

**Congressional Testimony of Harmeet K. Dhillon on September 27, 2018**



One Hundred Fifteenth United States Congress

House Judiciary Committee, Subcommittee on the Constitution and Civil Justice

27 September 2018

Testimony of Harmeet K. Dhillon, Esq.

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Good afternoon, Mr. Chairman, Mr. Ranking Member, and all members of the committee and their staff. My name is Harmeet K. Dhillon, and I am a trial lawyer in private practice in California, with a focus on technology and employment issues. In my 25-year career, I have represented numerous clients subjected to discrimination in academia, the workplace, consumer markets, and in civil rights matters. I have been called before you today to discuss the rampant and systematic discrimination of certain classes of conservative Americans that is occurring within, and perpetrated by, certain elements within the technology industry.

Today, I will endeavor to describe the anti-conservative discrimination, harassment, and institutionalized bias faced by many conservative Americans at the hands of large technology companies. I will begin by discussing Big Tech's discriminatory employment practices, with an emphasis on Google, which I have sued in a class action lawsuit on behalf of conservatives, men, and white or Asian employees and job applicants.<sup>1</sup> Next, I will discuss how Big Tech companies,

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<sup>1</sup> Timothy Lee, *Don't Be Evil – Google fired James Damore for a controversial gender memo—now he's Suing*, Ars Technica (Jan. 9, 2018), <https://arstechnica.com/tech->

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particularly social media companies, discriminate against conservatives in the products and services they offer. I will also discuss the overt and embedded political biases found at these companies. Finally, I will touch upon the negative impacts of these practices on business innovation, growth, and consumer choice.

### **I. Big Tech's Employment Practices Discriminate Against Conservatives.**

Through my employment law practice, I have learned that Big Tech firms systematically and illegally engage in widespread discrimination against American workers on the basis of their gender, race, religion, values, and political affiliations. Specifically, men, whites, Asians, Christians, those with conservative family values, and political libertarians/conservatives are daily punished for who they are and what they believe. Big Tech companies – even while they compete with one another in certain markets – employ the same tactics in varying degrees: hiring quotas and preferences, and the silencing of questions and heterodox viewpoints through harassment, blacklisting, and firing critics who make it past the employment barricades. Employees who dare to dissent are not only fired, but publicly shamed, humiliated, labeled, and cast out.

James Damore is one such client to have experienced this perverse treatment. James was fired by Google because he dared to share, internally within Google, a memorandum he created in response to his employer's request for feedback. His memo reflects and discusses widely held views, supported by published research, about differences between men and women, and his thoughts about how those differences may be relevant to making the workplace more attractive for women. James fell victim to Big Tech's war of political correctness and social engineering.

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[policy/2018/01/lawsuit-goes-after-alleged-anti-conservative-bias-at-google/](https://www.dhillonlaw.com/wp-content/uploads/2018/04/20180418-Damore-et-al.-v.-Google-FAC_Endorsed.pdf). First Amended Complaint available at the following url: [https://www.dhillonlaw.com/wp-content/uploads/2018/04/20180418-Damore-et-al.-v.-Google-FAC\\_Endorsed.pdf](https://www.dhillonlaw.com/wp-content/uploads/2018/04/20180418-Damore-et-al.-v.-Google-FAC_Endorsed.pdf).

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Many other workers who dare to speak out against these practices are similarly disciplined, fired, and shunted into secretive arbitration proceedings with limited rights and no appeal. For every James Damore and his colleagues at Google who are publicly seeking protection against these abusive practices, there are thousands more whose names the members of this committee will never hear. Indeed, shortly after I filed the lawsuit on behalf of James Damore Google moved swiftly for a protective order censoring what information may be publicly disclosed in court filings, and by demanding that Damore and two of his colleague's claims be submitted to separate, individual, secretive arbitrations closed off from public view and press reporting. As a result, most of the important employment issues implicated by the Damore lawsuit will never be heard in open court, and both the public and government may never learn the truth of what occurred, or be allowed to consider whether action should be taken to prevent more of the same.

Objection to Big Tech's discrimination comes from more than one political persuasion. I represent a significant cross-section of the American workforce which includes white men, Asian men, libertarians, Republicans, economic conservatives, social conservatives, Christians, and people with no political or lifestyle affiliation whatsoever. Workers who question Big Tech's unworkable and impossibly rigid orthodoxy are criticized, ostracized, demonized, threatened, and fired, often for the smallest and frequently fabricated infractions. Indeed, I have represented employees chastised for a wide variety of innocuous activities, including: asking how to address someone based on their gender preference; joining 62 million other Americans in voting for President Trump; and suggesting that there may be differences between men and women that should be considered in designing a workplace friendlier to women.

