 is on you, you can take this pornography, this obscenity,
2676 this solicitation of your children. It will be open season.

2677 *Mr. Pallone. All right. Thank you very much. Thank
2678 you, Mr. Chairman.

2679 *Mr. Latta. Thank you. The gentleman yields back.
2680 And the Chair now recognizes the gentleman from Ohio's 12th
2681 District for five minutes.

2682 *Mr. Balderson. Thank you, Mr. Chairman. And thank
2683 you for having this hearing today. And thank you gentleman
2684 all for being here.

2685 My constituents have real concerns about the power and
2686 influence of big tech. They are worried their views will be
2687 censored or that they will be banned for sharing their
2688 beliefs.

2689 We now know that they are right to be worried. It has
2690 been reported that during the pandemic, Facebook was in
2691 contact with the CDC asking them to vet claims related to
2692 the virus.

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2693 In addition to that, the Twitter files revealed that
2694 Twitter was taking requests from the FBI, DHS, and HHS to
2695 remove content from its platform.

2696 My first question is for Mr. Shellenberger. Mr.
2697 Shellenberger, what type of government interaction with
2698 social media platforms did you learn about through the
2699 release of the Twitter files?

2700 *Mr. Shellenberger. There was extensive government
2701 pressure on Twitter to censor content and also sensor users.
2702 It was direct, it was specific, it was shocking, actually to
2703 discovery that it was by many different government agencies
2704 including the FBI.

2705 *Mr. Balderson. Are you aware of other social media
2706 platforms engaging in censorship of non-illegal content on
2707 their sites at the direction of the government agencies?

2708 *Mr. Shellenberger. Yeah, absolutely. There was both
2709 the Election Integrity Project and something called the
2710 Virality Project in 2021, which was funded by the federal
2711 government, which actually organized most of the social
2712 media platforms to censor content and also including
2713 accurate content that they felt was contributing to

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2714 narratives that they disfavored.

2715 *Mr. Balderson. All right. Thank you.

2716 My next question is for Dr. Bhattacharya and our cheat
2717 sheet has left us. You took it. Thank you for being here.

2718 In your testimony you note, "if we learn anything from
2719 the pandemic, it should be that First Amendment is more
2720 important during a pandemic, not less.'" I couldn't agree
2721 with you more.

2722 Could you expand on some of the scientific theories you
2723 promoted that were censured at the request of the government
2724 officials?

2725 *Dr. Bhattacharya. Sure. So the Office of the Surgeon
2726 General asked for, in 2021, a list of misinformation online
2727 that people had found. So I sent a letter in with a list of
2728 nine things that the government got wrong during the
2729 pandemic as a source of misinformation itself.

2730 So overcounting COVID-19 cases; the distinction between
2731 drying from COVID and with COVID is really important, and
2732 yet the government is systemically aware of that;
2733 questioning immunity after COVID recovery. That would have
2734 been very, very important, especially when we were making

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2735 decisions about who should get the vaccine, what is the
2736 most, you know, the benefit and the harms for people to get
2737 the vaccine.

2738 That was a real -- and the questions about vaccine
2739 mandates. Whether the COVID vaccines prevent transmission;
2740 whether school closures were effective and costless; whether
2741 everyone is equally at risk of hospitalization and death
2742 from COVID-19; whether there was any reasonable policy
2743 alternative to lockdowns; whether mask mandates were
2744 effective in reducing the spread of the virus; whether mass
2745 testing of asymptomatic individuals, contact tracing of
2746 positive cases were effective in reducing disease spread;
2747 whether the eradication or suppression or control of COVID-
2748 19 is a feasible goal.

2749 In each of these areas the government was the primary
2750 source of misinformation.

2751 *Mr. Balderson. Thank you. And has time shows these
2752 theories and ideas you promoted to be misinformation? I
2753 mean, you just said that.

2754 *Dr. Bhattacharya. Yeah, I mean, science evolves that
2755 way with things we don't know now that are subject to debate

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2756 later becomes clear. If you suppress the debate, it takes
2757 longer for the truth to emerge.

2758 And that's why it is so important for the First
2759 Amendment to play a role in scientific debate, especially in
2760 times of crisis.

2761 *Mr. Balderson. All right. Thank you very much.

