

October 24, 2024

Mr. Sundar Pichai  
Chief Executive Officer  
Google  
1600 Amphitheatre Parkway  
Mountain View, California 94043

Mr. Adam Mosseri  
Head of Instagram  
Instagram  
1 Hacker Way  
Menlo Park, California 94025

Mr. Mark Zuckerberg  
Chairman and Chief Executive Officer  
Meta Platforms, Inc.  
1 Hacker Way  
Menlo Park, California 94025

Mr. Satya Nadella  
Executive Chairman and Chief Executive Officer  
Microsoft Corporation  
1 Microsoft Way  
Redmond, Washington 98052

Mr. Evan Spiegel  
Chief Executive Officer  
Snap Inc.  
2772 Donald Douglas Loop North  
Santa Monica, California 90405

Mr. Shou Zi Chew  
Chief Executive Officer  
TikTok LLC  
5800 Bristol Parkway, Suite 100  
Culver City, California 90230

Ms. Linda Yaccarino  
Chief Executive Officer  
X Corp.  
1355 Market Street  
San Francisco, California 94103

Mr. Neal Mohan  
Chief Executive Officer  
YouTube, LLC  
901 Cherry Avenue  
San Bruno, California 94066

Dear Mr. Pichai, Mr. Spiegel, Mr. Mosseri, Mr. Chew, Mr. Zuckerberg, Ms. Yaccarino, Mr. Nadella, and Mr. Mohan,

I write to express my concerns about a letter addressed to your company authored by Representative Adam Schiff and other colleagues in the U.S. House of Representatives.<sup>1</sup> I fear that Representative Schiff and his colleagues may be attempting to pressure your company to suppress speech on your platforms ahead of the 2024 presidential election. I hope your company recognizes the importance of Free Speech and the ability of Americans to speak their mind in the modern public square of social media platforms. To that end, I urge

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<sup>1</sup> See Press Release, Adam Schiff, Schiff Demands Social Media Companies Take Action in Advance of 2024 Election to Address Spread of Election Misinformation (Oct. 1, 2024), <https://schiff.house.gov/news/press-releases/schiff-demands-social-media-companies-take-action-in-advance-of-2024-election-to-address-spread-of-election-misinformation>.

your company to resist any pressure from elected officials or Executive Branch officials to engage in viewpoint censorship ahead of the 2024 presidential election.

Fortunately, the First Amendment’s codification of our right to Free Speech prevents politicians from directly making use of government power to censor their opponents.<sup>2</sup> Nevertheless, in recent years there has been a worrying trend where some Democratic politicians, including at the highest levels of the federal government, have attempted to pressure your companies to do what they could not, silence their political opponents under the guise of combatting “misinformation and disinformation.”<sup>3</sup> Secretary John Kerry recently lamented that “Our First Amendment stands as a major block to the ability to be able to hammer [disinformation] out of existence.”<sup>4</sup> Governor Tim Walz has incorrectly claimed there is “no guarantee to free speech on misinformation or hate speech, and especially around our democracy.”<sup>5</sup> Sometimes this pressure takes the form of an explicit threat, such as Secretary Hillary Clinton’s recent call to repeal Section 230 of the Communications Act if social media platforms “don’t moderate and monitor the content” to their satisfaction.<sup>6</sup>

More frequently, government pressure is applied through implicit threats, such as the Biden-Harris Administration’s behavior during the Covid-19 pandemic.<sup>7</sup> During the pandemic, senior Biden-Harris Administration officials “leaned on [Meta] to censor certain posts about Covid-19, including humor and satire” and then “expressed a lot of frustration” when Meta resisted those requests.<sup>8</sup> *Murthy v. Missouri* exposed other instances of Biden-Harris Administration officials unconstitutionally coercing social media companies to censor on their behalf.<sup>9</sup>

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<sup>2</sup> See U.S. CONST. amend. I.

<sup>3</sup> See Joseph Wulsohn, *What Elon Musk's Twitter Files have uncovered about the tech giant so far*, FOX NEWS (Jan. 22, 2023), <https://www.foxnews.com/media/what-elon-musks-twitter-files-uncovered-about-tech-giant>.

<sup>4</sup> See Jonathan Turley, *John Kerry says First Amendment is the enemy, as elites try to stamp out free speech*, N.Y. POST (Oct. 2, 2024), <https://nypost.com/2024/10/02/opinion/john-kerry-says-first-amendment-is-the-enemy-as-elites-try-to-stamp-out-free-speech/>.

<sup>5</sup> See Mark Hemingway, *Tim Walz Endorsed Censorship In Front Of Millions Of Americans And No One Cares*, THE FEDERALIST (Oct. 3, 2024), <https://thefederalist.com/2024/10/03/tim-walz-endorsed-censorship-in-front-of-millions-of-americans-and-no-one-cares/>.

<sup>6</sup> See Landon Mion, *Hillary Clinton says social media companies need to moderate content or 'we lose total control'*, FOX NEWS (Oct. 6, 2024), <https://www.foxnews.com/media/hillary-clinton-says-social-media-companies-need-moderate-content-we-lose-total-control>.

<sup>7</sup> See Nandita Bose & Elizabeth Culliford, *Biden says Facebook, others 'killing people' by carrying COVID misinformation*, REUTERS (July 16, 2021), <https://www.reuters.com/business/healthcare-pharmaceuticals/white-house-says-facebooks-steps-stop-vaccine-misinformation-are-inadequate-2021-07-16/>.

