

September 3, 2025

The Honorable Jim Jordan
Chairman
Committee on the Judiciary
United States House of Representatives
Washington, DC 20515

The Honorable Jamie Raskin
Ranking Member
Committee on the Judiciary
United States House of Representatives
Washington, DC 20515

Dear Chair Jordan, Ranking Member Raskin, and members of the Committee:

The Open Markets Institute welcomes the opportunity to address the subject of these hearings, which is whether European regulation of how people communicate on the internet threatens “American free speech and innovation.”

We submit that the people of the United States and Europe face a common threat to their freedom of speech and to the health of our democratic institutions. It is the threat posed by the handful of giant multinational corporations that now manipulate and control most online communications in the United States and other democracies.

These corporations enjoy centralized control over essential communications infrastructure, then exploit that power to manipulate what individuals read and with whom they communicate. These actions, in the aggregate, can result in dramatic effects on public debate and democratic processes across entire societies. The overarching result is a system of private regulation over speech that operates with little to no public accountability.

Three sources of the problem stand out. First, these corporations use their power to algorithmically amplify specific speakers and arguments in ways that – as a natural result – suppress every other speaker and argument. Second, these corporations increasingly use their power to censor specific viewpoints and even specific individuals. Third, these corporations have for many years exploited their power to divert the advertising revenue that for three centuries has supported the free press away from independent publishers into their own pockets. This worsens the problem by suppressing publishers’ ability to produce trustworthy reported and edited news.

All three of these problems are becoming more acute as these same corporations deploy new generations of artificial intelligence technology and push them on us through their control of key communication channels. They use these technologies to a) help further concentrate their reach and power over the marketplace of ideas, b) increase their ability to engage in personalized manipulation of what individual users read and with whom they speak, and c) increase their ability to steer readers away from news and information published by other companies in ways that divert yet more advertising away from publishers.

The current crisis stems from a collective failure in democracies to apply the lessons learned over centuries of regulating critical communications networks in the public interest to the digital platforms that now dominate our societies. The United States, especially, has a long and storied tradition of ensuring that essential infrastructure—from telegraphs and telephone networks to broadcast radio and television—operated under rules that protected the public's right to access and convey speech.

Since before the founding citizens have enforced principles such as non-discrimination and policies such as common carriage to prevent private owners of essential intermediary networks from becoming unaccountable censors or manipulators of speech and information. Europe's new legal frameworks are built upon this same foundational logic: that the infrastructure of public discourse must be governed by democratic principles that serve the public interest, most importantly by placing the individual in control over what they read and with whom they speak.

Unfortunately, European efforts to apply these time-honored principles to today's digital gatekeepers are sometimes misconstrued as being hostile to free speech or antagonistic towards US corporations. The opposite is true. Regulations such as the Digital Services Act (DSA) are not designed to enable censorship but to *limit* the ability of dominant platforms to arbitrarily interfere with speech. They accomplish this by mandating greater transparency for content moderation and recommender systems and by giving users the right to challenge unfair censorship. Similarly, the Digital Markets Act (DMA) addresses market concentration and anti-competitive practices, not speech content. By creating the conditions for a more open and diverse digital economy, the DMA ultimately strengthens free expression by giving citizens and businesses more choices for sharing information online.

Our goal as Americans should be to ensure that the foundational systems for distributing free speech, the free press, and free debate always aim to ensure that the individual citizen controls absolutely what they read and watch and with whom they communicate. This in turn requires governing all corporations that convey public communications by transparent rules – most importantly, the requirement that they treat every speaker and publisher the same and never favor or disfavor any individual or groups, no matter their political party or political or social beliefs.

Documented Evidence of Platform Manipulation

The threat of manipulation is not theoretical; it is a clear and present danger demonstrated by extensive evidence from across the US and around the world. In Europe, for instance, recent evidence reveals a pattern of platforms systematically amplifying certain voices while suppressing others, often in ways that distort political discourse and harm the public interest.

- X's algorithms [systematically amplified](#) extremist parties during recent German elections and [promoted racist falsehoods](#) following a mass stabbing in the UK, transforming the platform into a [megaphone for far-right](#) politics across Europe. This includes Elon Musk's direct engagement with specific topics, posts and accounts, which has been shown to [massively amplify their reach](#). The same is true of his political manipulation of his AI

chatbot Grok, which he and his staff regularly manipulate to promote his political views, including Nazism and erroneous claims about White Genocide in South Africa.

