

HEARING ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT

HEARING BEFORE THE SELECT SUBCOMMITTEE ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT OF THE COMMITTEE ON THE JUDICIARY U.S. HOUSE OF REPRESENTATIVES ONE HUNDRED EIGHTEENTH CONGRESS FIRST SESSION

THURSDAY, MARCH 9, 2023

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C O N T E N T S

THURSDAY, MARCH 9, 2023

	Page
OPENING STATEMENTS	
The Honorable Jim Jordan, Chair of the Select Subcommittee on the Weaponization of the Federal Government from the State of Ohio	1
The Honorable Stacey Plaskett, Ranking Member of the Select Subcommittee on the Weaponization of the Federal Government from the Virgin Islands ...	2
WITNESSES	
Mr. Michael Shellenberger, Journalist, Co-founder, Public, a Substack publication	
Oral Testimony	7
Prepared Testimony	10
Mr. Matthew Taibbi, Independent Journalist	
Oral Testimony	78
Prepared Testimony	80
LETTERS, STATEMENTS, ETC. SUBMITTED FOR THE HEARING	
All materials submitted for the record by the Select Subcommittee on the Weaponization of the Federal Government are listed below	128
Materials submitted from the Honorable Stephen Lynch, the Select Subcommittee on the Weaponization of the Federal Government from the State of Massachusetts, for the record	
An indictment in the <i>U.S. v. The Internet Research Agency</i> , U.S. District Court of the District of Columbia	
The Executive Summary to Volume 1 of the Mueller Report	
Materials submitted from the Honorable John Garamendi, a Member of the Select Subcommittee on the Weaponization of the Federal Government from the State of California	
A report entitled, "Trade-offs between reducing misinformation and politically-balanced enforcement on social media," Working paper, Mohsen Mosleh <i>et al.</i>	
An article entitled, "False Accusation: The Unfounded Claim that Social Media Companies Censor Conservatives," Center for Business and Human Rights, New York University	
Tweets from Ye (Kanye West), submitted by the Honorable Colin Allred, a Member of the Select Subcommittee on the Weaponization of the Federal Government from the State of Texas	
A report entitled, "The Trump-Ukraine Impeachment Inquiry Report," by the House Permanent Select Committee on Intelligence, in coordination with the Committee on Oversight and Reform and the Committee on Foreign Affairs, December 2019, submitted by the Honorable Dan Goldman, a Member of the Select Subcommittee on the Weaponization of the Federal Government from the State of New York	
An email from Clark Humphrey, Executive Office of the Presidency, White House Office, January 23, 2021, submitted by the Honorable Jim Jordan, Chair of the Select Subcommittee on the Weaponization of the Federal Government from the State of Ohio	

IV

Page

- A tweet, submitted by the Honorable Debbie Wasserman Schultz, a Member of the Select Subcommittee on the Weaponization of the Federal Government from the State of Florida
- Materials submitted by the Honorable Stacey Plaskett, Ranking Member of the Select Subcommittee on the Weaponization of the Federal Government from the Virgin Islands
- A letter to Mark Zuckerberg from Chad Wolf, the Acting Secretary of Homeland Security, June 25, 2020,
 - An article entitled, "Trade-offs between reducing misinformation and politically-balanced enforcement on social media," Working paper, Mohsen Mosleh *et al.*,
 - A letter from David Salvo and Rachael Dean Wilson, Managing Director, Alliance for Securing Democracy, March 10, 2023

APPENDIX

Statement submitted by the Honorable Gerald E. Connolly, a Member of the Select Subcommittee on the Weaponization of the Federal Government from the State of Virginia

HEARING ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT

Thursday, March 9, 2023

HOUSE OF REPRESENTATIVES

SELECT SUBCOMMITTEE ON THE WEAPONIZATION OF THE
FEDERAL GOVERNMENT

COMMITTEE ON THE JUDICIARY

Washington, DC

The Subcommittee met, pursuant to notice, at 10:09 a.m., in Room 2141, Rayburn House Office Building, Hon. Jim Jordan [Chair of the Subcommittee] presiding.

Present: Representatives Jordan, Issa, Massie, Stewart, Stefanik, Johnson, Gaetz, Armstrong, Cammack, Hageman, Plaskett, Lynch, Sanchez, Wasserman Schultz, Connolly, Garamendi, Allred, Garcia, and Goldman.

Chair JORDAN. The Subcommittee will come to order. Without objection, the Chair is authorized to declare a recess at any time.

I would ask the gentleman from North Carolina, Mr. Bishop, to lead the Committee and those present for the hearing in the Pledge of Allegiance.

ALL. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

Chair JORDAN. Welcome, everyone, to the second hearing of the Select Committee on the Weaponization of the Federal Government. The Chair now recognizes himself for an opening statement.

In the run-up to the 2020 Presidential election, FBI Special Agent Elvis Chan, in his deposition in *Missouri v. Biden*, said that he repeatedly, repeatedly informed Twitter and other social media platforms of the likelihood of a hack-and-leak operation in the run-up to that Presidential election. He did it even though there was no evidence. In fact, he said in his deposition, that we hadn't seen anything, no intrusions, no hack. That he repeatedly told him something was coming.

Yoel Roth, head of trust and safety at Twitter testified that he had regular meetings with the Office of the Director of the National Intelligence, the Department of Homeland Security, the FBI, and other folks regarding election security. During these weekly meetings, Federal law enforcement agencies communicated that they expected a hack-and-leak operation. The expectations of the hack and leak operation were discussed throughout 2020. He was

told they would occur at a period shortly before the 2020 Presidential election, likely in October. Finally, he said: “I also learned in these meetings that there were rumors that a hack and leak operation would involve Hunter Biden.”

So, what’s the government telling? A hack and leak operation were coming. How often did the government tell him this? Repeatedly for a year. When did the government say it was going to happen? October 2020. Who did the government say it would involve? Hunter Biden.

Now think about it. The government had no evidence of any intrusions, no evidence of hack and leak, yet for a year they tell Twitter that a hack and leak is coming, it’s coming in October, and it will involve Hunter Biden. No evidence. The FBI knows what is going to happen, when it’s going to happen, and who it’s going to involve. Now, that’s amazing. That is amazing to me.

Maybe—I mean maybe they get the time right. We’re kind of used to October surprises every four years. So, maybe they get the time right, but they got the time, they got the method, and they got the person. That’s amazing. It’s almost like these guys were clairvoyant. How did they know? How did they know?

