

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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August 30, 2023

Mr. Imran Ahmed
Chief Executive Officer
Center for Countering Digital Hate
c/o Andrew D. Herman
Lawrence & Bundy
1101 17th Street, NW
Suite 200
Washington, DC 20036

Dear Mr. Ahmed:

The Committee on the Judiciary is conducting oversight of how and to what extent the Executive Branch has coerced and colluded with companies and other intermediaries to censor speech.¹ To develop effective legislation, such as the possible enactment of new statutory limits on the Executive Branch's ability to work with social media platforms and other companies to restrict the circulation of content and deplatform users, the Committee must first understand the nature of how the Executive Branch coerced and colluded with companies and other intermediaries to censor speech. To this end, the Committee asked that the Center for Countering Digital Hate (CCDH) produce communications with the Executive Branch relating to the moderation of content online.² In addition, we also asked for communications between companies including social media companies and the CCDH, to understand, among other things, the extent to which content moderation occurred as a result of the government's influence.³ In response, your counsel has informed the Committee that CCDH will not comply voluntarily with our requests.

The Committee's investigation, along with other public reporting, and publicized discovery in an ongoing federal court case, *Missouri v. Biden*, have exposed how the federal government has pressured and colluded with Big Tech and other intermediaries to censor certain

¹ See Ryan Tracy, *Facebook Bowed to White House Pressure, Removed Covid Posts*, WALL ST. J. (July 28, 2023); Rep. Jim Jordan (@Jim_Jordan), TWITTER (July 27, 2023, 12:03 PM), https://twitter.com/Jim_Jordan/status/1684595375875760128.

² Letter from Hon. Jim Jordan, Chair, H. Comm. on the Judic., to Mr. Imran Ahmed (Aug. 3, 2023).

³ *Id.*

viewpoints on social and other media in ways that undermine First Amendment principles.⁴ Numerous internal documents made publicly available reflect the weaponization of the federal government's power to censor speech online directly and by proxy. For example, internal Facebook documents, obtained by the Committee, show that the Biden White House repeatedly relied on CCDH's report titled "The Disinformation Dozen," in its unconstitutional pressure campaign against social media platforms⁵ to censor Americans, including Robert F. Kennedy Jr., who CCDH maligned as "anti-vaxxers . . . responsible for almost two-thirds of anti-vaccine content circulating on social media platforms."⁶

It is necessary for Congress to gauge the extent to which the federal government or one of its proxies worked with or relied upon CCDH to censor speech. The scope of the Committee's investigation includes intermediaries who may or may not have had a full understanding of the government's efforts and motivations.

On August 3, 2023, the Committee wrote to CCDH seeking its voluntary cooperation with our oversight.⁷ In particular, we requested communications between the Executive Branch and CCDH, internal CCDH communications discussing communications from the Executive Branch, and CCDH communications with third parties that may have been working with the Executive Branch, in addition to other key information. To date, CCDH has failed to produce a single document, despite admissions to the Committee and to the press that part of CCDH's work includes directly engaging with the Executive Branch and social media companies.⁸ CCDH's counsel informed Committee staff that CCDH does not intend to supplement its perfunctory August 17 response with additional information and that CCDH will not voluntarily produce any documents requested by the Committee.⁹ By declining to produce anything of substance in response to the Committee's request, CCDH is hindering the Committee's ability to fulfill its constitutional oversight obligations.

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.¹⁰ In addition, H. Res. 12 authorized the Committee's Select Subcommittee on the Weaponization

⁴ See, e.g., Tracy, *supra* note 1; Rep. Jim Jordan (@Jim_Jordan), Twitter (July 28, 2023, 12:03 PM), https://twitter.com/Jim_Jordan/status/1684957660515328001; Rep. Jim Jordan (@Jim_Jordan), Twitter (Aug. 3, 2023, 11:00 AM), https://twitter.com/Jim_Jordan/status/1687116316073930752; Rep. Jim Jordan (@Jim_Jordan), Twitter (Aug. 7, 2023, 10:11 AM), https://twitter.com/Jim_Jordan/status/1688553339624042496.

⁵ See, e.g., *Missouri v. Biden*, No. 23-30445 (5th Cir. 2023), Dkt. 161 (Brief of Representatives Jim Jordan, Kelly Armstrong, Andy Biggs, Dan Bishop, Kat Cammack, Russell Fry, Lance Gooden, Harriet Hageman, Mike Johnson, Thomas Massie, Barry Moore, and Elise Stefanik as *Amici Curiae* Supporting Plaintiffs-Appellees and Affirmance), Exs. 1, 5, 9, 10, 12.

⁶ *The Disinformation Dozen: Why platforms must act on twelve leading online anti-vaxxers*, CTR. FOR COUNTERING DIGITAL HATE, <https://counterhate.com/research/the-disinformation-dozen/> (last visited July 24, 2023).

⁷ Letter from Hon. Jim Jordan, Chair, H. Comm. on the Judic., to Mr. Imran Ahmed (Aug. 3, 2023).

⁸ Letter from Andrew D. Herman to Hon. Jim Jordan, Chair, H. Comm. on the Judic. (Aug. 17, 2023); Cristiano Lima, *Under fire from Musk and the GOP, nonprofit chief vows to forge ahead*, WASH. POST (Aug. 15, 2023).

⁹ August 21, 2023 Telephone Call between Committee Staff and Andrew D. Herman.

¹⁰ Rules of the House of Representatives R. X (2023).

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of the Federal Government to investigate “issues related to the violation of the civil liberties of citizens of the United States.”¹¹

Accordingly, given CCDH’s inadequate voluntary compliance, please find attached a subpoena.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized with a large, looping "J" and "D".

Jim Jordan
Chairman

cc: The Honorable Jerrold L. Nadler, Ranking Member

Enclosure

¹¹ H. Res. 12 § 1(b)(1).