2762 Change of direction a little bit. Mr. Dillon, you
2763 mentioned in your testimony that once your jokes started to
2764 get flagged and fact checked, it resulted in a drastic
2765 reduction in your reach. You have said that earlier also.

2766 I am curious about the impact big tech can have on the
2767 reach of accounts posting content it may not agree with.
2768 Can you elaborate on how drastic the reduction in your reach
2769 was and actions that you took to restore your account?

2770 *Mr. Dillon. Yeah, so we are apparently subject to
2771 something that is called a news quality score rating on
2772 Facebook, for example, where when you get fact checked a
2773 certain number of times, well, we also have issues where we
2774 have been flagged for incitement to violence with silly
2775 jokes, you end up getting dinged repeatedly and getting
2776 flags on your account, which can affect your reach.

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2777 With a low news quality score, you are deprioritized in
2778 the feed. And so we found we used to generate 80 plus
2779 percent of our traffic came from Facebook, it is now below
2780 20 percent.

2781 So Facebook has gone from by far the most dominant
2782 traffic source for us to one of the lowest traffic sources.

2783 *Mr. Balderson. All right. Thank you very much. Mr.
2784 Chairman, I yield back.

2785 *Mr. Dillon. Could I just say one more thing really
2786 quick?

2787 *Mr. Balderson. Yes, you may. You have 12 seconds.

2788 *Mr. Dillon. Some of the points that haven't been made
2789 here with misinformation are that people have a right to be
2790 wrong. That is one thing that no one's really discussing
2791 here is that we all have the right to be wrong and whatever
2792 happened to reputation? Why can't we engage in debate about
2793 these things and try to refute each other, rather than
2794 silencing each other?

2795 This idea that the government needs to step in and shut
2796 people up and kick them off these platforms or these
2797 platforms need to kick people off for saying the wrong

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2798 thing. Why not just refute them? What happened to
2799 reputation?

2800 *Mr. Latta. Thank you. The gentleman's time has
2801 expired and the Chair now recognizes the gentleman from
2802 California's 23rd District for five minutes.

2803 *Mr. Obernolte. Well, thank you very much, Mr.
2804 Chairman.

2805 Dr. Bhattacharya, I have a question for you. First of
2806 all, thank you very much for the Great Barrington
2807 Declaration. I remember vividly, the first time I read
2808 that, even though I had had my own doubts about the
2809 government's reaction, but I read that and I thought, thank
2810 goodness other people agree with me.

2811 So it was a very courageous thing to have done. Here
2812 is the question. So we have been having this discussion
2813 about the censorship that you endured as a result of that
2814 and particularly at the time the fact that the government
2815 agencies, multiple government agencies, played an active
2816 role in suppressing that point of view.

2817 So here is the question, if you ask those agencies at
2818 the time why they were pushing back, their response would

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2819 have been, well, there is a public health interest in doing
2820 this, right?

2821 It is like, you know, if you had people advocating for
2822 jumping off a cliff and young people were actually jumping
2823 off a cliff, you know, many government agencies would say,
2824 woah, you can't say that because people are following the
2825 advice and it is bad advice.

2826 And you know, the Supreme Court, when we are talking
2827 about this First Amendment right that we have and the debate
2828 over free speech, the Supreme Court has said, you know, with
2829 a famous example, you can't yell fire in a crowded theater.

2830 So can you talk about why government agencies pushing
2831 back on your declaration was not the equivalent of yelling
2832 fire in a crowded theater?

2833 *Dr. Bhattacharya. Thank you for that, Congressman.
2834 So a couple of things, one is that the declaration itself
2835 represented a century of pandemic management. We were just
2836 restating how we managed pandemics in the past, respiratory
2837 virus pandemics in the past successfully.

2838 So it wasn't, in that sense, fringe at all. Second,
2839 and this probably more to the heart of your question, if

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2840 public health, if someone's in public health, a Stanford
2841 professor stands up and says, smoking is good for you, I am
2842 violating an ethical norm to accurately reflect what the
2843 scientific evidence actually says. I am harming the public
2844 by doing that.

2845 If I stand up and say something that is part of an
2846 active scientific discussion, how best to manage a pandemic,
2847 that is what I am supposed to do as a professor. That is my
2848 job as a person in public health and then to have that
2849 suppressed?