Maybe it’s because they had the laptop, and they had it for a year. They had the laptop, they knew it wasn’t hacked, but that’s not what they told Twitter. They didn’t tell Twitter that information. Twitter believed, frankly, everything they said. In those weekly meetings, the FBI had built a cozy relationship with this tech company and others as well, we believe. Emails between the FBI and Twitter began with the greetings. Hey, Twitter folks. Emails that asked Twitter to take down accounts and limit visibility of tweets.

FBI handed out security clearances to folks at Twitter. They communicated with Twitter on this secret teleporter app where messages disappear after certain lengths of time. Of course, they paid Twitter \$3.4 million.

In addition, on August 6, 2020, the FBI briefed Senators Grassley and Johnson. According to the Senators’ testimony last month in front of this Committee, the briefing was bogus and done, so someone could go leak that the briefing had happened and undermine the Senators’ investigation.

In September 2020, government-funded think tank gets involved. They do a tabletop exercise. The participants include *The New York Times*, *The Washington Post*, and other mainstream media outlets. Facebook is there. Mr. Roth of Twitter is there. The organizer was the former CEO of NPR and the former head of news at Twitter. Mock exercises hosted by the Aspen Institute. The Aspen Institute, which by the way, in 2020, their budget was \$9.3 million; \$5 million from the State Department; \$4 million from USAID. Almost all their budget. Guess the title. Guess the title of this exercise. The Aspen Digital Hack and Dump Working Group. Guess who the subject was? Guess who the subject was? Hunter Biden. That’s amazing.

On October 14, 2020, the *New York Post* runs a story on the Biden laptop, and Twitter takes it down, even though it was accurate, and even though it didn’t violate Twitter’s rules of—Twitter’s

rules. Other social media companies do the same. Mainstream press work to downplay and discredit the story.

Finally, as if on cue, five days later on October 19, 51 former intel officials signed a letter with the now famous sentence: “The Biden laptop story has all the classic earmarks of a Russian information operation.” Something that was absolutely false.

Our government built a cozy relationship with Big Tech; they primed him for a hack-and-leak operation; they funded the think tank which further primed Big Tech and big media; they leaked information to undermine the good work of two United States Senators; and then 51 former intel officials closed the deal with their letter.

Mr. Shellenberger pointed out in his reporting: “The information op was run on us, run on We the People.” If that’s not the weaponization of government, I don’t know what is. I really—I’ll get to this in a second—but I want to thank our witnesses for being here today. I’ll get to this after we allow the Ranking Member her opening statement. I’ll yield to the Ranking Member for an opening statement.

Ms. PLASKETT. Thank you. Before my opening statement, Mr. Chair, as a point of order, it’s been my understanding that one of the witnesses has, within the last half an hour, released additional information that the Republicans may, and you as the majority, may have been able to review and have information about—and if that information is, in fact, going to be used at this hearing, I just want the point of order to be recognized that the Democrats have not been able to review or see any of that information. Will you be using any of the information that has recently been released by—excuse me, will you be using any of that information?

Chair JORDAN. We’ll be using whatever information that our staff has put together for us to use at this hearing.

Ms. PLASKETT. You have had that information before this hearing began before today?

Chair JORDAN. We use all information that is given to our staff, and we will use it to make sure we educate the American people on the weaponization—

Ms. PLASKETT. Information that you have not shared with us?

Chair JORDAN. Oh, we think it was posted online with—

Ms. PLASKETT. Within a half—just this half an hour, the last 20 minutes. It’s not information you want to get to us?

Chair JORDAN. Well, do you want us to get you copy of it, because we can make a copy for you?

Ms. PLASKETT. I think we can go online and find a copy. We can look on our Twitter account and see it. I just want the point of order that you have not shared any of that with us. I understand that—

Chair JORDAN. Well.

Ms. PLASKETT. —you may have been looking at this long before today’s hearing.

Chair JORDAN. We obtained it the same timeframe that was posted online.

Ms. PLASKETT. Excuse me, before we continue, is one of your colleagues trying to speak to me? Or I think this was a conversation between you and me.

Mr. ISSA. I was speaking to a parliamentarian, if you don't mind.

Chair JORDAN. The gentlelady's time—

Ms. PLASKETT. Oh, OK. OK. All right. Well—

Chair JORDAN. I recognize you for an opening statement.

Ms. PLASKETT. I had a point of order, which I was asking you to address.

Chair JORDAN. I answered your question.

Ms. PLASKETT. OK. Great. Now, I will get begin my point—my opening statement. Three weeks ago, House Oversight had this hearing with actual Twitter executives who had actual firsthand knowledge about what happened in 2020. That didn't go so well for the House Republicans because real evidence showed that there wasn't coordination between Twitter and the Federal Government as they liked the American people to believe, and that all the so-called Twitter files really showed was a discussion on content moderation, and that we only got a fraction of the discussion.

So, now we're back again, no surprise. What else have they got to talk about? Not what's interested in the American people are interested, not what taxpayer dollars have brought us here to Washington to do. The Republicans have brought in two of Elon Musk's public scribes to release cherry-picked out-of-context emails and screen shots designed to promote his chosen narrative, Elon Musk's chosen narrative that is now being parroted by the Republicans because the Republicans think that these witnesses will tell a story that's going to help them out politically.

On Tuesday, the majority released an 18-page report claiming to show that the FTC is, quote, "harassing Twitter." Oh my, poor Twitter, including by seeking information about its interactions with individuals before us today. How did the report reach this conclusion? By showing two—one, two, single paragraphs from a single demand letter, even though the report itself makes clear that there were numerous demand letters with numerous requests, none of which we've been able to see that are more demand letters and more requests of Twitter. In other words, the conclusions are based on a fraction of information out of context, cherry-picked, surprise, just like the Twitter files.

The majority conveniently forgot to share with the public that in May 2022, well before Musk acquired Twitter, the FTC had already fined the company 150 million for failing to safeguard data, users' data, users, the American people, other individuals. It's 150 million users, Twitter had not safeguard them.

Twitter entered into this consent agreement that required it to make regular reports to the FTC, and their previous consent decree between Twitter and the FTC was entered into in 2011.

Elon Musk might not like this requirement, but Twitter had issues with FTC long before Musk bought the company, and there's nothing political about that. We've asked for the full set of documents that Musk must have shared with the Republicans on the Committee, but we can draw some logical conclusions from what we have been given.

You know what the Republican report actually shows? Two conclusions: First, the FTC has extraordinarily serious concerns about Twitter's handling of consumers' data, and that there's something going on between congressional Republicans and Elon Musk.

Mr. Chair, Americans can see through this. Musk is helping you out politically, and you're going out of your way to promote and protect him and to praise him for his work. This isn't just a matter of what data was given to these so-called journalists before us now. There are many legitimate questions about where Musk got the financing to buy Twitter.

