

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States  
House of Representatives

COMMITTEE ON THE JUDICIARY

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February 26, 2025

Mr. Mark Zuckerberg  
Chief Executive Officer  
Meta Platforms, Inc.  
1 Meta Way  
Menlo Park, CA 94025

Dear Mr. Zuckerberg:

The Committee on the Judiciary is conducting oversight of how and to what extent foreign laws, regulations, and judicial orders compel, coerce, or influence companies to censor speech in the United States.<sup>1</sup> In the 118th Congress, the Committee uncovered how the Biden-Harris Administration repeatedly pressured online platforms to censor Americans directly and by proxy.<sup>2</sup> Following this oversight, Meta admitted that it was wrong to bow to the Biden-Harris Administration's demands, publicly committed to restoring free speech on its platforms, and reformed its policies.<sup>3</sup> Now, in the 119th Congress, a new threat to Americans' free expression has emerged in the form of foreign laws, regulations, and judicial orders that require or lead American companies to limit what content can be viewed on their platforms in the United States.<sup>4</sup> To protect Americans' civil liberties, the Committee must investigate the extent and nature of these foreign censorship efforts and their effect on constitutionally protected speech at home.

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<sup>1</sup> See, e.g., Pieter Haeck, *US presses Brussels for answers over EU social media law*, POLITICO (Jan. 31, 2025); Peter Caddle, *US Congressman makes fresh attack on Breton, warns 'digital enforcer' not to censor Americans*, BRUSSELS SIGNAL (Sept. 10, 2024).

<sup>2</sup> STAFF OF THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV'T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., *THE WEAPONIZATION OF THE FEDERAL GOVERNMENT* (Comm. Print Dec. 20, 2024).

<sup>3</sup> Letter from Mark Zuckerberg, CEO, Meta, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Aug. 26, 2024) (noting that "senior officials from the Biden Administration, including the White House, repeatedly pressured" Meta "to censor certain COVID-19 content, including humor and satire"); Mark Zuckerberg, *More Speech and Fewer Mistakes*, META (Jan. 7, 2025) (noting that "it's been so difficult" to counter global censorship abroad when the Biden-Harris Administration "has pushed for censorship" and gone after Meta "and other American companies" at home, "embolden[ing] other governments to go even further").

<sup>4</sup> See, e.g., Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Thierry Breton, Comm'r for Internal Mkts., European Comm'n (Aug. 15, 2024); Steven Lee Myers, *E.U. Law Sets the Stage for a Clash Over Disinformation*, N.Y. TIMES (Sept. 27, 2023) ("The law, the Digital Services Act, is intended to force social media giants to adopt new policies and practices . . . . If the measure is successful, as officials and experts hope, its effects could extend far beyond Europe, changing company policies in the United States and elsewhere.").

In recent years, foreign governments have taken increasingly aggressive actions to suppress disfavored views on social media by regulating content. For example, new laws in the European Union (EU) and the United Kingdom (UK) require social media companies to censor so-called “disinformation” and “harmful content,” as defined by unelected regulators, or else face enormous fines.<sup>5</sup> In Brazil, Supreme Court Justice Alexandre de Moraes has issued secret, lawless orders forcing American companies to remove large amounts of content or face fines and be banned from the country.<sup>6</sup> The Australian government introduced legislation that would require American platforms to globally remove posts that Australian regulators deem “misleading or deceptive.”<sup>7</sup> Lawmakers in the Canadian Parliament introduced an Orwellian thoughtcrime bill that would permit Canadian authorities to place individuals on house arrest for up to a year if a judge determines that the individual *might* say something “likely to foment detestation or vilification of an individual or group of individuals[.]”<sup>8</sup> Unfortunately, some American public figures have expressed support for these new foreign censorship laws.<sup>9</sup>

These foreign laws, regulations, and judicial orders may have the effect of limiting or restricting Americans’ access to constitutionally protected speech in the United States.<sup>10</sup> Indeed,

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<sup>5</sup> Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and Amending Directive 2000/31/EC (Digital Services Act), 2022 O.J. (L 277) [hereinafter “Digital Services Act”]; Online Safety Act 2023, c. 50 (UK).