2850 Well, that itself was unethical. It was an abuse of
2851 power by the federal government and in particular by Tony
2852 Fauci and Francis Collins, who have the ability to fund
2853 scientists, who make the careers of scientists, to put their
2854 fingers on the scale and that is why, I think, what you said
2855 is not -- doesn't actually apply in this case.

2856 *Mr. Obernolte. Sure. You made the point in your
2857 testimony that lack of scientific consensus should have been
2858 a red flag, which I agree with. In fact, I was working on
2859 my own doctorate at the time and I looked at the evidence
2860 that was produced and thought that the lack of scientific

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2861 rigor was just astonishing.

2862 You know, but by the same token, if that is the bar,
2863 you know, if consensus is the bar, we are never going to get
2864 there because even if you yelled fire in a public theater,
2865 there would be some scientist somewhere saying, well, you
2866 know, actually, technically it is not a fire, it is a
2867 chemically induced combustion reaction. You know what I
2868 mean?

2869 So I think if we are going to criticize the
2870 government's reaction, which I think is totally justifiable,
2871 we also need to come up with constructive solutions to how
2872 this -- how to handle this in the future because, you know,
2873 certainly we all agree that there is a public health
2874 interest that government agencies are supposed to promote,
2875 but I would love to continue the discussion.

2876 Mr. Overton, thank you very much for your testimony.
2877 You had responded to a couple questions already on Section
2878 230 and the way that you think it needs to be reformed,
2879 because I think we are all in agreement that reform is
2880 necessary.

2881 You talked a little bit about algorithms and the way

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2882 that they factor into whether or not content is being
2883 moderated. Can you talk about how that would -- how you
2884 think that should be folded into modifications to Section
2885 230?

2886 *Mr. Overton. Sure. There is a algorithmic carveout
2887 proposal here that would basically say that, information
2888 distributed via algorithms would not enjoy the Section 230
2889 immunity.

2890 That could be very attractive. I think one problem is
2891 that algorithms are used for content moderation generally
2892 and we don't want to prevent these algorithms from taking
2893 down pornography, obscenity, hate speech, a variety of other
2894 things.

2895 *Mr. Obernolte. Sure. You know, I agree that
2896 algorithms need to factor into this. I think the devils in
2897 the details though. You had raised an example, in your
2898 response to Congresswoman's Matsui's question about how an
2899 advertiser's ability to set parameters on the target
2900 audience of their advertisement --

2901 *Mr. Overton. Right.

2902 *Mr. Obernolte. -- how that was algorithmic. And I

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2903 would just --

2904 *Mr. Overton. No, I would agree with you. That is not
2905 algorithmic. That's platform design, something that is
2906 separate would be algorithms and data collection, in terms
2907 of the advertiser doesn't even know there is discrimination.

2908 *Mr. Obernolte. Yeah.

2909 *Mr. Overton. So those are two different methods.

2910 *Mr. Obernolte. Okay.

2911 *Mr. Overton. So thanks for clarifying that. Yep, I
2912 agree with you.

2913 *Mr. Obernolte. Well, I mean, I think we are in
2914 agreement that --

2915 *Mr. Overton. Yep.

2916 *Mr. Obernolte. -- an algorithm that looks at content
2917 is the kind of algorithm that is actually monitoring. An
2918 algorithm that doesn't look at content, you know, is one
2919 that I think could be allowable.

2920 *Mr. Overton. But I do think there are issues in terms
2921 of platform design, in terms of hey, you know, these design
2922 features are being used to discriminate on your platform.

2923 *Mr. Obernolte. Sure. Well, it is a complex issue and

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2924 I am glad we are having the discussion. I see my time's
2925 expired, although I got a million more questions, but thanks
2926 for everyone for being here and taking part. I yield back.

2927 *Mr. Overton. Thank you.

2928 *Ms. Cammack. [Presiding] All right. At this time
2929 the chair recognizes the gentleman from Idaho, Mr. Fulcher.

2930 *Mr. Fulcher. Thank you, Madame Chair.

2931 And to the panelists, thank you for being here and I
2932 want to address my first question to Mr. Shellenberger,
2933 because you talked about transparency and that is a topic
2934 that I personally have been interested in and I think it is
2935 part of this solution as well.

2936 So I want to tee up my question this way. First of
2937 all, if a platform is directed to modify or censor, by an
2938 outside entity, whether it be a government entity or
2939 whatever, or if a platform decides to do that same itself,
2940 any ideas, any thoughts on how to properly enforce that?