We know for a fact that foreign countries like Qatar, Saudi Arabia, and possibly even Russia and China are investors presently in Twitter. Do these countries now have access to private Twitter user data? What agreements has Elon Musk reached with them?

[Slide.]

We know how Elon Musk funded the purchase, because it's public. Let's look at a slide here. Here's what it shows. Musk got \$500 million in financing from Binance. That's in highlight for you. A crypto exchange platform run by a Chinese billionaire. That billionaire has described his funding as a small contribution to the cause. I don't know what that cause is.

Musk got \$1 billion from Larry Ellison, whose super packs spent millions on Republican candidates last cycle, including election deniers. Musk got \$375 million, highlighted here, from Qatar, which has recently been questioned about his lobbying practices. Musk got \$700 million from Vy Capital, a secretive investment fund based in Dubai. Very interesting, as you can see down below, the nephew of the Saudi King is Twitter's second largest investor at a much larger amount.

The Chair wants us to think that Elon Musk is the victim. The Chair wants us to believe that the Republicans are concerned with the Federal Government unfairly going after Twitter, and Twitter unfairly taking down conservative posts. Just like we did several weeks ago, we're going to show that's not what the evidence shows.

I want to underscore the very real threat posed by Twitter files and by the witnesses in front of us today. Here is Yoel Roth describing the harassment he and other former Twitter employees have faced because of the irresponsible way in which the witnesses in front of us and others have released this cherry-picked, out-of-context data.

[Video shown.]

Ms. PLASKETT. Thank you. Mr. Chair, I'm not exaggerating when I say that you have called before you two witnesses who pose a direct threat to people who oppose them. It's funny when people have to go through that.

Chair JORDAN. Crazy is what you're saying?

Ms. PLASKETT. Exactly. This is unacceptable. I'm ready for it. I don't know if a lot of other people are. Just as it was unacceptable for Kevin McCarthy to provide 41,000 hours of sensitive security footage to a biased talking head in an effort to rewrite what happened on January 6th. This is a new Republican playbook, apparently—

Mr. JOHNSON of Louisiana. Mr. Chair.

Ms. PLASKETT. —risking Americans' safety—

Mr. JOHNSON of Louisiana. Mr. Chair.

Ms. PLASKETT. —and security to score political points.

Chair JORDAN. Hang on. Hang on.

Mr. JOHNSON of Louisiana. The gentlelady's words should be struck. We do not accuse witnesses of threatening others. That is out of line and outside the rules of this Committee.

Ms. PLASKETT. I'm not striking down that, and I can have an opinion about we can do.

Mr. JOHNSON of Louisiana. You don't get to determine what's struck down.

You don't get to determine what's struck down.

Chair JORDAN. Well, you do get an opening statement, and it's about over.

Ms. PLASKETT. So, let me finish. We know this is because of the first hearing the Chair claimed that big government and Big Tech colluded to shape and mold the narrative and suppress information and censor Americans. This is a false narrative. We're engaging in false narratives here, and we are going to tell the truth. I yield back.

Chair JORDAN. The gentlelady yields back. I would just point out the consent decree was in our report. We offered your staff also the opportunity to review the FTC letters. You have not come over to review those letters. Third, the idea that I believe both of these individuals who are getting ready to testify, I believe they're both Democrats. The idea that journalists who happened to be Democrats.

Ms. PLASKETT. Did you not get that offer at 8 o'clock last night?

Chair JORDAN. Your time was—

Ms. PLASKETT. Well, neither of us are in time.

Chair JORDAN. I don't think they're here to help us politically. I think they're here to tell us the truth. Oh, by the way, the first FTC letter to Twitter after the first set of Twitter files, the very first question was, "Who are the journalists you're talking to?" Who you guys don't care. You don't care. You don't want any of the 11 people to see—you don't want the American people to see what is happened? The full video, transparent—you don't want that, and you don't want two journalists who have been named personally by the Biden Administration, FTC, in a letter?

Ms. PLASKETT. The Biden Administration is not the FTC.

Chair JORDAN. You're saying they're here to help us. They're here to tell their story. Frankly, I think they're brave individuals for being willing to come after they've been named in a letter from the Biden FTC.

Ms. PLASKETT. Is this your question time now?

Chair JORDAN. No, I'm responding to your ridiculous statements you made in your opening statement.

Ms. PLASKETT. OK. Well, let's get on with it.

Chair JORDAN. Oh, now, you we want to get on with it—

Ms. PLASKETT. I can say—

Chair JORDAN. —so you can say all the things you want.

Ms. PLASKETT. I've given my opening statement as well as you had an opening statement. You said what you needed to say in your opening statement, and I as the Ranking Member have used my time.

Chair JORDAN. Without objection, all other opening statements will be included in the record. We will introduce today's witness.

Matt Taibbi, he's a journalist and author. He's one of the authors of the Twitter files. He previously worked for *Rolling Stone*, that right-wing publication, *Rolling Stone*, where so many Republicans work at. He has also written several books about American politics and culture. Of course, as I pointed out, as *The Wall Street Journal* pointed out yesterday on the front page was named by the FTC.

Michael Shellenberger is also a journalist, author, and one of the authors of the Twitter files. He's also co-founded several nonprofits, including Breakthrough Institute, Environmental Progress, and the California Peace Coalition, another right-wing Republican organization, I'm sure. His work often focuses on crime and drug policy, homelessness, and the climate. We welcome our witnesses and thank them for appearing today.

We will begin by swearing you in. Will you please stand and raise your right hand.

Do you swear or affirm under penalty of perjury that testimony you are about to give is truth and correct to the best of your knowledge, information, and belief, so help you God?

Let the record show both witnesses have answered in the affirmative. Thank you, and be seated, please.

Chair JORDAN. We will now start with Mr. Taibbi. You guys, I think, understand—you want to go, Mr. Shellenberger? We can go with Mr. Shellenberger. We'll start with Mr. Shellenberger. You understand how it works. You get five minutes. Make sure you hit the microphone so we can all hear. When it gets to yellow, it means just like you would expect time to start winding up. When it gets to red, it's time to stop. We'll be a little bit lenient on the time.

Mr. Shellenberger, you are recognized for your opening statement.

STATEMENT OF MICHAEL SHELLENBERGER

Mr. SHELLENBERGER. Chair Jordan, Ranking Member Plaskett, Members of the Committee, thank you very much for inviting my testimony.

In his 1961 farewell address, President Dwight Eisenhower warned of, quote, "The acquisition of unwarranted influence by the military industrial complex." Eisenhower feared that the size and power of the complex, or cluster of government contractors in the Defense Department would, quote, "Endanger our liberties or democratic processes."