<sup>8</sup> See Lara Korte, *Zuckerberg says he regrets caving to White House pressure on content*, POLITICO (Aug. 27, 2024), <https://www.politico.com/news/2024/08/26/zuckerberg-meta-white-house-pressure-00176399>.

<sup>9</sup> See Press Release, Eric Schmitt, Senator Schmitt Statement on *Murthy v. Missouri* Ruling (June 26, 2024), <https://www.schmitt.senate.gov/media/press-releases/senator-schmitt-statement-on-murthy-v-missouri-ruling/>; *Murthy v. Missouri*, 144 S. Ct. 1972 (2024) (Alito, J., dissenting) (“For months, high-ranking Government officials placed unrelenting pressure on Facebook to suppress Americans’ free speech. Because the Court unjustifiably refuses to address this serious threat to the First Amendment, I respectfully dissent.”); *R.A.V. v. City of St. Paul*, 505 U.S. 377, 382 (1992) (“The First Amendment generally prevents government from proscribing speech or even expressive conduct because of the disapproval of the ideas expressed.”).

Taken at face value, Representative Schiff’s letter represents the latest iteration of those censorship efforts. His letter criticizes your company’s content moderation policies for allegedly being insufficient to combat the spread of misinformation and disinformation and then on that basis accuses your company of being an accomplice to “blatant attacks on our democracy” and possible violence.<sup>10</sup> Further, a press release issued by Representative Schiff in conjunction with his letter “demands social media companies take action in advance of the 2024 election.”<sup>11</sup> It is clear to me that Representative Schiff and the other House Democrats who co-signed the letter are attempting to pressure your company to silence speech on your platforms leading up to the 2024 election. I urge your company to stand firm against those efforts.

As the modern public square, social media platforms play an indispensable role in the democratic process. Despite some politicians’ recent attacks on Free Speech, I commend your company, and peer platforms, for recent statements in support of free expression. At Code 2022, Alphabet and Google CEO Sundar Pichai declared that Google is “committed to freedom of speech.”<sup>12</sup> At a speech at Georgetown University, Meta Chairman and CEO Mark Zuckerberg defended the importance of free expression, underscoring that “giving everyone a voice empowers the powerless and pushes society to be better over time – a belief that’s at the core of Facebook.”<sup>13</sup> Microsoft’s Global Human Rights Statement declares that the company is committed to protecting the freedoms of opinions and expression.<sup>14</sup> X CEO Linda Yaccarino has emphasized the company’s focus on free speech, stating to the platform’s users that “you should have the freedom to speak your mind.”<sup>15</sup> I hope your companies’ actions to live up to these public-facing commitments.

Free Speech is not only intrinsically valuable but also inalienable and worth defending from those who seek to undermine it.<sup>16</sup> While it is often no easy task to stand firm against pressure from government officials and other politicians, I urge that your company stand true to its values and resist pressure from elected officials to engage in viewpoint censorship. I earnestly believe that your company and American democracy will both be stronger for it.

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<sup>10</sup> See Schiff, *supra* note 1.

<sup>11</sup> *Id.*

<sup>12</sup> See Michael J. Miller, *The Head of Google Says Future AI Must Align with Human Values*, PCMAG (Sept. 7, 2022), <https://www.pcmag.com/news/the-head-of-google-says-future-ai-must-align-with-human-values>.

<sup>13</sup> See Mark Zuckerberg *Stands for Voice and Free Expression*, META (Oct. 17, 2019), <https://about.fb.com/news/2019/10/mark-zuckerberg-stands-for-voice-and-free-expression/>.

<sup>14</sup> See Brad Smith, *Microsoft Global Human Rights Statement*, MICROSOFT, (last visited Oct. 8, 2024), <https://www.microsoft.com/en-us/corporate-responsibility/human-rights-statement>.

<sup>15</sup> See Johnathan Vanian, *Twitter CEO Linda Yaccarino echoes Musk in emphasizing freedom of speech in debut tweet thread*, CNBC, (June 12, 2023), <https://www.cnbc.com/2023/06/12/twitter-ceo-linda-yaccarino-echoes-musk-in-focus-on-freedom-of-speech-.html>.

<sup>16</sup> See Jud Campbell, *Natural Rights and the First Amendment*, 127 YALE L. J. 246, 281-82 (2017) (“Among the natural rights that individuals had not surrendered to government, Thomas Jefferson wrote in 1789, were ‘the rights of thinking, and publishing our thoughts by speaking or writing.’ The inalienability of this liberty was broadly recognized.”).

I would appreciate replies to the following inquiries:

- If you have responded to, or plan to respond to, the letter sent by Representative Schiff and his colleagues, would you please provide my office a copy of that reply or publish the reply?
- As the 2024 election approaches, has your company experienced any pressure from government actors to censor user content in recent weeks? If so, I would appreciate any detail on those instances.
- Has your company changed any policies in the last twelve months related to election integrity?
- Does your company keep a list of requests from elected officials, and or national party organizations, regarding flagged content and calls to remove such flagged content?
- If so, could you please provide my office a list of requests from elected officials, and or national party organizations?

I request answers by October 31, 2024. Thank you in advance,

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric S. Schmitt". The signature is fluid and cursive, with a large initial "E" and "S".

Eric S. Schmitt  
United States Senator