2941 Once we get the rule put in place, what is an efficient
2942 and realistic enforcement mechanism?

2943 *Mr. Shellenberger. That is a really good question. I
2944 mean, I am trying to propose a thin -- I am trying -- I

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2945 would love to see something done. And so I was deliberately
2946 not trying to get into whether you needed to have that
2947 housed in an existing agency, or a new agency, or just allow
2948 citizen enforcement.

2949 But certainly, I think the idea of government having to
2950 report right away any content moderation communications and
2951 also to social media platforms also having to immediately
2952 report it, then any whistleblower, either in the government
2953 or the social media platforms, have discovered non-reporting
2954 or non-disclosure would be in a position to leak that
2955 information.

2956 I think would create a high -- I think it would reduce
2957 the need for some onerous new enforcement body.

2958 *Mr. Fulcher. And I concur with that. That makes
2959 sense. My thought process was actually to consider taking
2960 it one step further whereby there needs to be some kind of
2961 disclosure any time someone modifies, or either magnifies,
2962 or restricts a post.

2963 And so that probably gets into the algorithm content
2964 and first of all, your thoughts on that? Some kind of
2965 notice we have opted to magnify this response or we have

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2966 opted to restrict this response? Your thoughts on the
2967 practicality and reasonableness of that?

2968 *Mr. Shellenberger. Yeah. I mean, obviously, I mean,
2969 99 percent of this stuff is occurring through AI at this
2970 point. It is all mechanized with algorithms and so that
2971 just needs to be disclosed.

2972 So you know I think Mr. Overton raised this issue of
2973 you have a lot of that content moderation occurring, so you
2974 would have to do some amount of it en masse, you know, to
2975 describe YouTube is taking down, you know, all discussions
2976 of COVID vaccine side effects. You would need to make that
2977 public --

2978 *Mr. Fulcher. Right.

2979 *Mr. Shellenberger. -- and disclosed right away.

2980 *Mr. Fulcher. Do you see any conflict there? In
2981 raising this earlier in different settings, I have heard the
2982 comment, that is not reasonable because that could influence
2983 or have an intellectual property problem, it is our
2984 algorithm, we can't disclose that.

2985 Do you see that as a viable argument not to do it?

2986 *Mr. Shellenberger. It may be, but of course you have

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2987 naturally that big tech is going to, you know, they are
2988 going to oppose all regulation, just instinctively. And so
2989 I think I am skeptical of it because you are not asking them
2990 to reveal like the code, you are just looking to reveal the
2991 decision, we are restricting discussion of COVID vaccine
2992 side effects. You don't need to say what the code -- what
2993 the actual code is or release code on doing it.

2994 *Mr. Fulcher. Right.

2995 *Mr. Shellenberger. You just need to say what the
2996 decision is.

2997 *Mr. Fulcher. Right. Thank you for that. I am going
2998 to quickly go to Mr. Bhattacharya or Dr. Bhattacharya, and I
2999 am going to ask the same question very quickly to Mr.
3000 Dillon. In your experience of the censorship you have
3001 experienced, have you seen that censorship in the form of
3002 either your messages being magnified or restricted or has it
3003 simply been just cut off?

3004 *Dr. Bhattacharya. It is of the former. It is a
3005 restriction on the visibility of my messages in the form of
3006 the censorship. And some of my colleagues, inappropriate
3007 labels of misleading content, even though they are posting

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3008 true scientific information. Those are the two major ones.

3009 *Mr. Fulcher. And so it drives, I assume correctly,
3010 that the reason you think why is they simply disagree with
3011 your content?

3012 *Dr. Bhattacharya. Yes.

3013 *Mr. Fulcher. Okay. Mr. Dillon, same question. Have
3014 you experienced magnification or restriction or is it just
3015 simply been cut off?

3016 *Mr. Dillon. A combination of the two. We have seen
3017 throttling of our reach and also takedowns of our posts. As
3018 well, with the Twitter situation, you know, obviously our
3019 account was locked until we deleted a Tweet or a billionaire
3020 bought the platform.

3021 *Mr. Fulcher. And once again it is for the same
3022 reason, just disagreement of your content?

3023 *Mr. Dillon. Yes. Yes, the content itself.

3024 *Dr. Bhattacharya. Can I amend my answer real fast?