<sup>6</sup> See STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., THE ATTACK ON FREE SPEECH ABROAD AND THE BIDEN ADMINISTRATION’S SILENCE: THE CASE OF BRAZIL (Comm. Print Apr. 17, 2024) [hereinafter “Brazil Staff Report I”]; STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., THE ATTACK ON FREE SPEECH ABROAD AND THE BIDEN ADMINISTRATION’S SILENCE: THE CASE OF BRAZIL, PART II (Comm. Print May 7, 2024) [hereinafter “Brazil Staff Report II”].

<sup>7</sup> *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2024* (Cth) (Austl.).

<sup>8</sup> Bill C-63, 2024 (Can.); see also Kayla Gaskins, *UK authorities threaten extradition, jail to US citizens for online posts stoking riots*, NBC MONTANA (Aug. 12, 2024) (describing a UK police chief’s threat to jail Americans for posts made in America under a similar law).

<sup>9</sup> See, e.g., Hillary Clinton (@HillaryClinton), X (Apr. 21, 2022, 5:02 PM), <https://x.com/HillaryClinton/status/1517247388716613634> (“I urge our transatlantic allies to push the Digital Services Act across the finish line”); Lindsay Kornick, *John Kerry calls the First Amendment a ‘major block’ to stopping ‘disinformation’*, FOX NEWS (Sept. 29, 2024) (“John Kerry called the First Amendment a ‘major block’ to combating misinformation and fighting climate change.”); Jonathan Turley, *Opinion: Vance is right. Harris and Walz are a threat to Americans’ free speech.*, USA TODAY (Oct. 3, 2024) (noting Tim Walz’s comment that “there’s no guarantee to free speech on misinformation or hate speech”); see also STAFF OF THE H. COMM. ON THE JUDICIARY AND THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., CENSORSHIP’S NEXT FRONTIER: THE FEDERAL GOVERNMENT’S ATTEMPT TO CONTROL ARTIFICIAL INTELLIGENCE TO SUPPRESS FREE SPEECH (Comm. Print Dec. 18, 2024) (noting close working relationships between the Biden-Harris Administration and the EU on censorious AI regulations).

<sup>10</sup> See, e.g., STAFF OF THE SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T OF THE H. COMM. ON THE JUDICIARY, 118TH CONG., THE WEAPONIZATION OF THE FEDERAL GOVERNMENT (Comm. Print Dec. 20, 2024) 1988-2618; Brazil Staff Report I, *supra* note 6; Brazil Staff Report II, *supra* note 6; Steven Lee Myers, *E.U. Law Sets the Stage for a Clash Over Disinformation*, N.Y. TIMES (Sept. 27, 2023) (“The law, the Digital Services Act, is intended to force social media giants to adopt new policies and practices . . . . If the measure is successful, as officials and experts hope, its effects could extend far beyond Europe, changing company policies in the United States and elsewhere.”).

that appears to be their very purpose.<sup>11</sup> For example, then-EU Internal Markets Commissioner Thierry Breton, the official at the time responsible for enforcing the EU’s censorship law applicable to Meta, publicly threatened an American social media company that it may need to censor American content to prevent “potential spillovers in the EU.”<sup>12</sup> Because many social media platforms generally maintain one set of content moderation policies that they apply globally, the most restrictive censorship laws may set *de facto* global censorship standards, even without these specific threats from foreign officials.<sup>13</sup> In other words, there may be a global race to the bottom where free speech is concerned.

To ensure compliance, these foreign laws authorize immense penalties on companies that refuse to censor disfavored content. The EU’s Digital Services Act (DSA), for example, authorizes the European Commission to impose punitive fines up to six percent of a platform’s *global* revenue for failing to comply with the demands of European bureaucrats.<sup>14</sup> For many American companies, these threatened fines would amount to billions of dollars.<sup>15</sup> In nonpublic documents obtained by the Committee, the State Department noted that the EU’s enforcement of the DSA already “appears to be influencing affected businesses.”<sup>16</sup>