The employer's motivation across each of these cases appears to be the same: to impose upon their employees only those progressive values that dictate a redistribution of opportunities

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and benefits to certain defined classes, with no regard to the human carnage meted on innocent workers who have not, themselves, discriminated against others. I want to be clear, however, that this problem is not restricted to Silicon Valley. The tech giants in California were, as they very often are, the first movers within corporate America to adopt these new, and increasingly aggressive tactics. Unfortunately, they were not the last to do so, and I have spoken with or represented employees across the United States facing similar issues – usually at the hands of America’s largest and most successful corporations, where the disease of political correctness has firmly taken root, and is metastasizing

These are career-limiting employment challenges for my clients and many other free-thinking individuals, but they have broader consequences for all of us, in terms of slowed innovation, denial of social media services to many Americans, and ultimately a lack of competitiveness. Simply put, Big Tech’s obsession with re-engineering society is costing jobs, information, rights, opportunities, and money. In fact, there is a growing trend within technology companies to increase hiring for “Diversity and Inclusion” departments, taking away resources from economic drivers and instead devoting those resources to making decisions about quotas, executive performance at hitting those quotas, how to punish people who question or fail to meet the quotas, and how to placate the social justice warriors within and outside the corporations.

I would like to share with the committee some of the examples of political bias in the workplace that I have come across in my law practice, from the over 100 current and former Big Tech employees who have contacted me in the past several months in the wake of the James Damore lawsuit:

1. One Google employee was fired as a direct result of his cooperation with a federal investigation into the company’s illegal labor practices, including work rules that bar employees

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from discussing their working conditions with one another or with third parties, in violation of the National Labor Relations Act, as well as bullying and retaliation related to protected labor activities. When Google found out that this employee was talking to the government and seeking legal counsel from my law firm, they printed out two years of his search history and interrogated him on search queries relating to employee rights issues, on multiple occasions over the course of several months. Google abruptly suspended and then fired him days after the NLRB's national policy office announced it was moving forward with his case, after over two years of investigation and policy analysis during which time Google consistently opposed his claims and sought to narrow the same, urging the NLRB to overturn existing precedents protecting worker rights. Relatedly, government investigators have complained that Google's repression of worker dissent has impeded the government's ability to investigate pay disparity claims at Google.<sup>2</sup>

2. Google's heavy-handed approach to employee rights has implications far beyond the Google headquarters, and beyond the rights of conservative workers. In a filing from April, 2017 in response to worker complaints about confidentiality policies that sought to interfere with protected concerted labor activities, Google lobbied the NLRB to reverse the pro-worker *Purple Communications* and *William Beaumont Hospital* precedents. *Purple Communications* protected the right to use corporate email to organize; and *William Beaumont Hospital* prevented employers from making handbook rules that prohibit employee decision-making and rallying regarding working conditions. Most Google employees are probably not aware that Google quietly but aggressively seeks to change the law to restrict worker rights, even as it publicly placates its workers with "diversity and inclusion" rhetoric.

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<sup>2</sup> <https://www.theguardian.com/technology/2017/jul/19/google-confidentiality-wage-gap-us-investigation>.

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3. Google has held forums where the public booing of employees in favor of traditional marriage was encouraged.
4. Shortly after the 2016 presidential election, Google leadership, including Larry Page, Sergey Brin, Kent Walker, Eileen Naughton, Ruth Porat, and Sundar Pichai, fomented anti-conservative outrage and vocalized their disgust at the election of President Donald J. Trump's at a company-wide "TGIF" meeting.<sup>3</sup> Co-founder Sergey Brin opened the meeting by stating that he found the election to be "deeply offensive" and later compared Trump supporters to fascists and extremists, arguing that Trump voters were motivated by "boredom," which, Brin argued, has led to fascism and communism in the past. Vice President Kent Walker also argued that Trump supporters were motivated by "fear, xenophobia, hatred, and a desire for answers that may or may not be there." CEO Sundar Pichai even suggested that Google would develop machine learning technology capable of combating what an employee described as "misinformation" shared by voters.
5. Google hosted an all-hands forum where various business units that had failed to achieve gender parity staffing goals, were called out and publicly shamed for falling short. Given that Google remains about 70% male in many key departments, this means that a majority of the company's 88,000 employees are regularly subjected to an atmosphere where they are told they are less desirable for hiring.
6. A Google employee whose daughter suffers from gender dysphoria was disciplined for asking fellow parents for advice on treating the condition. Another employee was scolded by HR for saying he wanted to raise his children according to traditional gender roles.

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<sup>3</sup> <https://www.breitbart.com/tech/2018/09/12/leaked-video-google-leaderships-dismayed-reaction-to-trump-election/>

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7. Another employee was fired after stating that “Trump supporters are a hated and despised minority at Google”, and pleading for better treatment.

8. Several other employees were disciplined for expressing concerns that Google’s employment practices are unfair to white and Asian males.

9. Another Google employee was told by a manager that “you are doing enormous damage to your career” by coming out as a conservative at Google.

10. Google is not just largely comprised of a workforce that leans left, but maintains a company culture that demands it. High-ranking Google Directors are allowed to openly and publicly threaten conservative employees with impunity. Indeed, one employee received a bonus for her anti-James Damore-social media attacks.