3025 *Mr. Fulcher. Yes.

3026 *Dr. Bhattacharya. There was a lot of pressure, by the
3027 federal government, on these platforms to make them disagree
3028 with my content.

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3029 *Mr. Fulcher. Which goes back to my initial, my first
3030 question to Mr. Shellenberger. Madame Chair, I yield back.
3031 Or Mr. Chair, I yield back.

3032 *Mr. Latta. [Presiding] I got in here without you
3033 seeing.

3034 *Mr. Fulcher. You changed on me.

3035 *Mr. Latta. Well, thank you. The Chair now -- the
3036 gentleman's time has expired, and the Chair now recognizes
3037 the gentlelady from Florida's 3rd District for five minutes.

3038 *Ms. Cammack. Thank you. I know we have been playing
3039 musical chairs, so please forgive us, but thank you all for
3040 appearing before the committee today. I know we have kind
3041 of circled around this in a number of different ways, Mr.
3042 Shellenberger, it is good to see you again.

3043 I feel like we are coming full circle. I saw you in
3044 the webinization committee and, Doc, you have been a
3045 frequent topic in a lot of the testimony and line of
3046 questioning that I have had. In fact, just over a month ago
3047 in our full committee hearing, I produced some emails
3048 between Dr. Francis Collins and Dr. Anthony Fauci
3049 referencing the Great Barrington Declaration and you have it

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3050 right there saying that there needed to be quote, "Quick and
3051 devastating takedown of scientific opinions that differed
3052 from that of the CDC.'"

3053 And I think that kind of puts you on a wild path to
3054 where we are here today. Dr. Fauci at one point said that
3055 attacks on me are attacks on science. And you have eluded,
3056 a couple of times in this hearing today, that a fundamental
3057 component the scientific inquiry is to be critical of your
3058 colleague's research and findings; is that correct?

3059 *Dr. Bhattacharya. Absolutely. Yes. I mean, it is
3060 scientific debate -- science does not advance without
3061 debate.

3062 *Ms. Cammack. So I am assuming, and I am guessing that
3063 this is a, yes, but you find Dr. Fauci's statement to be
3064 hypocritical given that he rejected criticism of scientific
3065 research that he believed during the COVID-19 pandemic?

3066 *Dr. Bhattacharya. I mean, I think he is entitled to
3067 his scientific opinion and I respect his scientific
3068 authority, but that just only goes so far. You have to
3069 still discuss what the facts actually say.

3070 *Ms. Cammack. Thank you. Mr. Shellenberger, in your

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3071 testimony you submitted earlier this month, you stated that
3072 quote, "Government funded censors frequently invoke the
3073 prevention of real-world harm to justify their demands for
3074 censorship, but the censors define harm far more extensively
3075 than the Supreme Court does.'"

3076 Can you expand on what you mean by government funded
3077 censors and harm being redefined expansively?

3078 *Mr. Shellenberger. Yeah. Absolutely. I mean, this
3079 invocation of harm for speech has just really too far. I
3080 mean, we have -- the courts have very narrowly limited harm
3081 to basically the immediate incitement of violence or in the
3082 case of things like fraud.

3083 But this idea that, you know, somehow indirectly it
3084 would lead to COVID spreading? There is just no way that
3085 would ever be considered incitement of immediate violence.
3086 So I mean, I see it used all the time.

3087 I find it somewhat disturbing because it basically gets
3088 you in the position where you are saying, we have to censor
3089 this accurate information because people might get the wrong
3090 idea and they might do something that causes harm.

3091 You see how many different chains in that link or how

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3092 many links in that chain are being constructed there. So I
3093 think it involves a lot of predictions, a lot of
3094 assumptions, and a lot of paternalism, frankly, that really,
3095 when this country was founded we did not engage in.

3096 You were not -- it was not like we have to protect you
3097 from these ideas. The idea was, we need to give people the
3098 freedom to express their ideas and we are not going to treat
3099 everybody like children, other than children.

3100 *Ms. Cammack. Well, and you hit on something, Mr.
3101 Shellenberger, you talking about our founding fathers one of
3102 my favorite quotes is from James Madison, "Our First
3103 Amendment freedoms give us the right to think that what we
3104 like and say what we please and if we the people are to
3105 govern ourselves, we must have these rights, even if they
3106 are misused by a minority.'"