How did he mean that? Through, quote, "domination of the Nation's scholars by Federal employment, project allocations, and the power of money," he feared public policy would become the captive of a scientific technological elite. Eisenhower's fears were well-founded.

Today American taxpayers are unwittingly financing the growth and power of a censorship industrial complex run by America's scientific and technological elite which endangers our liberties and democracy.

I'm grateful for this opportunity to offer this testimony and sound the alarm over the shocking and disturbing emergence of State-sponsored censorship in the United States of America.

The Twitter files, State attorneys general lawsuits, and investigative reporters have revealed a large and growing network of

government agencies, academic institutions, and nongovernmental organizations that are actively censoring American citizens, often without their knowledge on a range of issues.

I do not know how much of the censorship is coordinated beyond what we have been able to document, and I will not speculate. I recognize that the law allows Facebook, Twitter, and other private companies to moderate content on their platforms. I support the right of government to communicate with the public, including to dispute inaccurate information.

Government officials have been caught repeatedly pushing social media platforms to censor disfavored users and content. Often, these acts of censorship threaten the legal protection social media companies need to exist, Section 230.

If government officials are directing or facilitating such censorship, this one law professor, it raises serious First Amendment questions. It is axiomatic that the government cannot do indirectly what it is prohibited from doing directly.

Moreover, we know that the U.S. Government has funded organizations that pressure advisors to boycott news media organizations and social media platforms that refuse to censor and/or spread disinformation, including alleged conspiracy theories.

The Stanford Internet Observatory, the University of Washington, the Atlantic Council's Digital Forensic Research Lab, and Graphika have all inadequately disclosed ties to the Department of Defense, the CIA, and other intelligence agencies. They work with multiple U.S. Government agencies to institutionalize censorship research and advocacy within dozens of other universities and think tanks.

It is important to understand how these groups function. They are not publicly engaging with their opponents in an open exchange of ideas. They aren't asking for national debate over the limits of the First Amendment. Rather, they are creating blacklists of disfavored people and then pressuring, cajoling, and demanding that social media platforms censor, deamplify, and even ban the people on those lists.

The Censorship Industrial Complex combines established methods of psychological manipulation, some developed by the U.S. military during the Global War on Terror, with highly sophisticated tools from computer science, including artificial intelligence. The complex's leaders are driven by the fear that the internet and social media platforms empower populist, alternative, and fringe personalities and views, which they regard as destabilizing. Federal Government officials, agencies, and contractors have gone from fighting ISIS recruiters and Russian bots to censoring and deplatforming ordinary Americans and disfavored public figures.

Importantly, the bar for bringing in military-grade government monitoring and speech-countering techniques has moved from, quote, "countering terrorism" to, quote, "countering extremism" to countering simple misinformation, otherwise known as being wrong on the internet. The government no longer needs a predicate of calling you a terrorist or an extremist to deploy government resources to counter your political activity. The only predicated it needs is simply the assertion that the opinion you expressed on social media is wrong.

These efforts extend to influencing and even directing conventional news media organizations. Since 1971, when *The Washington Post* and *The New York Times* elected to publish classified Pentagon papers about the war in Vietnam, journalists have understood that we have a professional obligation to report on leaked documents whose contents are in the public interest. Yet, in 2020, the Aspen Institute and Stanford's Cyber Policy Center urged journalists to, quote, "Break the Pentagon Papers principle," and not cover leaked information to prevent the spread of disinformation.

Government-funded censors frequently invoke the prevention of real-world harm to justify their demands for censorship. The censors define harm far more expansively than the Supreme Court does.

Increasingly, the censors say their goal is to restrict information that delegitimizes governmental, industrial, and news media organizations. That mandate is so sweeping that it could easily censor criticism from any part of the status quo from elected officials, to institutions, to laws.

Congress should immediately cutoff funding to the censors and investigate their activities. It should mandate instant reporting of all conversations between social media executives, government employees, and government contractors concerning content moderation. Finally, Congress should limit the broad permission given to social media platforms to censor, deplatform, and spread propaganda. Thank you very much.

[The prepared statement of Mr. Shellenberger follows:]

The Censorship Industrial Complex

U.S. Government Support For Domestic Censorship And
Disinformation Campaigns, 2016 - 2022

Testimony by Michael Shellenberger to The House Select
Committee on the Weaponization of the Federal Government

March 9, 2023

Executive Summary	4
The Censorship Industrial Complex Today	8
Definition and Mission	8
National Science Foundation Funding	8
Defense Advanced Research Projects Agency (DARPA) Roots	9
Key Organizations	10
Key Individuals	15
The Complex's Disinformation Campaigns	18
1. The Trump-Russian Collusion Conspiracy Theory, 2016 - 19	18
2. Delegitimizing the Covid Lab Leak Theory, 2020 – 2021	22
3. The Hunter Biden Laptop Conspiracy Theory, 2020–21	22
Ideology, Strategy, And Origins	25
Ideology	25
Strategy	30
Origins	34
Key Events	36
2017	36
New Knowledge runs disinformation campaign against Republican Senate Candidate in Alabama	36
Former FBI employee web site that falsely accuses ordinary Twitter users of being Russian bots	38
2018	39
Senate Intelligence Report On Russian Interference	39
2020	40
"Election Integrity Partnership"	40
Aspen Institute Workshop Trains Top Journalists To Pre-Bunk "Hack and Leak"	42
Covid Censorship	45
Lab Leak Theory	45
Mask Skepticism	46
2021	46
DHS Expands Its Censorship Powers	46
Under Pressure From White House, Facebook and Twitter Censor Accurate Vaccine Information	47

Climate Change and Energy	50
2022	53
U.S. government funds "Disinformation Index" and "News Guard" to drive advertisers away from disfavored news media	53
Creation of Department Of Homeland Security's "Disinformation Governance Board"	54
2023	54
Diresta and Stamos hype "foreign disinformation" threat	55
Recommendations	56
1. Defund the Censorship Industrial Complex	56
2. Mandate instant reporting of all communications between government officials and contractors with social media executives relating to content moderation	56
3. Reduce Scope of Section 230	56

Executive Summary

In his 1961 farewell address, President Dwight Eisenhower warned of “the acquisition of unwarranted influence... by the military-industrial complex.” Eisenhower feared that the size and power of the “complex,” or cluster, of government contractors and the Department of Defense would “endanger our liberties or democratic processes.” How? Through “domination of the nation's scholars by Federal employment, project allocations, and the power of money.” He feared public policy would “become the captive of a scientific-technological elite.”¹

Eisenhower's fears were well-founded. Today, American taxpayers are unwittingly financing the growth and power of a censorship-industrial complex run by America's scientific and technological elite, which endangers our liberties and democracy. I am grateful for the opportunity to offer this testimony and sound the alarm over the shocking and disturbing emergence of state-sponsored censorship in the United States of America.