11. Google Managers openly mock and denigrate employees for voting Republican. It is illegal for them to do this in California, but they do it nonetheless.

12. On January 30, 2017, a senior Google software engineer posted a list of suggestions in response to a town hall meeting where CEO Sundar Pichai and Founder Sergey Brin asked Googlers what things they could do to support employees. The senior engineer suggested Google should blacklist conservative publications such as Breitbart and “[d]elete Donald Trump’s and his administration’s and his aides’ Gmail accounts for abuse.” The employee also suggested Google abuse its power and completely immobilize Mr. Trump’s Android phone by turning it into a “brick.”<sup>4</sup> These recommendations were among a list of six made by Alon Altman, and a number of them were followed by Google.

13. Employees who want to be promoted at Google are required to go through training conducted by the company’s “Unbiasing Group” – where biases are, in fact, inculcated into

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<sup>4</sup> <https://www.breitbart.com/tech/2018/04/19/google-lawsuit-senior-engineer-alon-altman-wanted-to-sabotage-trumps-android-phone-ban-his-gmail-account/>.

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attendees, including biases against whites, men, and anyone who challenges the leftist, progressive orthodoxy.<sup>5</sup>

14. When Google finds out that an employee is a Trump supporter, managers will frequently launch an internal HR investigation to review the past few years of the employee's emails, in an attempt to find policy violations. They have interrogated several conservative employees over long-forgotten posts going back two years or more. Employees are sent home in disgrace until they are cleared of the charges, usually after a warning not to transgress again – or they are fired.

15. A 31-year-old told the *Wall Street Journal* that he left his job as an engineer at Google after growing frustrated with a lack of tolerance for conservative views at the company. He said he was surprised when, shortly after Donald Trump was elected president in November 2016, the firm canceled a companywide product demonstration and instead held an all-hands meeting to talk about the results of the election, at which those results were characterized by Google managers as a tragedy of epic proportions.<sup>6</sup>

16. Google managers are instructed to evaluate employees on the basis of so-called “inclusive perf” or “inclusive performance” factors. They are warned not to succumb to judging employees according to racial stereotypes that Google ascribes to racial groups – such individual achievement and objectivity being examples of “white dominant culture,” and various other

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<sup>5</sup> Numerous examples of Google’s peculiar indoctrination policies and selective workplace bullying enforcement can be found in the following article discussing the Damore lawsuit: <http://thefederalist.com/2018/01/10/19-insane-tidbits-james-damores-lawsuit-googles-office-environment/>.

<sup>6</sup> <https://www.wsj.com/articles/like-peter-thiel-others-feel-alienated-by-silicon-valley-groupthink-1518962400>.

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shocking and disparaging stereotypes of all racial groups with implication that other racial groups, in fact, are not capable of individual achievement and objectivity.<sup>7</sup>

17. Google's most vocal social justice warriors, who have themselves loudly complained about being "outed" for their vicious behavior as described in the Damore lawsuit, spend significant amounts of their time at work and online whipping up hysteria against their perceived enemies: conservatives, men, Asians, whites, Christians, and worst of all Republicans who share any of the other disfavored characteristics. The moment any employee in their crosshairs dares to raise a mild protest to their labeling, characterizing, and shaming, those employees are accused by their colleagues of "derailment" – i.e. changing the subject.

18. Google has responded to the exposure of its invidious employment practices by continuing to harass conservatives, continuing to lobby the NLRB to curtail worker rights, and, most tellingly of all, seeking to seal the complaint and amended complaint in the Damore lawsuit.<sup>8</sup> As we speak, Google is spending tremendous resources to bully and bankrupt conservative whistleblowers through secret arbitration proceedings designed not only to punish these brave employees, but also to serve as a dire warning to other employees who might dare to speak out. A complicit media is silent about these bullying and censorship tactics.

19. Google and other tech companies employ explicit quotas that their recruiters are given and ordered to meet. Because this practice is distasteful and illegal, Google and the others often deliver these instructions orally to groups of recruiters. Certain jobs are made available to Google-favored minorities, exclusively (note that Asians are the one minority group not favored

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<sup>7</sup> <http://www.breitbart.com/tech/2018/04/18/lawsuit-google-instructed-managers-that-individual-achievement-and-objectivity-were-examples-of-white-dominant-culture/>.

<sup>8</sup> Allum Bohkari, *Court Seals Documents for Google in James Damore Case*, Breitbart (Apr. 27, 2018), <http://www.breitbart.com/tech/2018/04/27/court-seals-documents-for-google-in-james-damore-case/>.

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by Google). Sometimes, Google creates jobs (what they refer to as “headcount”) if they find a potential hire in a favored class – which they make available only to these favored-class employees. This practice violates EEO practices mandated by Title VII and related state law statutes, but few question these practices or hold Google accountable – or if employees do dispute such policies, the public remains ignorant of such disputes because Google, like many large companies, forces its employees to resolve their claims in private arbitrations with secret results.