3107 So I think the topic of discussion today couldn't be
3108 more important, certainly.

3109 Mr. Dillon, love the site, check it out, get a lot of
3110 good laughs out of it. Kind of sad that over 100 of your
3111 fake news stories have actually proven to be real. You hit
3112 on something a little bit ago about Facebook have a news

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3113 quality score; is that correct, right?

3114 *Mr. Dillon. Yeah.

3115 *Ms. Cammack. As a satire site, how can you have a
3116 news quality score if you are a satire site?

3117 *Mr. Dillon. Well, Facebook has defined news as
3118 anything that shows in the news feed. So anything that is
3119 in your feed is news. So everyone is publishing news. So
3120 that everyone can have a news quality score under that
3121 system.

3122 *Ms. Cammack. That is an interesting way to define
3123 anyone posting anything. So if I post a picture of my
3124 vacation that is somehow a news?

3125 *Mr. Dillon. Could be.

3126 *Ms. Cammack. There is a news quality score --

3127 *Mr. Dillon. Broadly construed, it could fall under
3128 that category. Yeah.

3129 *Ms. Cammack. Interesting. What do you think the
3130 difference is between fake news, satire, misinformation, and
3131 disinformation?

3132 *Mr. Dillon. Well, I mean, ultimately that really
3133 comes down to intent. You know, if somebody believes that a

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3134 Babylon Bee article is true, there is a couple of reasons
3135 for that. Potentially, they are very gullible or it is just
3136 believable because the world is so insane.

3137 I can't really fault them for that, but it wasn't our
3138 intent to mislead them. And that is the key distinction
3139 between satire, which has satirical intent. It is
3140 criticizing something. It is trying to evoke laughter, or
3141 provoke thought, or criticize something in the culture that
3142 deserves it.

3143 And so it is offering commentary, it is not trying to
3144 breed confusion, but there are misinformation sites and
3145 obviously fake news sites that just publish a fake headline
3146 like, Denzel Washington dies in car accident, which is not
3147 satire. It is just a false headline.

3148 People are spreading things like that all over the
3149 place, which is very, very distinguished from satire.

3150 *Ms. Cammack. Thank you. My time has expired, but I
3151 appreciate you all being here today. Thank you.

3152 *Mr. Latta. Thank you very much. And the gentlelady's
3153 time has expired. The Chair now recognizes the gentleman
3154 from Ohio's 6th District for five minutes.

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3155 *Mr. Johnson. Well, thank you, Mr. Chairman, for
3156 allowing me to waive on for this very important hearing.
3157 And thank you to our witnesses that are here today. It is
3158 important that we hear from you about your experiences with
3159 big tech, specific examples of how these companies are using
3160 their power to silence free speech on their platforms.

3161 I firmly believe that with great power comes great
3162 responsibility and nowhere does that apply more than with
3163 these social media platforms. Big tech has the
3164 responsibility to uphold free speech. To return to being a
3165 forum for the free and open exchange of ideas. That is what
3166 our country was founded on.

3167 And I look forward to working with my colleagues on
3168 this committee to implement much needed reforms to Section
3169 230 to get us back to that. When big tech goes beyond
3170 serving as a platform to host third-party ideas and instead
3171 abuses their role as a content moderator, using algorithms
3172 to pick and choose what people see or silencing opinions
3173 that run counter to their agenda, they should not be granted
3174 the protections afforded by Section 230, and instead, should
3175 be held accountable for their actions.

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3176 I am an IT professional. Both of my degrees are in
3177 information technology and I am, you know, even after doing
3178 this now for over 12 years, I am still amazed at how many
3179 Americans buy into this notion that well, it is just the
3180 algorithm. It is the algorithm.

3181 Algorithms are written by human beings. Computers do,
3182 networks do, platforms do what human beings tell them to do
3183 and it is the people writing those algorithms that are
3184 putting this stuff in there.

3185 Doctor, I'm going to butcher your name. I am sorry.
3186 Dr. Bhattacharya, is that good? You shared in your
3187 testimony how you have been censored on social media because
3188 your opinions on COVID-19 contradicted the government's
3189 response to the pandemic at that time.

