

Opening Statement
Chair Jan Schakowsky
Subcommittee on Consumer Protection and Commerce
Subcommittee on Communications and Technology
Committee on Energy and Commerce
Hearing on “A Country in Crisis: How Disinformation Online Is Dividing the Nation”
June 24, 2020

Good morning and thank you for being here today. Thank you to our distinguished panel for joining us today.

Last fall Chairman Doyle and I held a joint hearing on Section 230, and subsequently my subcommittee held a hearing on unsafe products and fake reviews found online. At both hearings, industry representatives from Big Tech testified, and we heard that content moderation and consumer protection were really hard, and that industry could always do better. They made promises and discouraged Congressional action. I think they may have even apologized, as Big Tech typically does when it appears before this committee.

Fast forward six months, add a global health crisis and nationwide protests against police brutality and racial inequality. As we will hear today, it's an understatement to say that industry could still be doing better.

The harms associated with misinformation and disinformation continue to fall disproportionately on communities of color, who already suffer worse outcomes from COVID-19.

All the while, the President himself is continually spreading dangerous disinformation that Big Tech is all too eager to profit from.

No matter what the absolutists say, Section 230 is not only about free speech and content moderation. If it were, our conversation today would be different. Instead, Big Tech uses it as a shield to protect itself from liability when it fails to protect consumers or harms public health, and uses it as a sword to intimidate cities and states when they consider legislation, as Airbnb did in 2016 when New York City was considering regulating its online rental market for private homes.

The truth is, Section 230 protects business models that generate profits off scams, fake news, fake reviews, and unsafe, counterfeit, and stolen products. This was never the intent, and since both courts and industry refuse to change, Congress must act.

But we must do so responsibly. The President's recent actions are designed to kneecap platforms that fact check him or engage in what he claims is bias against conservative views. Let me be clear, the President is using his position to chill speech and that is wrong.

We must encourage content moderation that fosters a safer and healthy online world. And don't be fooled by made up claims of bias against conservatives. Today, it seems there is a less of a bias against conservatives and rather a bias for conservatives.

On June 19th, 9 of the 10 top-performing political pages on Facebook were conservative pages, including Donald J. Trump, Donald Trump for President, Ben Shapiro, Breitbart and Sean Hannity.

And as the New York Times reported over the weekend, Facebook in particular seems to enjoy a cozy relationship with the Trump Administration, aided by Facebook's own loyal Trump supporters, Joel Kaplan and Peter Theil. I hope Mr. Kaplan and Mr. Theil will soon make themselves available to Congress to answer questions about what role they play in information dissemination, and how they balance this incredible responsibility with their extreme partisan ties and views.

Regardless, as the testimony today demonstrates, something needs to be done. The American people are dying and suffering as a result of online disinformation. I look forward to working with my colleagues to modernize Section 230 and put platforms on a path that helps all Americans.