The Twitter Files, state attorneys general lawsuits, and investigative reporters have revealed a large and growing network of government agencies, academic institutions, and nongovernmental organizations that are actively censoring American citizens, often without their knowledge, on a range of issues, including on the origins of COVID², COVID vaccines³, emails relating to Hunter Biden's business dealings⁴, climate change⁵, renewable energy⁶, fossil fuels⁷, and many other issues.

I offer some cautions. I do not know how much of the censorship is coordinated beyond what we have been able to document, and I will not speculate. I recognize that the law allows Facebook, Twitter, and other private companies to moderate content on their platforms. And I support the right of governments to communicate with the public, including to dispute inaccurate and misleading information.

But government officials have been caught repeatedly pushing social media platforms to censor disfavored users and content. Often, these acts of censorship threaten the legal protection social media companies need to exist, Section 230.

“If government officials are directing or facilitating such censorship,” notes George Washington University law professor Jonathan Turley, “it raises serious First Amendment questions. It is axiomatic that the government cannot do indirectly what it is prohibited from doing directly.”⁸

Moreover, we know that the U.S. government has funded organizations that pressure advertisers to boycott news media organizations and social media platforms that a) refuse to censor and/or b) spread disinformation, including alleged conspiracy theories.

The Stanford Internet Observatory, the University of Washington, the Atlantic Council’s Digital Forensic Research Lab, and Graphika all have inadequately-disclosed ties to the Department of Defense, the C.I.A., and other intelligence agencies. They work with multiple U.S. government agencies to institutionalize censorship research and advocacy within dozens of other universities and think tanks.

It is important to understand how these groups function. They are *not* publicly engaging with their opponents in an open exchange of ideas. They aren’t asking for a national debate over the limits of the First Amendment. Rather, they are creating blacklists of disfavored people and then pressuring, cajoling, and demanding that social media platforms censor, deamplify, and even ban the people on these blacklists.

Who are the censors? They are a familiar type. Overly confident in their ability to discern truth from falsity, good intention from bad intention, the instinct of these hall monitor-types is to complain to the teacher — and, if the teacher doesn’t comply, to go above them, to the principal. Such an approach might work in middle school and many elite universities, but it is anathema to freedom and is an abuse of power.

These organizations and others are also running their own influence operations, often under the guise of “fact-checking.” The intellectual leaders of the censorship complex have convinced journalists and social media executives that accurate information is disinformation, that valid hypotheses are conspiracy theories, and that greater self-censorship results in more accurate reporting. In many instances, censorship, such as labeling social

media posts, is part of the influence operation aimed at discrediting factual information.

The censorship industrial complex combines established methods of psychological manipulation, some developed by the U.S. Military during the Global War on Terror, with highly sophisticated tools from computer science, including artificial intelligence. The complex's leaders are driven by the fear that the Internet and social media platforms empower populist, alternative, and fringe personalities and views, which they regard as destabilizing. Federal government officials, agencies, and contractors have gone from fighting ISIS recruiters and Russian bots to censoring and deplatforming ordinary Americans and disfavored public figures.

Importantly, the bar for bringing in military-grade government monitoring and speech-countering techniques has moved from "countering terrorism" to "countering extremism" to countering simple misinformation. The government no longer needs a predicate of calling you a terrorist or extremist to deploy government resources to counter your political activity. The only predicate it needs is simply the assertion that the opinion you expressed on social media is wrong.

These efforts extend to influencing and even directing conventional news media organizations. Since 1971, when the Washington Post and New York Times elected to publish classified Pentagon papers about the war in Vietnam, journalists understood that we have a professional obligation to report on leaked documents whose contents are in the public interest, even when they had been stolen. And yet, in 2020, the Aspen Institute and Stanford's Cyber Policy Center urged journalists to "Break the Pentagon Papers principle" and *not* cover leaked information to prevent the spread of "disinformation."

Government-funded censors frequently invoke the prevention of real-world harm to justify their demands for censorship, but the censors define harm far more expansively than the Supreme Court does. The censors have defined harm so broadly, in fact, that they have justified Facebook censoring accurate information about COVID vaccines, for example, to prevent "vaccine hesitancy." Their goal, clearly, is not protecting the truth but rather persuading

the public. That is the purpose of open debate and the free exchange of ideas. Persuasion by covert means is censorship.

And, increasingly, the censors say their goal is to restrict information that "delegitimizes" governmental, industrial, and news media organizations.⁹ That mandate is so sweeping that it could easily censor criticism of any part of the status quo from elected officials to institutions to laws. This extreme, reactionary attitude is, bluntly, un-American.

Congress should immediately cut off funding to the censors and investigate their activities. Second, it should mandate instant reporting of all conversations between social media executives, government employees, and contractors concerning content moderation. Third, Congress should limit the broad permission given to social media platforms to censor, deplatform, and spread propaganda.

Whatever Congress does, it is incumbent upon the American people to wake up to the threat of government censorship via behind-the-scenes pressure on media corporations. "Only an alert and knowledgeable citizenry," Eisenhower noted, "can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals so that security and liberty may prosper together."

The Censorship Industrial Complex Today

Definition and Mission

The censorship industrial complex is a network of ideologically-aligned governmental, NGO, and academic institutions that discovered over the last few years the power of censorship to protect their own interests against the volatility and risks of the democratic process. They are not "defending democracy," as they claim. Rather they are defending their own policy and pecuniary interests against democracy.

National Science Foundation Funding

Since January 2021, the National Science Foundation (NSF) has made at least 64 government grants totaling \$31.8 million on the science of "countering" social media "mis/disinformation" and two government grants totaling \$7 million. Forty-two colleges and universities received 64 grants.¹⁰ NSF created a new research track, "Track F", for disinformation and censorship research called the "Trust and Authenticity in Communication Systems."¹¹

NSF justifies its censorship program as a way to defend civilization. "Modern life is increasingly dependent on access to communications systems that offer trustworthy and accurate information," writes NSF in its 2022 research overview. "Yet these systems face a common threat; communication systems can be manipulated or can have unanticipated negative effects. Introducing misinformation into communication flows can disrupt the performance of a wide range of activities and the functioning of civil society."¹²

NSF repeats the central claim of the censorship industrial complex that the Internet requires censorship. "Although false claims and other inauthentic behaviors have existed throughout history," writes NSF, "the problems that they cause have reached critical proportions resulting from the massive scale of targeting and personalization, the rapid speed of information exchange,

and the ability to automate information dissemination.”¹³ Here is a sample of the censorship/disinformation initiatives NSF 2022 is funding:

- University of Michigan: WiseDex “harnesses the wisdom of crowds and AI techniques to help flag more posts.”
- Hacks/Hackers: Toolkit for “building trust around controversial topics such as vaccine efficacy.”
- Ohio State University: CO:CAST “helps decision-makers manage their information environment.”
- Meedan: Co-Insights “enables community, fact-checking, and academic organizations to collaborate and respond effectively to emerging misinformation narratives that stoke social conflict and distrust.”
- Temple University’s CommuniTies: “Using an AI network science tool, CommuniTies provides actionable insights for local newsrooms to help them build digital lines of communication with their communities, preventing the spread of misinformation and disinformation.”
- University of Wisconsin: Course Correct is “a dynamic misinformation identification dashboard to empower journalists to identify misinformation networks, and correct misinformation.”

