

Summary

- The Babylon Bee launched in 2016 and began publishing jokes on social media.
- Facebook's third-party fact-checkers began flagging the Bee's content for misinformation, leading to warnings and a reduction in reach.
- Dillon argues that tech companies' policies defend the popular narrative at the expense of truth and that comedy, satire, and speech in general are being stifled as a result.
- Facebook has announced that it will allow satire as long as it does not target marginalized groups, which they say is "hatred disguised as satire."
- Twitter locked the Bee's account for hateful conduct after the Bee made a joke about a transgender health admiral in the Biden administration.
- Dillon questions the validity of Twitter's commitment to free speech when they prohibit misgendering and deadnaming and have baked radical gender ideology into their terms of service.
- Social media platforms are the public square of the digital age and should not be permitted to engage in viewpoint discrimination under the guise of good-faith content moderation.
- Dillon calls on the committee to take action to ensure that individuals have the right to speak freely in the public square, including the right to make jokes that challenge the popular narrative.

I want to start by thanking this committee for allowing me to speak. It's always nice to be given a platform instead of having one taken away.

My name is Seth Dillon. I'm the CEO of *The Babylon Bee*, the world's second most popular satire site, just behind CNN.com. We began publishing jokes on social media the day we launched in 2016. Many of them went viral and we developed a following. Within a matter of months, our site was generating millions of visitors and dozens of dollars in ad revenue. Our outlook was hopeful; it seemed like satire had a bright future.

But what happened next is no joke. In an effort to crack down on the spread of misinformation, Facebook started working with third-party fact checkers. In 2018, we published a headline that read, "CNN Purchases Industrial-Sized Washing Machine To Spin The News Before Publication." Snopes rated that story false. Facebook then threatened to ban us if we kept posting fake news.

Since then our jokes have been repeatedly fact-checked, flagged for hate speech, and removed for incitement to violence, resulting in more warnings and a drastic reduction in our reach. Our email service suspended us for spreading harmful misinformation. We found ourselves taking breaks from writing jokes to go on TV and defend our right to tell them in the first place. That's an awkward position to be in as humorists in a free society.

In 2021, Facebook announced they'd allow satire as long as it never targets - marginalized groups who lack power and privilege. "True satire," they said, "does not punch down." Satire that punches down—that is, satire that takes aim at protected

targets—will now be subject to censorship. In fact, they said they'll consider jokes that punch down to be "hatred disguised as satire."

Other platforms have followed suit. We learned this the hard way with a joke we made about Rachel Levine, a transgender health advisor in the Biden administration. USA Today had named Levine "Woman of the Year" — an insult to real women everywhere. So we fired back, in defense of women and sanity, with this satirical headline: The Babylon Bee's Man Of The Year is Rachel Levine.

Twitter was not amused. They locked our account for hateful conduct. We spent the next 8 months in Twitter jail.

This is how the system is rigged to protect the popular narrative. Big Tech is defending a fantasy world where 2 and 2 make 5 by censoring anyone who so much as jokes about what reality is actually like. This is a key point that can't be overemphasized: Censorship guards the narrative, not the truth. In fact, it guards the narrative at the expense of the truth.

But Twitter went beyond censorship when — instead of removing our joke themselves — they required *us* to delete it and admit that we'd engaged in hateful conduct. That's not mere censorship; it's subjugation. We never even considered it.

What made this all the more outrageous was Twitter's lip-service commitment to free speech. If you visit the site's policy on hateful conduct, it starts out with a ringing tribute to free expression. "Twitter's mission," they write, "is to give everyone the power to create and share ideas and information, and to express their opinions and beliefs

without barriers. Free expression is a human right.” But this rings hollow when you consider the rest of the policy, which prohibits misgendering, deadnaming, etc. They’ve baked radical gender ideology into the terms of service so that even objectively true statements become enforceable policy violations.

It’d be one thing if these ideas were merely popular, but porting them into the terms of massive public platforms has taken them from mainstream to mandatory. You can’t criticize them. You can’t even *joke* about them.

The comedian’s job is to poke holes in the popular narrative. If the popular narrative is off limits, then comedy itself is off limits. And that’s basically where we find ourselves today. The only reason Twitter is now an exception is because the world’s richest man took matters into his own hands and declared comedy legal again. We should all be thankful that he did. The most offensive comedy is harmless when compared with even the most well-intentioned censorship.

But should we really have to depend on benevolent billionaires to safeguard our right to speak? Is there no other recourse? Justice Kennedy has acknowledged that social media platforms are, indeed, the public square of the digital age. These platforms are where the vast majority of public discourse takes place. And while they’re private companies, that doesn’t mean they should be able to do whatever they want. We have to distinguish between the way things are, and the way they should be. There’s plenty of precedent for holding private companies accountable for keeping the promises they make to their users and for preventing them from engaging in discriminatory behavior.

And such prevention would not be unconstitutional because it would neither compel nor curb the platforms' own speech.

It is my hope that there are members on this committee who are willing to take action to ensure that we all have the right to speak — and yes, even make jokes — in the public square.

Thank you.