American companies are sounding the alarm about how foreign censorship harms American civil liberties. X has pushed back against lawless judicial orders in Brazil and Australia mandating global content takedowns.<sup>17</sup> Likewise, you recently emphasized the need to “push back on governments around the world, going after American companies and pushing to censor more,” something you acknowledged requires “the support of the U.S. government.”<sup>18</sup>

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<sup>11</sup> *Id.*; see also Thierry Breton (@ThierryBreton), X (Aug. 12, 2024, 12:25 PM), <https://x.com/ThierryBreton/status/1823033048109367549> (Letter from then-Internal Markets Commissioner Thierry Breton to Elon Musk, owner of X, stating that under the DSA, EU regulators are empowered to stop “spillovers” of U.S. speech into the EU); Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Hon. Uzra Zeya, Under Sec’y for Civilian Sec., Democracy, and Hum. Rights & Hon. Eileen Donahoe, Special Envoy and Coordinator for Digital Freedom, Dep’t of State (Nov. 21, 2024) (detailing concerns regarding a proposed Australian social media regulation bill that would “disproportionately target[] American companies and . . . harm free speech worldwide, including in the United States”).

<sup>12</sup> See Thierry Breton (@ThierryBreton), X (Aug. 12, 2024, 12:25 PM), <https://x.com/ThierryBreton/status/1823033048109367549>.

<sup>13</sup> See, e.g., Dawn Carla Nunziato, *The Digital Services Act and the Brussels Effect on Platform Content Moderation*, 24 CHIC. J. INT. LAW 115 (2023). (“In short, the DSA’s substantive content moderation and notice and take down provisions will likely incentivize the platforms to remove large swaths of content . . . . And the platforms will likely alter their globally applicable terms of service and content moderation guidelines in response to the DSA’s mandates in ways that will be speech-restrictive worldwide.”).

<sup>14</sup> Digital Services Act, *supra* note 5, Art. 52 §3; see also The Editorial Board, *European Censorship, Elon Musk and the Telegram Arrest*, WALL ST. J. (Aug. 27, 2024).

<sup>15</sup> Jillian Deutsch, *Tech Giants Could Face Billions in Fines Under EU’s New Content Rules*, INS. J. (Apr. 25, 2022).

<sup>16</sup> Internal State Department Briefing Sheet on EU Digital Issues (on file with the Comm.).

<sup>17</sup> See, e.g., X Global Government Affairs (@GlobalAffairs), X (Aug. 29, 2024, 7:14 PM), <https://x.com/GlobalAffairs/status/1829296715989414281>; X Global Government Affairs (@GlobalAffairs), X (Apr. 19, 2024, 11:20 AM), <https://x.com/GlobalAffairs/status/1781342060668174707>.

<sup>18</sup> Mark Zuckerberg, *More Speech and Fewer Mistakes*, META (Jan. 7, 2025).

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Pursuant to the Rules of the House of Representatives, the Committee has jurisdiction to conduct oversight of matters concerning “civil liberties” to inform potential legislative reforms.<sup>19</sup> To develop effective legislation, including new laws protecting American speech from the effect of foreign governments’ censorship laws and judicial orders, the Committee must first understand how and to what extent foreign laws, regulations, and judicial orders have limited Americans’ access to lawful speech in the United States, as well as the extent to which the Biden-Harris Administration aided or abetted these efforts.<sup>20</sup>

To this end, we have asked for communications between Meta and foreign governments regarding the company’s compliance with foreign censorship laws, regulations, judicial orders, or other government-initiated efforts, and internal Meta communications discussing communications from foreign governments.

Accordingly, please find attached a subpoena. This subpoena stems from a fundamental disagreement between the United States Congress and certain foreign governments regarding Americans’ right to free expression online. As Meta is a corporate entity within the Committee’s jurisdiction and in possession of records relevant to our investigation, the Committee is required to take this step. The Committee appreciates your compliance.

Sincerely,



Jim Jordan  
Chairman

cc: The Honorable Jamie Raskin, Ranking Member

Enclosure

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<sup>19</sup> Rules of the House of Representatives R. X (2025).

<sup>20</sup> *See, e.g.*, No Censors on our Shores Act, H.R. 9605, 118th Cong. (2024).