20. A recent survey of tech workers in Silicon Valley conducted by Lincoln Network found that a substantial majority of conservatives were afraid to “be themselves” at work for fear of retribution, while liberals and progressives felt no such fear. The findings are striking<sup>9</sup>: 31% of the 387 tech workers polled stated that they know someone who either did not pursue or left a career in tech because they saw a conflict in viewpoints with their employer or colleagues. Among respondents who identified themselves as “very conservative,” that number was 59%.

21. In addition to employing quotas, Google hires a cadre of political correctness police described euphemistically with titles such as “Racial Equity Strategist,” whose job qualifications include “Experience with racial frameworks (i.e. structuralists, belief-centered, critical race theory, intersectional race studies, queer theory) and responsibilities include “Use subject matter expertise on race, intersectionality, and adaptive leadership to set the strategy for shifting cultural norms and revising it based on feedback, organization cultural norms, and persistent dynamics.”<sup>10</sup>

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<sup>9</sup> <http://joinlincoln.org/viewpoint-diversity>.

<sup>10</sup> <https://jobs.livecareer.com/l/usanynew-york-racial-equity-strategist-google-inc-2b49f9930d895b02af97605fb085e373>. The original version of this job posting sought as

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22. Although Big Tech’s discrimination against conservative and religious Americans is no joke, its existence is so widely acknowledged that the issue has become part of the pop culture associated with the industry, as demonstrated by a recent episode of the HBO comedy “Silicon Valley” which questioned whether one could openly be a Christian in Silicon Valley.<sup>11</sup>

23. Google is not the only Silicon Valley company out of touch with mainstream America. Earlier this year a controversy erupted at Twitter after Twitter/Square CEO Jack Dorsey posted a photograph of his savings after paying for a Chick-Fil-A order with his Square card. Because six years ago the fast food chain’s CEO had posted about his support of traditional marriage, Dorsey quickly backtracked and apologized publicly for patronizing the Christian-owned chain.<sup>12</sup> Imagine the effect of this on Twitter/Square employees of faith who support a traditional definition of marriage – as many Americans do.

24. While this phenomenon of ideological persecution has received attention recently in the wake of the Damore lawsuit, it is not new. In 2014, Brendan Eich, the creator of JavaScript and longtime Valley tech executive, was forced to step down from the CEO role at Mozilla, the Internet browser company he originally helped to co-found, after it was revealed by social justice activists that he had contributed \$1,000 to Proposition 8, the traditional marriage initiative in California, which passed but was later struck down by the courts. Eich was hounded out of his job for the private act of supporting a ballot measure that the majority of California voters supported, but which later fell out of favor. His downfall foretold the current situation.

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experience “10+ years of relevant experience facilitating politically charged conversations.” This may have limited applications to older people, who are a notoriously disfavored class in Big Tech.

<sup>11</sup> [https://www.google.com/amp/s/m.huffpost.com/us/entry/us\\_5adf58e3e4b061c0bfa243fc/amp](https://www.google.com/amp/s/m.huffpost.com/us/entry/us_5adf58e3e4b061c0bfa243fc/amp).

<sup>12</sup> <https://www.google.com/amp/s/amp.businessinsider.com/twitter-ceo-apology-chick-fil-a-gay-pride-month-2018-6>.

**II. Big Tech’s Products Systematically Discriminate Against Conservatives**

Big Tech’s anti-conservative bias extends far beyond the confines of labor and employment law. The discriminatory attitudes described in this testimony are pervasive and nationwide in scope. Moreover, these attitudes infect the products that Big Tech companies offer their customers, and thus affect American consumer choice. In some markets, such as digital advertising, Big Tech companies have near-monopoly or duopoly power,<sup>13</sup> such that the lack of competition means consumers are stuck with biased and even discriminatory product offerings. The examples are manifold.

1. In June 2018, Google listed “Nazism” as the ideology of the California Republican Party. Google blamed Wikipedia for the mess, but Google selected Wikipedia (which is readily manipulated by miscreants) as the input for this information.<sup>14</sup>
2. In June 2018, just after the “Nazism” scandal discussed above, Google apologized after a top search result for North Carolina Republican State Senator Trudy Wade yielded a photo labeling her as a bigot.<sup>15</sup>
3. Following President Donald J. Trump’s implementation of a “travel ban” in January 2017, Google-employees discussed internally how to leverage Google’s search functions to counter undersired political viewpoints, while promoting pro-immigration organizations and advocacy.<sup>16</sup>

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<sup>13</sup> <https://www.ft.com/content/cf362186-d840-11e7-a039-c64b1c09b482>.

<sup>14</sup> <http://time.com/5298126/google-wikipedia-california-gop-nazism/>.

<sup>15</sup> <https://www.mercurynews.com/2018/06/04/google-sorry-after-search-box-shows-bigot-with-gop-lawmakers-photo/>.