Defense Advanced Research Projects Agency (DARPA) Roots

The censorship industrial complex today is using tools that the DoD originally developed to fight terrorists.

For example, DARPA 2011 created the Social Media in Strategic Communication (SMISC) program “to help identify misinformation or deception campaigns and counter them with truthful information.”

DARPA said the goals were:

1. “Detect... misinformation.”
2. “Recognize persuasion campaign structures and influence operations across social media sites and communities.”

3. "Identify participants and intent, and measure effects of persuasion campaigns"
4. "Counter messaging of detected adversary influence operations."¹⁴

The four goals of "Course Correct," a project funded by NSF, targets U.S. citizens today in a nearly identical way:

1. "... detect misinformation..."
2. "...continue developing A/B-tested correction strategies against misinformation..."
3. "... evaluate the effectiveness of evidence-based corrections... by conducting small, randomized control trials..."
4. "ongoing collaborations with journalists, as well as tech developers and software engineers."

Key Organizations

CISA: The Cybersecurity and Infrastructure Security Agency, an agency within the Department of Homeland Security (DHS). On January 6, 2017, outgoing Obama Administration DHS Secretary Jeh Johnson designated "election infrastructure" as "critical infrastructure," opening up CISA's mission to censoring alleged "disinformation."¹⁵ Congress created CISA in November 2018 to defend the U.S. from cybersecurity threats from hostile foreign actors (e.g., Russian hackers).¹⁶

Digital Forensics Research (DFR) Lab at the Atlantic Council. The lab is one of the most established and influential full-time censorship institutions in the world.¹⁷ Atlantic Council DFR Lab created the foreign-facing DisinfoPortal in June 2018, working directly with the National Endowment for Democracy (NED) and 23 organizations to censor election narratives leading up to the 2019 elections in Europe.¹⁸ In 2018, Facebook named Atlantic Council, an official partner in "countering disinformation" worldwide.¹⁹ US taxpayer funding to the Atlantic Council comes from the Defense Department, the US Marines, the US Air Force, the US Navy, the State Department, USAID, the National Endowment for Democracy, as well as energy companies and weapons manufacturers.²⁰

Graphika: a private network analysis firm. Graphika published a report for the Senate Intelligence Committee in December 2018, which claimed to have uncovered "in unusually rich detail the scope of Russia's interference not only in the 2016 U.S. presidential election but also in our day-to-day democratic dialogue."²¹ Graphika hired as its director of investigations Ben Nimmo away from DFR lab.²² The Defense Department's Minerva Initiative, which focuses on psychological warfare, and DARPA, both gave grants to Graphika.²³ In 2021, the Pentagon awarded nearly \$5 million in grants and nearly \$2 million in contracts to the organization.²⁴ Last fall, Graphika alleged that cartoons on a fringe website were "suspected Russian actors" that were

"engaged in a renewed effort" to interfere in the 2022 midterm elections.²⁵ The *New York Times* picked up on the story.²⁶

Moonshot CVE is private firm to redirect right-wing people online away from radicalism²⁷ but was found to have pushed right-wing people toward an anarchist leader. "They sent people who were already looking for violence to a convicted felon with anarchist and anti-Semitic views," Rep. Morgan Griffith (R-Va.) said to Google's CEO. "Who is vetting the vetters? We continue to need more transparency and accountability."²⁸ Moonshot includes Elizabeth Neumann, former DHS Asst. Sec. for Counter Terrorism.

FITF: Foreign Influence Task Force, a cyber-regulatory agency comprised of members of the FBI, DHS, and ODNI

GEC: Global Engagement Center, an analytical division of the U.S. State Department which systematically launders domestic censorship by working through "counter-disinformation" NGOs and foreign firms.

Hamilton 68: A dashboard created with U.S. government funding and the support of New Knowledge claiming to reveal Russian bots on Twitter but was mocked by Twitter staff because all or almost all belonged to American citizens

HSIN: Homeland Security Information Network, a portal through which states and other official bodies can send "flagged" accounts

EIP: Election Integrity Project, a partnership between four government-funded censorship organizations: Stanford Internet Observatory, Graphika, University of Washington Disinformation Lab, and the Atlantic Council's Digital Forensic Research Lab. EIP has served as CISA's deputized domestic disinformation flagger.

IRA: Internet Research Agency, the infamous Russian “troll farm” headed by “Putin’s chef,” Yevgheny Prigozhin

MISP: Malware Information Sharing Platform. Used by cyber security operatives to share malware, tools around bots, coordinated and inauthentic ops. “When DFR wanted to apply cybersec tools to misinformation,” said a government disinformation specialist, “they used MISP.”²⁹

NewsGuard and the Global Disinformation Index, both taxpayer-funded, are urging advertisers to boycott disfavored publications, and direct their funding to favored ones. The organizations have been caught spreading disinformation, including that the COVID lab leak theory is a debunked conspiracy theory, and seeking to discredit publications which accurately reported on Hunter Biden’s laptop, such as the *New York Post*

Cognitive Security Collaborative and Adversarial Misinformation and Influence Tactics and Techniques. These are online platforms for describing and coordinating disinformation attacks. “It works like other security operations focused on threat actors,” noted the specialist. “If they have a threat actor who has launched a coordinated inauthentic information attack,” said a source, “they would log the threat actor and start mapping the actor just as they would a cyber attack. They then coordinate social media takedowns” [removals].³⁰

University of Washington (UW), one of two academic institutions that DHS worked directly with and had as its partner, to censor information on social media platforms during the 2020 election.³¹ It received a \$3 million government grant, shared with Stanford Internet Observatory, from the Biden Administration in 2021, to continue its “election misinformation” flagging.³²