- **TikTok's** role in [dramatically boosting](#) the profile of a largely unknown far-right candidate in recent Romanian elections through a network of Russian-sponsored influencers and bots, and in [promoting far-right](#) parties in the recent German elections. The platform, which faces the threat of a ban or forced sale in the U.S., has also been accused of [suppressing content critical of President Trump](#) since his re-election, and [censoring content suppressed](#) in China.
- **Meta's** platforms disproportionately promote or suppress certain actors and actors. This includes studies showing that Facebook amplified accounts belonging to [Russia Today](#) and [Alternative für Deutschland](#) and a [ruling](#) by a Belgian court that Facebook's downranking of a politician's post was a clear violation of the right to receive and impart information under European Union (EU) law. Meta has also repeatedly been found – by both [independent researchers](#) and a [report](#) the company commissioned itself – to systematically censor peaceful expressions of support for Palestine on its platforms, both on its own accord and [under pressure](#) from the Israeli government.
- **YouTube (owned by Google)** has amplified Russia Today, far-right parties and conspiracy theories – including Holocaust-denial videos – through its recommendation algorithm in European countries including [Germany](#) and [Finland](#). More generally, [research](#) has shown how YouTube's recommender systems have cultivated extremism by amplifying increasingly violent extremist content and conspiracy theories. YouTube has also censored certain accounts and content by “demonetizing” them (cutting off their access to advertising revenue), including [LGBTQ content](#), [journalistic accounts](#), and [independent Russian and Ukrainian media](#).

Toward a Framework for Transatlantic Cooperation

If we are to protect our democracies, we must act decisively and in unison, based on traditional democratic models of regulating the corporations that convey speech and news from one person and group to another. The European Union is deploying a regulatory framework with clear objectives that we believe can and should form the basis for robust transatlantic cooperation. This enforcement should focus on a clear set of shared goals:

- (a) Acceptance of the fact that powerful corporations that manage the platforms that convey speech, news, and information between one person and group and another can pose just as grave a threat to free speech, the free press, and free debate as state actors. If anything, in a time when these corporations are able to engage in extreme surveillance of what each individual reads, watches, purchases, and says, the threat posed by private powers also amplifies the potential threat posed by state actors.

- (b) Neutralize the ability of dominant platforms to control, amplify and censor speech. Users, not platforms or their owners, should be empowered to decide what they see online through a clear set of parameters for determining which forms of content are displayed and why. Recent efforts in Texas, Florida, and Ohio provide one potential foundation on which to build.
- (c) Restructure digital platform markets to limit concentration of power and avoid conflicts of interest. This should include separating ownership of critical communications infrastructure from ownership of publishing and other forms of content creation. This would involve, for example, forcing Meta to divest Instagram and WhatsApp, forcing Elon Musk to divest xAI and Grok, and breaking up Google's monopoly in the digital advertising market.
- (d) Impose mandatory interoperability, data portability and transparency throughout the technology stack, particularly between social media platforms and AI systems, so that citizens have real choice over where they get their information and how they communicate.
- (e) Require full compliance with copyright laws and ensure platforms that extract data and content from publishers and other content creators provide fair and transparent compensation for the use of their material by technology corporations – including to train AI models or improve their chatbots, search and social media platforms.
- (f) Enforce [liability and product safety](#) laws on generative AI products and services such as AI companions, chatbots, and other content generation applications, clarifying that Section 230 protections do not apply and require that information about the model and system prompts be publicly disclosed.

Conclusion – Time to End Private Corporate Manipulation and Censorship of Speech

The dominance of a few technology platforms poses an extreme threat to the fundamental liberties of individuals around the world, to core democratic institutions and practices, and to the sovereignty of the US and the other democratic nations. It undermines the fundamental rights of citizens and allows powerful corporations to operate without accountability. Europe has begun to build the regulatory foundations for an information ecosystem where democratic pluralism can thrive, fundamental rights are upheld, and the public interest comes first. These foundations are fully and absolutely in line with America's long tradition of regulating our communications infrastructure in a manner that safeguards our right to hear and convey speech. To succeed, and to safeguard the future of liberal democracy, we must work together to rein in the greatest threats to freedom of expression that our nations face today, posed by corporate manipulation of speech.

We thank you for your attention to this critical issue and look forward to working together to achieve our common aim of protecting our democracy and the full liberty of every American.

Sincerely,

The Open Markets Institute