3190 Can you expand on how that censorship harmed the
3191 scientific community and the general public?

3192 *Dr. Bhattacharya. The primary ways is that by putting
3193 a pall over true scientific facts that would have come out
3194 had a true scientific debate allowed to have happened, many,
3195 many people, in the scientific community, censored
3196 themselves because they are afraid of being labeled as

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3197 spreading misinformation, even though they knew, for
3198 instance, that the harms of school closures were tremendous.

3199 *Mr. Johnson. Right.

3200 *Dr. Bhattacharya. Many, many people censored
3201 themselves over the idea of immunity after COVID recovery;
3202 censored themselves about the inability of the vaccine to
3203 stop disease spread. All of these ideas led to harmful
3204 policies that harmed actual people, right?

3205 People lost their jobs because of vaccine mandates and
3206 vaccine passports. People were excluded from coming in
3207 basic civil life because of these ideas that would have been
3208 overturned had there really been a debate about, an open
3209 debate about it.

3210 *Mr. Johnson. Gotcha. Well, thank you.

3211 Mr. Dillon, your publication, the Babylon Bee, is based
3212 on satire. You shared how you have been censored on social
3213 media and your posts have been removed or flagged as
3214 misinformation.

3215 In your view, in your opinion, how should social media
3216 handle posts that are intended to be humorous and not published
3217 with the intent to spread misinformation? And a follow on

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3218 to that, you can answer both at the same time: Given the
3219 First Amendment, should they be flagging misinformation in
3220 the first place?

3221 *Mr. Dillon. Well, flagging misinformation, I think,
3222 is vastly different from taking it down or silencing the
3223 person who uttered the misinformation, so-called
3224 misinformation. I think there is a big distinction to be
3225 made there.

3226 I don't necessarily have much of a problem with a
3227 platform, for example, exercising its own speech rights.
3228 Twitter, for example, can tag on a message to whatever Tweet
3229 that they want. In fact, they are doing it now with these
3230 community notes where the community will give a statement on
3231 adding context or refuting a Tweet that was misleading.

3232 That is more speech as an answer to speech that they
3233 think is wrong, which is the proper solution to
3234 misinformation, not taking it down or silencing the person
3235 who spoke it.

3236 As far as satire goes, I would prefer that it not be
3237 labeled at all because that ruins the joke. Satire operates
3238 by kind of drawing you in, making you think that this is a

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3239 real story and then you get to the punch line and you
3240 realize this is a joke.

3241 That is destroyed if you put a big label on it that
3242 says, this is -- what you are about to read is satire. What
3243 you just finished reading was satire. You put disclaimers
3244 all over it, you ruin it.

3245 *Mr. Johnson. Yeah. I remember when I was a kid and
3246 you guys probably do too, the first social media platforms
3247 was that circle that you would get in in school and somebody
3248 would whisper something into their neighbor's ear and it
3249 would go around the circle --

3250 *Mr. Dillon. Telephone. Yeah.

3251 *Mr. Johnson. -- and end up -- and the last person
3252 would say what they actually heard, right?

3253 *Mr. Dillon. Right.

3254 *Mr. Johnson. It was humorous.

3255 *Mr. Dillon. Right.

3256 *Mr. Johnson. We have gotten so far off the mark.

3257 *Mr. Dillon. Yeah.

3258 *Mr. Johnson. Mr. Chairman, thanks, again, for letting
3259 me waive on and I yield back. Thank you folks --

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3260 *Mr. Latta. Well, thank you very much. The gentleman
3261 yields back and seeing that there are no further members to
3262 ask questions, that is going to conclude our member's
3263 questioning of our witnesses.

3264 I ask unanimous consent to insert in the record the
3265 documents included on the staff hearing documents list. And
3266 without objection, so ordered.

3267 I also want to thank our witnesses again for being with
3268 us today. And also, sorry about the -- what was happening
3269 here today. We actually have three subcommittees running
3270 today.

3271 So we had one downstairs, at the same time we have
3272 another one starting right now. So we have members back and
3273 forth. So I appreciate your indulgence on that.

3274 I remind members that they have 10 business days to
3275 submit questions for the record and I ask the witnesses to
3276 respond to the questions promptly. And members should
3277 submit their questions by the close of business, that is
3278 three business days, I believe I want to say.

3279 So without objection, the subcommittee is adjourned.
3280 Thank you very much.

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3281 [Whereupon, at 1:14 p.m., the subcommittee was
3282 adjourned.]