<sup>16</sup> <https://www.wsj.com/articles/google-workers-discussed-tweaking-search-function-to-counter-travel-ban-1537488472?mod=breakingnews>

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4. In September 2018, it was widely reported that a confidential Google memorandum concerning project “Dragonfly,” was internally leaked to Google employees, revealing Google’s plans to create and implement a censored search engine in the People’s Republic of China. According to reports, a new Google app for Androids and iOS devices would enable the censorship of search results and the collection of private user data, including the tracking of physical movements, IP addresses of the devices being used, and the history of all links clicked. The proposed implementation of such capabilities flies in the face of Google’s public philosophy of an open internet.<sup>17</sup>

5. Google’s downtown Washington, D.C. office recently was slated to host a June 6 party called “Run for Something,” seeking to help build a “bench” of low-level elected politicians within the Democratic Party.<sup>18</sup> The event was moved after media drew attention to the one-sided promotion of liberal candidates only.

6. As early as 2010, researchers at Harvard University started finding evidence that Google’s search rankings were not so objective, favoring its own products over those of competitors.<sup>19</sup> The FTC followed up with related findings in 2012.<sup>20</sup> A recent piece in the *New York Times Magazine* went into devastating detail about how Google’s self-slanted search results have crippled a generation of small competitors.<sup>21</sup>

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<sup>17</sup> <https://theintercept.com/2018/09/21/google-suppresses-memo-revealing-plans-to-closely-track-search-users-in-china/>.

<sup>18</sup> <http://www.breitbart.com/big-government/2018/06/01/left-wing-candidate-recruitment-fundraiser-moved-out-of-googles-d-c-office/>.

<sup>19</sup> <http://www.benedelman.org/hardcoding/>.

<sup>20</sup> <https://www.wsj.com/articles/inside-the-u-s-antitrust-probe-of-google-1426793274>.

<sup>21</sup> <https://www.nytimes.com/2018/02/20/magazine/the-case-against-google.html>.

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7. Besides favoring itself, Google’s search results have been shown to favor Democrats in a 2015 report in *Slate*.<sup>22</sup>

8. WikiLeaks released an email showing that Alphabet CEO Eric Schmidt was working directly with the Clinton Campaign<sup>23</sup> and was seen wearing a “staff” badge at the Clinton Election Night Party.<sup>24</sup> Schmidt is an investor in and board member of Civis Analytics, a company that has been paid millions by Democratic committees, Federal Election Commission findings show.<sup>25</sup>

9. An email published by WikiLeaks from John Podesta shows that Google loaned a company jet to the Democratic Party on an official trip to Africa, and how Schmidt himself wanted to be “head outside advisor” to any future Democratic presidential candidate.<sup>26</sup>

10. In an email bulletin to 10 Google VPs, Google’s Head of Multicultural Marketing described how the company’s Spanish-language voter education efforts were specifically designed to drive higher turnout for Hillary Clinton in key battleground states. She expressed remorse that “only 71% of Latinos voted for Hillary, and that wasn’t enough.” She also described Google’s unadvertised partnership with Voto Latino to pay for rides to the polls in key states.

11. In May, several Google employees resigned, citing ethical concerns in leveraging artificial intelligence in drone warfare, as well as more general concerns about Google’s

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<sup>22</sup>[http://www.slate.com/articles/technology/future\\_tense/2015/12/why\\_google\\_search\\_results\\_favor\\_democrats.html](http://www.slate.com/articles/technology/future_tense/2015/12/why_google_search_results_favor_democrats.html).

<sup>23</sup> <http://freebeacon.com/politics/memo-googles-eric-schmidt-working-directly-clinton-campaign/>.

<sup>24</sup> <http://dailycaller.com/2016/11/16/google-parent-company-chairman-spotted-wearing-clinton-campaign-staff-badge/>.

<sup>25</sup> <http://freebeacon.com/politics/data-firm-backed-googles-eric-schmidt-paid-millions-democratic-committees/>.

<sup>26</sup> <https://www.ibtimes.co.uk/wikileaks-emails-show-close-links-between-googles-eric-schmidt-democrats-1589563>.

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decisions in the political arena. Over 4,000 Google employees demanded that Google stop work on the DoD's Project Maven, which focuses on the use of artificial intelligence in warfare.<sup>27</sup> Of course, at the same time, Google was accelerating its move into China, where it will partner with the Chinese government to spy on, censor, and suppress Chinese citizens and dissidents.

12. YouTube censored free, short videos put out by Dennis Prager's "PragerU" on the restricted list. "They have decided that they will put, in this case, 40 of our 300 videos on the restricted list, meaning it joins pornography and violence," Prager said, revealing that even a video by lifelong Democrat Alan Dershowitz on the legal founding of Israel was placed in "restricted mode."<sup>28</sup>

13. Google maintains at least nine different blacklists that impact our lives, generally without input or authority from any outside advisory group, industry association or government agency: the autocomplete blacklist; the Google Maps blacklist; the YouTube blacklist; the Google account blacklist; the Google news blacklist; the Google AdWords blacklist; the Google AdSense blacklist; the search engine blacklist; the quarantine list.<sup>29</sup>

14. In March 2018, conservative broadcaster Alex Jones announced that YouTube had frozen his video channel and would delete it later that week, after CNN pushed Google and its advertisers to make the move.<sup>30</sup>

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<sup>27</sup> <http://www.kxxv.com/story/38185078/google-reportedly-plans-to-end-involvement-with-project-maven>.