Stanford Internet Observatory (SIO). One of the four members of the Election Integrity Project (and later the Virality Project) with UW, Graphika, and DFR. It was created in June 2019 by director Alex Stamos and research

manager Renee DiResta. SIO monitors social media and promotes Internet censorship. For the 2020 election, as part of its partnership with CISA, SIO had 50 "misinformation" analysts assigned to monitor social media.³³ SIO was originally funded by Craig Newmark Philanthropies, the Omidyar Network, and the Charles Koch Foundation.³⁴

Key Individuals

- Graham Brookie, leader of the Atlantic Council's DFR Lab. Brookie served in the Obama White House on the National Security Council.³⁵
- Renee DiResta, Stanford Internet Observatory. DiResta was the research director for the organization caught creating bot accounts and spreading disinformation about Alabama Republican Senate Candidate Roy Moore.³⁶ In her 2018 Senate testimony DiResta advocated "legislation that defines and criminalizes foreign propaganda" and allowing law enforcement to "prosecute foreign propaganda."³⁷ According to recorded remarks by DiResta's supervisor at Stanford, Alex Stamos, she had previously "worked for the CIA."³⁸
- Jen Easterly, CISA Director. A former military intelligence officer and the National Security Agency (NSA) deputy director for counterterrorism. "One could argue we're in the business of critical infrastructure," said Easterly in November 2021, "and the most critical infrastructure is our cognitive infrastructure, so building that resilience to misinformation and disinformation, I think, is incredibly important."³⁹ The month before, Easterly said during a CISA summit that Chris Krebs's construction of a "counter-misinformation" complex with the private sector was a high priority for DHS.⁴⁰ A U.S. District Court ruled in October of last year that Easterly could be deposed because of her "first-hand knowledge" of the CISA "nerve center" around disinformation.⁴¹

- Chris Krebs. CISA Director (2018 to 2020). Chair of Aspen Institute "Commission on Information Disorder," helped organize DHS's "whole-of-society" approach to censorship.⁴² Krebs administered the federal side of the 2020 election after DHS effectively nationalized election security on January 6, 2017, via the declaration of elections as "critical infrastructure." Krebs then declared that "misinformation" was an attack on election security. Krebs said in April 2022 that the Hunter Biden laptop still looked like Russian disinformation and that what mattered was that news media did not cover the laptop during the 2020 election cycle.⁴³ Krebs advocated for censoring critics of government COVID-19 protocols⁴⁴ and said "misinformation" is the largest threat to election security.⁴⁵
- Ben Nimmo, Head of Global Threat Intelligence for Facebook, and thus one of America's most important censors. Nimmo was the technical lead for censorship at the Atlantic Council's Digital Forensics Research Lab, was employed by Graphika in the fall of 2020⁴⁶, and worked in NATO information operations.⁴⁷ In 2018, Nimmo publicly reported an anonymous Twitter account, "lan56", as a Russian disinformation bot account because it expressed left-of-center populist anti-war views when in reality lan56 was a real person.⁴⁸ After Nimmo's report, "lan56" was reported to the UK government.⁴⁹
- Kate Starbird, who runs the University of Washington disinformation lab, has for years been funded primarily by U.S. government agencies to do social media narrative analytics of political groups, or insurgency movements, of interest or concern to U.S. military intelligence or diplomatic equities. Starbird acknowledged that the censorship focus of CISA and EIP moved from "foreign, inauthentic" social media users to "domestic, authentic" social media users between 2016 to 2020.⁵⁰ Starbird is now the head of CISA's censorship advisory subcommittee.

- Alex Stamos was the senior leader at EIP and VP, which served as the deputized domestic “disinformation” flagger for DHS via Chris Krebs’ CISA. Stamos in 2020 proposed that DHS centralize government censorship.⁵¹ Stamos was the Chief Security Officer of Facebook and led Facebook’s response to alleged Russian disinformation after the 2016 election. Stamos left Facebook, now Meta, in 2018, after reportedly conflicting with other Facebook executives over how much to censor.⁵² Stamos says he favors moving away from a free and open Internet toward a more controlled “cable news network” model. A huge part of the problem is “large influencers,” said Stamos.⁵³
- Claire Wardle cofounded and directed, First Draft News, a nonprofit coalition, in June 2015, to build the censorship complex. “In September 2016, our original coalition expanded to become an international Partner Network of newsrooms, universities, platforms and civil society organizations.” In 2017, while at the Shorenstein Center for Media, Politics and Public Policy at Harvard’s Kennedy School, Wardle helped develop the “Information Disorder Lab,” a framing that Aspen Institute would embrace. In June 2022, First Draft closed, but its work lives on at the Information Futures Lab at Brown University’s School of Public Health.

The Complex’s Disinformation Campaigns

Many of the leaders and participants in today’s censorship industrial ex have been involved in spreading disinformation, including conspiracy theoriescompl, while discrediting accurate information and alleging that valid theories were debunked conspiracy theories.

1. The Trump-Russian Collusion Conspiracy Theory, 2016–2019

The complex's first major disinformation campaign was the conspiracy theory that Donald Trump colluded with Vladimir Putin and the Russian government to steal the 2016 election.

There is no evidence that Russia's social media investments, or its hacking and leaking of emails, had any impact, much less a decisive one, on the outcome of the 2016 election.⁵⁴ Most neutral analysts, as well as many Democratic strategists, believe that they did not.⁵⁵

Two of the four leading censorship organizations, New Knowledge and Graphika, provided the Senate Intelligence Committee provided the academic foundation for the claim that the Russians had elected Trump. They pointed to evidence that ten million people in the U.S. had seen the ads.⁵⁶

"The Russian disinformation operations that affected the 2016 United States presidential election are by no means over," wrote DiResta in the New York Times in December 2018. "Russian interference through social media... is a chronic, widespread and identifiable condition that we must now aggressively manage."⁵⁷

Her findings were widely respected and publicized. Former director of national intelligence James Clapper called the evidence that Russia had influenced the election "staggering." University of Pennsylvania communication professor Kathleen Hall Jamieson pointed to the evidence to conclude that Trump would not have been president without the Russians.⁵⁸

But there is no evidence that the Russians had *any* influence on the 2016 campaign, much less that they won it for Trump. Robert Faris, Hal Roberts and Yochai Benkler of Harvard's Berkman Klein Center for Internet and Society analyzed millions of articles from 2015 to 2018 using network analysis to measure how audiences paid attention to media coverage, text analysis to see which sites wrote about what and when, and wrote detailed case studies of the most salient issues in the election. "The Russians are there," wrote Benkler. "They are trying. But in all these cases, American right-wing media did the heavy lifting to originate and propagate disinformation."

