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U.S. House of Representatives
Committee on the Judiciary
Washington, DC 20515–6216
One Hundred Sixteenth Congress

July 8, 2020

Mr. Jack Dorsey
Chief Executive Officer
Twitter, Inc.
1355 Market Street, Suite 900
San Francisco, CA 94103

Dear Mr. Dorsey:

Twitter, Inc., a market leader in online social networking, has increasingly exerted editorial control over the accounts of prominent conservative users, including President Donald Trump.[1] Twitter has manipulated user-generated information with so-called "fact checks," censored user-generated information, and even blocked some user-generated information altogether. Twitter has not taken similar actions for similar accounts of prominent liberal users, suggesting that Twitter is not moderating user content in a viewpoint-neutral manner. As Congress continues to examine the size, competitiveness, and role of social media companies, we write to request information on Twitter's content moderation and filtration policies.

Twitter claims "to serve the conversation, not to make value judgments on personal beliefs,"[2] and it has published policies designed to prohibit threats of violence, abuse, harassment, and other illegal or distasteful behavior on its platform.[3] Twitter has also recently undertaken significant effort to exert control over so-called "disinformation" on its platform, particularly with respect to the novel coronavirus and the 2020 election.[4] Given Twitter's nearly 70 million users in the United States,[5] Twitter's policies and its administration of these policies have the potential to affect the content of information received by a large percentage of the country.

Recent actions suggest that Twitter is increasingly discriminating against conservative voices on its platform. For instance, Twitter applied a "fact check" notice to President Trump's

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[1] Georgia Wells, *Inside Twitter's Decision to Take Action on Trump's Tweets*, WALL ST. J. (May 30, 2020), https://www.wsj.com/articles/inside-twitters-decision-to-take-action-on-trumps-tweets-11590866833.

[2] *Facebook, Google, and Twitter: Examining the Content Filtering Practices of Social Media Giants: Hearing Before the H. Comm. on the Judiciary*, 115th Cong. (2018) (prepared statement of Nick Pickles, Senior Strategist, Public Policy, Twitter, Inc.).

[3] *See, e.g.*, *The Twitter Rules*, TWITTER, https://help.twitter.com/en/rules-and-policies/twitter-rules.

[4] *See, e.g.*, Georgia Wells, *Twitter to Add Labels to Disputed Coronavirus Posts, as Misinformation Proliferates*, WALL ST. J. (May 11, 2020), https://www.wsj.com/articles/twitter-to-add-labels-to-disputed-coronavirus-posts-as-misinformation-proliferates-11589226911.

[5] *Number of monthly active Twitter users in the United States from 1st quarter 2010 to 1st quarter 2019*, STATISTA, https://www.statista.com/statistics/274564/monthly-active-twitter-users-in-the-united-states/.

tweet regarding absentee balloting, suggesting that the President's tweet contained potentially misleading information and directing users to additional Twitter-curated content concerning the subject.[6] Twitter's "fact check" was itself misleading and the Twitter-curated additional information merely repeated liberal talking points about ballot fraud. In fact, contrary to Twitter's "fact check," a bipartisan Commission on Federal Election Reform stated as far back as 2005 that "[a]bsentee ballots remain the largest source of potential voter fraud" in American elections.[7] More recently, the Presidential Commission on Election Administration—convened by President Barack Obama—likewise found that "when [voter fraud] does occur, absentee ballots are often the method of choice."[8]

In addition, Twitter censored President Trump's tweet announcing that he would not allow an autonomous zone to occur in Washington, D.C. by appending a notation stating that the tweet "violat[ed] [Twitter's] policy against abusive behavior, specifically, the presence of a threat of harm against an identifiable group."[9] The President's tweet, which did not threaten any harm, simply promised law and order in the face of anarchical violence. On the day of the President's tweet, approximately 300 protestors attacked a statue of President Andrew Jackson across from the White House with "hammers, chisels, and muriatic acid," leaving four District of Columbia Metropolitan police officers and two United States Park Police officers injured in the attack.[10] The day before, local police declined to intervene when rioters attacked another statue because "the crowd had become so aggressive that it would have been dangerous to send police officers in."[11]

