

BEN SHAPIRO OPENING STATEMENT - 7.10.24 HOUSE JUDICIARY COMMITTEE HEARING ON GARM

Chairman Jordan. Ranking Member Nadler. Members of the Committee. Good morning.

We are in the midst of a trust crisis in the world of media. That is because so many in the legacy media simply lie in order to preserve Left-leaning narratives. To take just the most recent example, we were told by the legacy media that Joe Biden was just fine. For years. Anyone who questioned his health and mental fitness was trafficking in “cheap fakes.”

Then Joe Biden went out and engaged in a full-scale mental collapse on stage in front of hundreds of millions of people.

So we can see why Americans – at least Americans who aren’t Democrats – don’t trust the media.

The question, then, *isn’t* why the legacy media have lost Americans’ trust – the answer to that is obvious: they don’t deserve our trust. The question is why, despite that loss of trust, the legacy media continue to gain share in the advertising market.

The answer is simple: there is, in fact, an informal pressure system created by Democratic legislators, this White House, legacy media, advertisers, and pseudo-objective “brand safety” organizations. That system guarantees that advertising dollars flow *only* to Left-wing media brands.

Let me explain how this works.

When a conservative competitor to the legacy media arises, members of the legacy media and their political allies rush to paint such competitors as dangerous. The commentator Kara Swisher of *The New York Times*, for example, told the head of YouTube that my videos on Daily Wire were a “gateway drug” that would lead children, including her teenage son, to watch neo-Nazi content (never mind the fact that I am an Orthodox Jew).

Elected Democrats pick up that same messaging. In 2017, Senator Dianne Feinstein told lawyers at Facebook, Google, and Twitter, “You created these platforms...and now they’re being misused. And you have to be the ones to do something about it – or we will.”

Social media companies react to such threats. They have responded by adopting the standards of third-party Left-wing “informational safety” groups like the Global Alliance for Responsible Media, or GARM. GARM purportedly sets “brand safety” standards – objective standards by which advertisers and platforms can supposedly determine just what sort of content ought to be deemed “safe” for advertising. In reality, GARM acts as a cartel. Its members account for 90 percent of ad spending in the United States—almost \$1 trillion. In other words, if you’re not getting ad dollars from GARM members, it’s nearly impossible to run an ad-based business. And if you’re not following their preferred political narratives – the ones Kara Swisher and Dianne Feinstein would follow – you will not be deemed “brand safe.” Your business will be throttled.

We at The Daily Wire have experienced this first-hand. In 2017 after Feinstein made her threats to bring the weight of government down on social media platforms, Daily Wire YouTube

channels saw a one thousand percent increase in content enforcements over a two-year period. Since 2021, after Democrat officials further turned up the heat on social media companies, my Facebook page has seen an over eighty percent drop in impressions.

Or take Joe Rogan. When Rogan said that he had taken ivermectin after getting covid, White House press secretary Jen Psaki pressured Spotify to take action, stating, “we want every platform to be doing more to be calling out mis- and dis-information, while also uplifting accurate information.” Spotify complied. Spotify, of course, works with GARM.

So, what “brand safety” standards does GARM apply? The standards begin with the inarguable, like preventing the distribution of child sexual abuse material. But GARM doesn’t draw the line at what is criminal, abusive, or dangerous. Their standards include restrictions on:

- “Hate speech”
- “Harassment”
- “Misinformation”
- Or, my favorite, “insensitive,” “irresponsible” and “harmful” treatment of “debated sensitive social issues.”

These criteria are highly subjective in theory. And they’re purely partisan in practice. For example, last year Daily Wire host Matt Walsh was fully demonetized on YouTube—a GARM member. Why? For “misgendering,” which, to GARM, is to say that men are not women. Perfectly obvious facts now run afoul of GARM’s censorship standards.

Companies targeted by GARM like The Daily Wire, Breitbart, Fox News, and so many others reach hundreds of millions of people with opinions and beliefs long established as within the mainstream of American conservative thought. GARM and its members have no respect for the beliefs of those people. They want them marginalized and squashed.

It is time to stand up for the First Amendment in this Congress.

Congress can do so in two ways. First, Congress must investigate the informal and perhaps *formal* arrangements between censorship cartels like GARM and executive branch agencies – the Daily Wire has already filed a federal lawsuit against the State Department for allegedly doing just this.

Second, Congress can *itself* stop engaging in violation of free speech principles.

Two weeks ago, writing in dissent in *Murthy v. Missouri*, Justice Alito condemned what he called “sophisticated” and “coercive” government campaigns against free speech.

Members of this committee have engaged in precisely such campaigns. When Congressman Schiff speaks about targeting social media companies that must be “pulled and dragged into this era of corporate responsibility” because they are too tolerant of “misinformation,” he knows what he is doing. He is participating in a sophisticated coercive campaign against free speech. When Congresswoman Jayapal blames social media for placing America at the “precipice of a democratic crisis,” and calls on them to target those they deem “hate groups,” she knows what she is doing. She is participating in a sophisticated coercive campaign against free speech. When Congressman Hank Johnson says “We need a constitutional amendment to allow the

legislature to control the so-called free speech rights of corporations,” he knows what he is doing, too.

We all know what these governmental actors – what some of you – are doing. You are using the tacit threat of government action to compel private companies to throttle viewpoints you don’t like.

The First Amendment was not designed to enable workarounds by elected officials. It was directed *at Congress*. At you. You abdicate your fundamental duty when you exert pressure on private companies to censor speech. And some in this room have been doing just that for years. We in the non-legacy media have been feeling the effects. In the name of the Constitution – and yes, in the name of democracy – it must stop.