

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
<https://oversight.house.gov>

Ranking Member Jamie Raskin Opening Statement

Hearing on “Protecting Speech from Government Interference and Social Media Bias, Part 1: Twitter’s Role in Suppressing the Biden Laptop Story
February 8, 2023

Last night, in his State of the Union Address, President Biden reviewed the significant achievements his Administration and Congressional Democrats are delivering for the American people: the lowest unemployment rate in over fifty years, a manufacturing boom in clean energy, semi-conductors, and infrastructure, expanding healthcare for veterans and lowering prescription drug costs for seniors and diabetics, beating the opioid epidemic and addressing our national mental health crisis, historic action on climate change. This morning, we return—not to focus on expanding this robust agenda of progress but instead to take up an authentically trivial pursuit.

The Majority has called a hearing to revisit a two-year-old story about a private editorial decision by Twitter not to allow links to a single New York Post article made for a two-day period that had no discernible influence on anyone or anything. The New York Post published the article in its own pages and it was carried by lots of other media outlets. It was widely discussed, including on Twitter itself, even during the brief moment when links were not provided, and it was a fixture in right-wing media for the next three weeks before the election. I think even the Chairman and other members of this Committee were on TV or social media about it. But instead of letting this trivial pursuit go, my Republican colleagues have tried to whip up a faux-scandal about this two-day lapse in their ability to spread Hunter Biden propaganda on a private media platform. Silly does not begin to describe this obsession.

What’s more, Twitter’s editorial decision has been analyzed and debated ad nauseum. Some people think it was the right decision, some people think it was the wrong decision. But the key fact is that it was Twitter’s decision.

Twitter is a private media company. In America, private media companies can decide what to publish or how to curate content however they want. If Twitter wants to have nothing but tweets commenting on New York Post articles run all day, it can do that; and if it makes it so tweets mentioning the New York Post never see the light of day, it can do that too. That’s what the First Amendment means. Twitter can ban Donald Trump for inciting violent insurrection and it can try to resurrect his political career. Elon Musk purchased Twitter and therefore controls its editorial content and among the first things he did was to fire some people, hire some other people, denounce some prior decisions and reinstate an unrepentant and still lying Donald Trump to the platform. Those decisions, however heroic or imbecilic they may be in the eyes of others, are protected by the First Amendment.

Officially, Twitter happens to think they got it wrong about the New York Post. In hindsight, Twitter’s former CEO, Jack Dorsey, called the decision a mistake. This apology might be a statement of regret about the company being overly cautious about the risks of publishing contents of potentially hacked or stolen materials or it may reflect craven surrender to a right-wing pressure campaign, but however you

interpret it, the apology just makes the premise of this hearing all the more absurd. The professional conspiracy theorists heckling and haranguing this private company have already gotten their precious apology. What more do they want? And why does the United States Congress have to be involved in this nonsense?

What makes this hearing tragic is that, if our colleagues wanted to examine a deadly serious problem involving American democracy and social media, it is staring us in the face right now. Twitter and other social media companies acted as central organizing and staging grounds for the January 6 violent insurrection against Congress and the Vice President. Twitter became the national and global platform for incitement to seditious violence against our government and a forum on the day of attack for coordinating logistical movements and tactical maneuvers in the mob violence against our officers.

In the lead up to January 6, Twitter decided to allow Donald Trump and countless MAGA extremists to use its platform to spread Trump's ridiculous Big Lie and disinformation about the election, and soon the Internet was replete with incitement for civil war, race war, insurrection, revolution and mob violence. Twitter did so despite increasingly desperate appeals from its own employees to act in the interests of public safety.

The First Amendment is robust and expansive, but it stops at this point. It does not protect anyone's right to engage in incitement to imminent lawless and violent action against the government or against other people. This is the Brandenburg principle.

There's no carve-out to free speech for speech relating to Hunter Biden or the New York Post, but there is a significant carve-out when the speech is deliberately calculated to produce imminent violence and chaos and is likely to produce it. That's why Twitter's deliberate indifference to Donald Trump's Big Lies and incitement, its decision to ignore the pleas of its own key employees to deal with the impending explosion of violence against our police and our Congress on January 6, 2021, are matters that require serious investigation and reflection. Rather than conspiring to suppress right-wing MAGA speech as my Republican colleagues astonishingly claim, Twitter and other social media companies knowingly facilitated Donald Trump's spread of disinformation, or what his own sycophantic Attorney General William Barr called, "bullshit," and gave voice to his followers' glorification of violence and calls for civil war.

Today we will hear from Anika Collier Navaroli, a former Twitter employee turned corporate whistleblower and patriotic hero who raised the alarm inside Twitter about numerous accelerating warning signs she saw leading up to the violent and catastrophic attack on the U.S. Capitol on January 6th. Ms. Navaroli is here today to publicly testify about how senior officials at Twitter resisted her efforts to put policies in place—and to enforce existing policies—to promote public safety and defend national security both on- and off-line. Twitter management didn't want to cross Donald Trump.

I don't know precisely how we are going to solve the problem of private social media platforms being used for the organization of political coups and incitement of violent insurrections. But this is a grave problem confronting democracy in America and all over the world, not a phony, silly, concocted partisan issue. We must analyze it carefully and legislate effectively to address it. And we must not forget that the fascistic enemies of democracy, led by autocrat and war criminal Vladimir Putin, are spending hundreds of millions of dollars on social media propaganda and disinformation to destabilize democracies all over the world at the same time they are waging brutal aggressive and genocidal war against the people of Ukraine.

How we are going to prevent the liberal democracies from being overrun by propaganda, disinformation, lies, hate and violent incitement? Listen to Anika Collier Navaroli because she has something important to say. She poses a problem that would be worthy of a serious Congressional hearing. We should have one.

Thank you, Mr. Chairman, and I yield back.

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Contact: Nelly Decker, Communications Director, (202) 226-5181