While Twitter has sought to silence conservative voices, including the President of the United States, on its platform, Twitter has allowed violent extremists to use its platform with apparent impunity. Notably, Ali Khamenei, the Supreme Leader of Iran, tweeted in 2014 that the "barbaric, wolflike [sic] & infanticidal regime of #Israel which spares no crime has no cure but to be annihilated."[12] More recently, Khamenei tweeted that "[t]he Zionist regime is a deadly, cancerous growth and a detriment to this region. It will undoubtedly be uprooted and destroyed. . . ."[13] Any reasonable person would agree that these anti-Semitic tweets advocating for the

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[6] *See* Rebecca Ballhaus & Georgia Wells, *Twitter Adds Fact-Check Notices to Trump Tweets on Mail-In Ballots*, WALL ST. J. (May 26, 2020), https://www.wsj.com/articles/widower-asks-twitter-to-pull-trumps-false-tweets-on-death-of-joe-scarborough-aide-11590516200.

[7] COMM'N ON FED. ELECTION REFORM, BUILDING CONFIDENCE IN U.S. ELECTIONS 46 (Sept. 2005) (on file with the Committee).

[8] PRESIDENTIAL COMM'N ON ELECTION ADMIN., THE AMERICAN VOTING EXPERIENCE 56 (Jan. 2014), http://web.mit.edu/supportthevoter/www/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf.

[9] Twitter Safety (@TwitterSafety), TWITTER (Jun. 23, 2020), https://twitter.com/TwitterSafety/status/1275500569940176897.

[10] Megan Cloherty (@ClohertyWTOP), TWITTER (Jun. 23, 2020), https://twitter.com/ClohertyWTOP/status/1275517079014330369; Megan Cloherty (@ClohertyWTOP), TWITTER (Jun. 23, 2020), https://twitter.com/ClohertyWTOP/status/1275531003965161479.

[11] Megan Cloherty (@ClohertyWTOP), TWITTER (Jun. 23, 2020), https://twitter.com/ClohertyWTOP/status/1275518457031909376.

[12] Ali Khamenei (@Khamenei.ir), TWITTER (Nov. 8, 2014), https://twitter.com/khamenei_ir/status/531057306142650369.

[13] Ali Khamenei (@Khameni.ir), TWITTER (May 22, 2020), https://twitter.com/khamenei_ir/status/1263749566744100864.

genocide of an entire nation violate Twitter's policy against hateful conduct,[14] and its policy against "threat[s of] violence against . . . a group of people."[15] But Twitter has not removed these tweets from its platform.

While Twitter's censorship of prominent conservative voices is troubling, similar treatment for less prominent individuals is more alarming.[16] This reality makes Twitter's long-running trend of "accidentally" censoring pro-life groups and other conservative advocates especially worrisome.[17] This concern is only reinforced by the public disdain that Twitter's Head of Site Integrity, the official responsible for developing and enforcing Twitter's rules, has shown for conservatives.[18] On election night in 2016, he tweeted "I'm just saying, we fly over those states that voted for a racist tangerine for a reason."[19] He has also compared White House advisor Kellyanne Conway to Nazi propogandist Joseph Goebbels and alleged that there are "ACTUAL NAZIS IN THE WHITE HOUSE."[20]

Twitter's discrimination against conservative voices is extremely alarming. These actions give rise to concerns that the company is systematically engaged in the disparate treatment of political speech and is deceiving users of the platform by not uniformly applying its terms of service. As the Committee continues to examine the size, competitiveness, and role of social media companies, we ask that Twitter provide the following documents and information:

1. An accounting of all content moderation decisions made by Twitter over the past year for users located within the United States, including which Twitter rule or policy the user allegedly violated and the content of the moderated tweet;

2. All documents and communications referring or relating to Twitter's decision to apply a "fact check" notation to President Trump's May 26, 2020, tweets concerning mail-in

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[14] *See, e.g.*, *Hateful conduct policy*, TWITTER, https://help.twitter.com/en/rules-and-policies/hateful-conduct-policy.