<sup>28</sup> <http://insider.foxnews.com/2018/03/06/dennis-prager-lawsuit-against-google-youtube-restricting-conservative-videos>; see also <https://www.prageru.com/press-release-prager-university-prageru-takes-legal-action-against-google-and-youtube-discrimination>.

<sup>29</sup> <https://www.usnews.com/opinion/articles/2016-06-22/google-is-the-worlds-biggest-censor-and-its-power-must-be-regulated>.

<sup>30</sup> <http://www.breitbart.com/big-journalism/2018/03/03/cnn-pushes-youtube-ban-alex-jones-delete-video-channel/>.

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15. During the last presidential election, Google was accused of deliberately filtering autocomplete suggestions to favor Hillary Clinton. According to one source, “Type ‘lying’ into Google, and it would suggest ‘Lying Ted,’ the moniker US Republican presidential candidate Donald Trump placed on his onetime rival, Ted Cruz. But type ‘crooked’ into Google, and it didn’t bring up the ‘Crooked Hillary’ label that Trump had attached to his Democratic rival Hillary Clinton.”<sup>31</sup>

16. YouTube banned a pro-life music video called “what was your name” by Joyce Bartholomew, claiming it was in violation of its “terms of service.”<sup>32</sup>

17. Google’s YouTube unit has also attempted to shut down or penalize content creators who posted in support of James Damore, including Jordan Peterson and authors on Blogger. Other documents we have reviewed include Google employees working together to concoct purported violations of terms of service to prepare for a takedown of blogs with disfavored content, or to demonetize content creators with disfavored views – including views critical of Google. Google advertising sales employees have gone out of their way to inform AdWords customers of sites they should avoid advertising on because the content is “unsafe,” such as Breitbart.

18. In May 2016, Google banned all ads by payday lenders, even though it invested in LendUp, which is in the same industry.<sup>33</sup> It has taken similar action with respect to bail bondsmen, blocking hundreds of thousands of arrestees and their families from easy access to an

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<sup>31</sup> [https://searchengineland.com/google-crooked-hillary-251152?utm\\_content=buffer3e25f&utm\\_medium=social&utm\\_source=twitter.com&utm\\_campaign=buffer](https://searchengineland.com/google-crooked-hillary-251152?utm_content=buffer3e25f&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer).

<sup>32</sup> <https://www.lifesitenews.com/news/youtube-banned-this-powerful-pro-life-music-video.-then-the-artist-sued>.

<sup>33</sup> [https://mashable.com/2016/05/11/google-ban-payday-loan-ads/#5\\_yYP8tU8q0](https://mashable.com/2016/05/11/google-ban-payday-loan-ads/#5_yYP8tU8q0).

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integral element of the criminal justice system, under the guise of protecting users from “harmful” products.<sup>34</sup>

19. Over the years, Google has been exposed for censoring information procured through its searches, utilizing methods of: blacklisting phrases suggested by autocomplete<sup>35</sup>, blocking conservative YouTube videos (including, most recently, videos by PragerU – currently suing YouTube for the censorship in a case that is now on appeal)<sup>36</sup>, and even blacklisting or falsely suppressing articles and websites.<sup>37</sup>

20. Google and its subsidiaries are not alone in their discrimination against conservatives. In January, undercover journalists from Project Veritas exposed Twitter for “shadow-banning” conservative profiles.<sup>38</sup>

21. Our firm’s client *True Pundit*, a popular conservative blog which had approximately 270,000 followers on two Twitter accounts when we started our representation, has persistently suffered from Twitter’s shadow-banning, outright banning, and follower-deleting practices. True Pundit literally sees this practice ramp up on a per-story basis. If the story is critical of top FBI leaders, they experience censorship. Critical of the Clintons? Censorship and banning. When True Pundit criticized the FBI’s response or failure to respond the Florida school shooter, Twitter

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<sup>34</sup><https://www.adweek.com/digital/google-bans-bail-bond-services-from-advertising-on-its-platform/>.

<sup>35</sup> <http://www.breitbart.com/tech/2016/09/13/hillary-google-bias-confirmed-experiment/>.

<sup>36</sup> <http://dailycaller.com/2017/08/11/conservative-and-independent-youtube-channels-hit-by-censorship-and-demonetization/>; see also <https://www.washingtonexaminer.com/youtube-censoring-videos-from-conservative-group>; <https://www.wsj.com/articles/warning-this-article-is-educational-1476918851>.

