

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906

judiciary.house.gov

June 1, 2023

Mr. John B. Bellinger, III
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave, NW
Washington, DC 20001

Re: Stanford Internet Observatory

Dear Mr. Bellinger:

The Committee on the Judiciary is conducting oversight of how and to what extent the Executive Branch has coerced or colluded with companies and other intermediaries to censor lawful speech. As a part of this oversight, on April 12, 2023, after efforts to obtain the voluntary compliance of your client, Stanford University, the Committee issued a subpoena for relevant documents to the Stanford Internet Observatory (SIO), with a return date of April 28, 2023.¹ Your client's compliance with the subpoena to date is insufficient, and the Committee writes to note its concerns.

The Committee is aware of evidence that suggests that the SIO is involved in the censorship of disfavored speech.² Notably, SIO is a member of the Election Integrity Partnership (EIP) and the Virality Project (VP), which used Atlassian's Jira Service Desk to file "tickets" for alleged mis- and disinformation.³ The final summary reports issued by EIP and VP in 2021 and 2022 regarding the 2020 election and COVID-19 vaccines, respectively, state that individuals affiliated with SIO tracked both specific posts and entire "narratives" through the Jira ticketing system and shared them, at a minimum, with large social media companies.⁴ Public and non-

¹ Letter to Alex Stamos, Dir., Stanford Internet Observatory, from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Apr. 12, 2023).

² See *Hearing on the Weaponization of the Federal Government on the Twitter Files Before the Select Subcomm. on the Weaponization of the Fed. Gov't of the H. Comm. on the Judiciary*, 118th Cong. 13 – 14, 27 – 28, 37 – 39 (2023) (statement of Michael Shellenberger, Author); Matt Taibbi (@mtaibbi), Twitter (Mar. 9, 2023, 9:00 AM), <https://twitter.com/mtaibbi/status/1633830104144183298>; *Missouri v. Biden*, No. 3:22-cv-01213-TAD-KDM, ECF No. 212-3 (Plaintiffs' Proposed Findings of Fact in Support of Their Motion for Preliminary Injunction) (W.D. La. filed Mar. 6, 2023), at ¶¶ 111, 991-1075.

³ THE ELECTION INTEGRITY P'SHIP, *THE LONG FUSE: MISINFORMATION AND THE 2020 ELECTION*, 8 – 9, 12, 24 n.6 (2021); THE VIRALITY PROJECT, *MEMES, MAGNETS, AND MICROCHIPS: NARRATIVE DYNAMICS AROUND COVID-19 VACCINES*, 28 – 30 (2022).

⁴ THE ELECTION INTEGRITY P'SHIP, *supra* note 3, at 9, 12; THE VIRALITY PROJECT, *supra* note 3, at 29 & n.ii.

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public information obtained by the Committee confirms that large social media companies moderated content based upon these tickets and other information shared by Stanford personnel. For example, EIP boasted that “Twitter, Google, Facebook, and TikTok all had a 75% or higher response rate (on the EIP Jira ticketing platform) to tickets they were tagged in.”⁵

The Committee’s subpoena requires the production of “[a]ll documents and communications between or among the SIO and any company referring or relating to . . . the accuracy or truth of content[.]”⁶ This request includes all Jira tickets and related communications to social media companies, which document purportedly false content posted online. In spite of this requirement, your client has thus far refused to provide documents and communications related to the Jira tickets despite repeated, specific requests from the Committee to do so.⁷ Further, during a recent call with Committee staff, you confirmed that your client has possession of documents and communications related to the Jira tickets, but would not be producing them to the Committee.⁸ You have represented that the basis for your refusal is that these documents and communications concern only a research project conducted by Stanford students. This description is inconsistent with information obtained by the Committee and available in the public domain, which suggests that the government and large social media platforms initiated and received information via these relevant documents.⁹

The Committee’s subpoena imposes legal obligations on SIO to comply and produce responsive materials. Thus, your client’s refusal to produce documents responsive to the Committee’s subpoena—four weeks after the subpoena return date—is highly concerning. Accordingly, the Committee expects the SIO will complete its production of responsive documents, in full, by no later than Wednesday, June 14, 2023, at 5:00 p.m. If Stanford fails to comply in full with the subpoena’s demands, the Committee may be forced to consider the use of one or more enforcement mechanisms. Thank you for your client’s attention to this matter.

Sincerely,



Jim Jordan
Chairman

⁵ THE ELECTION INTEGRITY P’SHIP, *supra* note 3, at 27.

⁶ Letter to Alex Stamos, Dir., Stanford Internet Observatory, from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (Apr. 12, 2023).

⁷ Phone call between John Bellinger and Committee Staff (May 4, 2023); Phone call between John Bellinger and Committee Staff (May 15, 2023).

⁸ Phone call between John Bellinger and Committee Staff (May 15, 2023).

⁹ *See, e.g.*, THE ELECTION INTEGRITY P’SHIP, *supra* note 3, at 12 (“Government and civil society partners could create tickets or send notes to EIP analysts,” and “EIP . . . provided outputs to external stakeholders.”), 13 (describing how analysis conducted via the “EIP ticketing system” was “passed back to election officials via the EI-ISAC,” the Election Infrastructure Information Sharing and Analysis Center); *Missouri v. Biden*, ECF. No. 212-3, *supra* note 2, at ¶ 111 (describing documents that indicate that White House personnel were coordinating with Stanford personnel regarding COVID-19 vaccine information), ¶ 1058-60 (describing how the Cybersecurity Infrastructure & Security Agency (CISA) received an email from the “CISA-funded Center for Internet Security” regarding an EIP “ticket,” and that CISA forwarded this email to Twitter, Facebook, and YouTube (citing testimony and exhibits from the deposition of Brian Scully).

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cc: The Honorable Jerrold L. Nadler, Ranking Member
Mr. Alex Stamos, Director, Stanford Internet Observatory