[15] *The Twitter Rules*, TWITTER, https://help.twitter.com/en/rules-and-policies/twitter-rules.

[16] *See, e.g.*. Cathy Young, *How Facebook, Twitter silence conservative voices online*, THE HILL (Oct 28, 2016), https://www.thehill.com/blogs/pundits-blog/media-303295-how-faceboo-twitter-are-systemically-silencing-conservative.

[17] *See, e.g.*, Mike Brest, *Twitter flags Trump campaign and Matt Gaetz for anti-abortion content on eve of March for Life*, WASH. EXAMINER (Jan. 24, 2020), https://www.washingtonexaminer.com/news/twitter-flags-trump-campaign-and-matt-gaetz-for-anti-abortion-content-on-eve-of-march-for-life ("A Twitter representative confirmed to the *Washington Examiner* that both posts were accidentally flagged and that the error has been corrected."); *see also* Bruce Haring, *'Unplanned' Anti-Abortion Film Has Twitter Troubles, But Account Now Restored*, DEADLINE (Mar. 30, 2019), https://deadline.com/2019/03/unplanned-anti-abortion-film-has-twitter-troubles-but-account-now-restored-1202585667/; *see also Here's How Twitter is Censoring Our Pro-Life Message*, SUSAN B. ANTHONY LIST (Oct. 25, 2017), https://www.sba-list.org/suzy-b-blog/heres-twitter-censoring-pro-life-message.

[18] Jon Levine (@LevineJonathan), TWITTER (May 26, 2020), https://twitter.com/LevineJonathan/status/1265457578215124995; Jon Levine (@LevineJonathan), TWITTER (May 26, 2020), https://twitter.com/LevineJonathan/status/1265467661254885376.

[19] *Id.*

[20] *Id.*

ballots, including how Twitter decided what additional information to make available to users concerning mail-in voting;[21] and

3. All documents and communications referring or relating to Twitter's decision to apply a notation asserting that President Trump's June 23, 2020, tweet concerning an autonomous zone in Washington, D.C. violated Twitter's policy against abusive behavior and threats of harm against an identifiable group.[22]
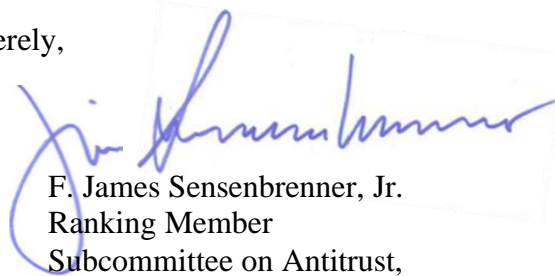
Please provide this information as soon as possible but no later than 5:00 p.m. on July 22, 2020. In addition, we ask that Twitter provide a briefing to the Committee on these matters as well as its recently adopted disinformation policies and tools and how Twitter makes content moderation decisions upon production of the documents and information requested above.

If you have any questions regarding this request, please contact Committee staff at (202) 225-6906. Thank you for your attention to this matter.

Sincerely,

Jim Jordan
Ranking Member

F. James Sensenbrenner, Jr.
Ranking Member
Subcommittee on Antitrust,
Commercial and Administrative Law

cc: The Honorable Jerrold L. Nadler, Chairman

The Honorable David N. Cicilline, Chairman, Subcommittee on Antitrust, Commercial and Administrative Law

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[21] *See* Twitter Safety (@TwitterSafety), TWITTER (May 27, 2020), https://twitter.com/TwitterSafety/status/1265838823663075341; *see also* Twitter Safety (@TwitterSafety), TWITTER (May 27, 2020), https://twitter.com/TwitterSafety/status/1265838824451694597.
[22] *See* Twitter Safety (@TwitterSafety), TWITTER (Jun. 23, 2020), https://twitter.com/TwitterSafety/status/1275500569940176897.