<sup>37</sup> <https://www.usnews.com/opinion/articles/2016-06-22/google-is-the-worlds-biggest-censor-and-its-power-must-be-regulated>.

<sup>38</sup> <https://www.projectveritas.com/2018/01/11/undercover-video-twitter-engineers-to-ban-a-way-of-talking-through-shadow-banning-algorithms-to-censor-opposing-political-opinions/>; <https://www.projectveritas.com/video/hidden-camera-twitter-engineers-to-ban-a-way-of-talking-through-shadow-banning/>; see also <http://www.breitbart.com/tech/2016/02/16/exclusive-twitter-shadowbanning-is-real-say-inside-sources/>.

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cut the site's engagement by 30%. Thousands of the site's followers have complained that they are unable to see many of its posts on Twitter, or if they see them, are unable to respond to or retweet them. Of its 270,000 followers, True Pundit estimates that some of their posts reach only 10,000 followers due to censorship.

22. Major tech platforms including Google, Facebook, Amazon, and Twitter all defer to the Southern Poverty Law Center in "moderating" (a/k/a banning) content.<sup>39</sup> The SPLC has faced criticism across the political spectrum for smearing conservatives and even moderate liberals as racists and extremists.<sup>40</sup> On June 18, 2018, SPLC announced that it had to reach a settlement with Maajid Nawaz and his organization Quilliam for falsely labeling them as an anti-Muslim hate group; the settlement included paying them \$3.375 million.<sup>41</sup> Yet Big Tech social media censors continue to employ the SPLC's overbroad hit list as a basis for censoring online speech in America, hiding behind the Communication Decency Act's Section 230 safe harbor provision, refashioned as a license to defame.<sup>42</sup> Big Tech has targeted our client David Horowitz Freedom Center, using the SPLC's vicious and defamatory smears and attacks as an excuse to cut off payment processing and fundraising efforts, and threatening public figures that attend DHFC events with crowdsourced social media boycotts. The monopolistic practices of the social media giants make one-stop shopping for political censors much easier – they just have to convince a Google or one of its official censors such as the SPLC that a certain speaker or viewpoint is

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<sup>39</sup> <http://www.foxnews.com/tech/2018/06/07/silicon-valley-giants-such-as-facebook-amazon-empower-far-left-southern-poverty-law-center.html>.

<sup>40</sup> See, e.g., <https://www.wsj.com/articles/j-p-morgans-hate-list-1503619180>;  
<https://www.wsj.com/articles/j-p-morgans-hate-list-1503619180>.

<sup>41</sup> <https://www.splcenter.org/news/2018/06/18/splc-statement-regarding-maajid-nawaz-and-quilliam-foundation>.

<sup>42</sup> 47 U.S.C. § 230.

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“dangerous,” or “hateful,” or “undesirable,” and that voice is effectively silenced, unable to raise money or even to be heard.

23. Early last year, under the guise of eliminating “fake news,” Facebook began flagging news articles that it deems “disputed” – and allowing users to do the same. Flagged content subsequently appeared with a disclaimer.<sup>43</sup> However, in October 2017, Facebook halted its public “fake news” identification system and switched to a new algorithm, under which news and articles which Facebook engineers have deemed as fake gets “deprioritized” in users’ news feeds, making it harder to find on the platform.<sup>44</sup> Facebook has outsourced its approval of fact-checking organizations to the Poynter Institute,<sup>45</sup> which is funded by politically motivated foundations such as Pierre Omidyar’s Omidyar Network, and George Soros’ Open Society Foundation.<sup>46</sup>

24. Big Tech’s extremism is driving innovators and their capital from Silicon Valley. Peter Thiel, the tech billionaire who supported President Trump’s election, left Silicon Valley earlier this year due to his frustration with the region’s and the industry’s left-leaning politics. Thiel told Fox Business News earlier this year that “When people are unanimously on one side, that tells me not that they’ve all figured out the truth but that they are in sort of a totalitarian place, that they are in a one-party state where they are not allowed to have dissenting views.”<sup>47</sup> Similarly, in January 2018, Mike Moritz, a leading Silicon Valley venture capital firm partner, wrote that the

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<sup>43</sup> <https://www.usatoday.com/story/tech/news/2017/03/06/facebook-begins-flagging-disputed-fake-news/98804948/>; see also <https://www.dailydot.com/layer8/facebook-fake-news-user-flagging/>.

<sup>44</sup> <https://nypost.com/2017/12/22/facebook-gives-up-on-flagging-fake-news/>; <https://newsroom.fb.com/news/2017/12/news-feed-fyi-updates-in-our-fight-against-misinformation/>.

<sup>45</sup> <https://newsroom.fb.com/news/2017/04/working-to-stop-misinformation-and-false-news/>

<sup>46</sup> <http://about.poynter.org/about-us/press-room/13-million-in-grants-omidyar-network-open-society-foundations-will-expand-poynte>

<sup>47</sup> <https://www.foxbusiness.com/features/peter-thiel-silicon-valley-is-a-totalitarian-place>.

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local tech culture has descended into “soul-sapping discussions” about “the inequity of life,” and that Silicon Valley’s culture is becoming “unhinged” with discussions of things like the politics of speakers at tech companies.<sup>48</sup> Angel investor Tom McInerney, who fled Silicon Valley a decade ago, told the Wall Street Journal that “the politics of San Francisco have gotten a little bit crazy.”<sup>49</sup>

### III. Big Tech Employees And Managers

#### Disproportionately Support Democrats For Election

When seeking explanations as to the source of Big Tech’s ideological biases, one need look no further than political affiliation, as measured by campaign contributions.

1. Since George H.W. Bush won Napa County in 1988, Republican presidential nominees have lost every county in the Bay Area.<sup>50</sup>
2. In 2012, President Obama won 84% of the vote in San Francisco, and raised more money in the Bay Area than in New York or Hollywood.<sup>51</sup>
3. In 2016, President Trump received just 9% of the vote in San Francisco.<sup>52</sup>
4. These figures represent the ambient liberal bias in the region, but when considered in conjunction with campaign contributions by Big Tech employees and managers, as we did recently,<sup>53</sup> the results are even more extreme:

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<sup>48</sup> <https://www.cnn.com/2018/01/18/sequoia-vc-mike-moritz-praises-china-tech-work-ethic-joins-sam-altman.html>.

<sup>49</sup> <https://www.wsj.com/articles/like-peter-thiel-others-feel-alienated-by-silicon-valley-groupthink-1518962400>.

<sup>50</sup> <https://fivethirtyeight.blogs.nytimes.com/2012/11/28/in-silicon-valley-technology-talent-gap-threatens-g-o-p-campaigns/>.

<sup>51</sup> <https://www.sfgate.com/politics/article/Bay-Area-money-fills-Obama-campaign-coffers-4005151.php>.

<sup>52</sup> <http://sfist.com/2016/11/09/who-are-you-people.php>.

<sup>53</sup> Our analysis was derived from publicly available FEC contributor data.

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5. In the 2016 campaign, Google employees gave \$31.38 to Democrats for every \$1 to Republicans.
6. A stunning 35 times more Google employees contributed to Clinton than Trump.
7. The odds of dying in a pedestrian incident (1 in 647) were greater than the odds of a U.S.-based Google employee having contributed to Donald Trump's 2016 Presidential campaign (1 in 875).
8. Of the 39 Google employees who contributed to Trump, 48.7% did not reside in the Bay Area of California where Google is headquartered. None of Google's Trump supporters listed themselves as executives, and 76.9% of them disclosed that they were in technical roles such as software engineers or developers.
9. In the 2016 presidential election nationally, Google employees contributed to Democrats versus Republicans at 19.9 times the national rate.
10. In the 2016 campaign, Google employees contributed to Hillary Clinton versus Donald Trump at 21.1 times the national rate.
11. Total individual campaign contributions across the U.S. were 60.0% (\$672.5 million) to Democratic Party candidates, 38.0% (\$425.7 million) to Republican Party candidates, and 2.0% (\$21.7 million) to other party candidates.
12. By contrast, Google employees' total individual campaign contributions were 94.7% (\$1,986,768) to Democratic Party candidates, 3.0% (\$63,319) to Republican Party candidates, and 2.3% (\$47,393) to other party candidates.

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13. In sum, it is statistically implausible for this level of bias to occur at a company the size of Google without active selection of employees by political views, or the corollary: without active discrimination to drive out conservative or moderate employees. Even a  *cursory* examination of campaign contributions confirms employees, and especially management, of Big Tech to be overwhelmingly in the Democratic party camp.

### **IV. CONCLUSION**

I respectfully submit to this committee that the coordinated, discriminatory actions of the social media giants steer us far away from our Constitution, far away from the rights we hold sacred, and far away from the ideals with which we seek to govern our lives. We hear a great deal about diversity these days. Well, diversity also includes diversity of thought. No one should be fired for the sin of disagreeing with his or her employer about something unrelated to job performance. No one should be denied employment or promotion because he or she was born into a now-disfavored demographic group, or should be made to answer in the workplace for the sins of others who came before them.

Big Tech has become an insular fortress of thought coercion and vindictive behavioral control, where instead of robbing individuals of their lives, it seeks to rob them of their ability to exercise independent judgement and free will. The culture and tactics of some companies would make Orwell's Big Brother proud, as they often surpass the cult-like thinking described in his book *1984*. These actions are not just a form of private censorship carried out against isolated individuals or groups by a lone manager or director, but are broad-based attempts to completely reclassify or dispense with reason and logic, and reshape our economy and our society into a progressive, utopian form. This thought control manifests itself in the illegal discrimination

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against employees, in manipulation of data, in censorship of consumers, and in meddling with our elections, and it should not stand.

Thank you for inviting me to share my views and the experiences of our clients, and I look forward to answering any questions from the committee.