Conservative voters did not consume very much social media compared to news media in 2016. While 40 percent of Trump voters said Fox was their primary source of news, only 7 percent said Facebook. "People promoting the idea that Russia swung the election will often cite the figure that Russian Facebook posts reached about 126 million Americans. But that refers to anyone whose news feed ever included such a piece of content, regardless of whether they saw it, or whether it may have been drowned out in their minds by hundreds of other posts."⁵⁹ What's more, 56% of the Russian troll farm's pages appeared after the election and 25% were seen by no one.⁶⁰

DiResta's work is plagued by exaggeration. "The consolidation of the online social ecosystem into a few major platforms means," she wrote in the *Times*, "that propagandists have ready audiences; they need only blanket a handful of services to reach hundreds of millions of people. And precision targeting, made possible by a decade of gathering detailed user behavior data (in the service of selling ads), means that it is *easy and inexpensive* to reach any targeted group" (my emphasis).⁶¹

But if it is so cheap and easy to reach hundreds of millions of people on-line, why don't more people do it? Why must politicians and corporations alike spend tens of millions trying to reach audiences? Because it's not cheap or easy, as anybody who has attempted to market a product or candidate online knows. It is for that reason that the Russians reached so few people.

What about the DNC and Podesta email hacks? DiResta and Twitter's Yoel Roth, following Jamieson, claimed that the publicity around the hacks interrupted the "Access Hollywood" tape release where Trump boasts of grabbing the genitals of women. "The Podesta emails, for their part, were released by WikiLeaks on Oct. 7, 2016, less than an hour after the "Access Hollywood" tape came out, in a clear effort to divert attention from that embarrassing story about Trump's lewd comments apparently acknowledging sexual misconduct with women," note the Harvard scholars.

But it had little impact. "While they [the hacked emails] certainly drew attention, generating between 150 and 400 stories per day in the 10 days after their release, the emails failed to divert attention from the 'Access Hollywood' tape, which generated two to three thousand stories per day.... Given the

volume and tenor of mainstream and right-wing domestic coverage of Clinton, it seems unlikely that Russian propaganda made much of a difference."⁶²

Scholars and Facebook warn that such gross exaggerations of Russian influence are a form of disinformation that helps Putin, or at least the people trying to win his favor, while only making Americans more confused.

"When we propagate the idea that Russian propaganda is the all-powerful source of disinformation in American politics," writes Benkler, "we reinforce precisely this primary goal: We sow confusion."⁶³

Wrote Facebook in 2022, "These actors... have an interest in exaggerating their own effectiveness, engaging in client-facing perception hacking to burnish their credentials with those who might be paying them."⁶⁴ As such, those who exaggerate the impact of foreign interference may create a financial and political incentive for more of it.

When challenged on these claims, DiResta and others emphasize that we should be alarmed simply by the fact that foreign interference is happening.

But governments have been interfering in each other's elections for hundreds of years. France interfered in the 1796 U.S. Presidential election. The French ambassador openly campaigned for Republicans and attacked the Federalists, and urged President George Washington's secretary of state to reject the Jay Treaty, the trade agreement between the U.S. and Great Britain, which France had just fought in the war of 1793.⁶⁵

The U.S. has secretly sought to influence elections in South Vietnam and Japan, El Salvador, Haiti, Guatemala, Brazil, Israel, Lebanon, Panama, Iran, Greece, Italy, Malta, Slovakia, Romania, Bulgaria, Albania, Sri Lanka, and the Philippines.⁶⁶

That historical context is not meant to justify interference in other nations' elections. It is meant to show how overwrought such claims were and are. The bottom line is that it's hard to change the minds of voters, in general. And foreign actors are usually far less able to do so than domestic actors, who have much more at stake and understand the nuances of local politics.

One final note: it's not clear to me whether the promoters of the Russia-Trump conspiracy theory even believed what they were saying, or whether they were simply using it as a pretext for censorship.

2. Delegitimizing the COVID Lab Leak Theory, 2020–2021

The second major disinformation campaign aimed at the American people began in February 2020 and stated that the hypothesis that the COVID virus originated in a Chinese laboratory was a “debunked conspiracy theory,” when in fact, this idea was always just as reasonable as the theory that the virus crossed over from wild animals to humans. This disinformation campaign was advanced by National Institutes of Health head Francis Collins and NIAID’s Anthony Fauci, who oversaw the U.S. government’s response to COVID. Emails made available show that at least two leading researchers told Collins and Fauci in February 2020 that a lab leak was possible and likely. Collins and Fauci publicly dismissed the lab leak theory as a conspiracy theory even though they knew it wasn’t, perhaps for fear of harming cooperation between the U.S. and China or of being implicated in the pandemic since Fauci was instrumental in offshoring this research to Wuhan after Obama banned it on U.S. soil.⁶⁷

3. The Hunter Biden Laptop Conspiracy Theory, 2020–2021

The third major disinformation campaign also occurred in 2020 and was aimed at convincing journalists, social media executives, and the American people that the Hunter Biden laptop had been made public through a Russian “hack and leak” operation and not, as the *New York Post* reported on October 14, 2020, through a computer repair store owner.⁶⁸

The Stanford Internet Observatory published a report urging news media to abandon the ethic held since the publishing of the “Pentagon Papers” in 1971 and instead focus on the perpetrators of the hack and leak, rather than the contents of the leak.⁶⁹ Aspen Institute hosted a “tabletop exercise,” in what may have been a “pre-bunking operation,” to shape

reporting around a potential “hack and leak” relating to Hunter Biden for the top censors at Facebook and Twitter, as well as national security reporters at the *New York Times*, *Washington Post*, and CNN, in the summer of 2020, months before the October 14 publication.

The greatest episode of the censorship industrial complex’s discrediting of factual information was the “prebunking” it did of the Hunter Biden laptop.⁷⁰ There is strong evidence of an organized effort by representatives of the intelligence community (IC), aimed at senior executives at news and social media companies, to discredit leaked information about Hunter Biden before and after it was published.

During all of 2020, the FBI and other law enforcement agencies repeatedly primed Twitter’s head of Site Integrity (and later Head of Safety and Trust) Yoel Roth to dismiss reports of Hunter Biden’s laptop as a Russian “hack and leak” operation. This is from a sworn declaration by Roth given in December 2020.

During these weekly meetings, the federal law enforcement agencies communicated that they expected ‘hack-and-leak operations’ by state actors might occur in the period shortly before the 2020 presidential election, likely in October. I was told in these meetings that the intelligence community expected that individuals associated with political campaigns would be subject to hacking attacks and that material obtained through those hacking attacks would likely be disseminated over social media platforms, including Twitter. These expectations of hack-and-leak operations were discussed throughout 2020. I also learned in these meetings that there were rumors that a hack-and-leak operation would involve Hunter Biden.

FBI did the same to Facebook, according to CEO Mark Zuckerberg. “The FBI basically came to us [and] was like, ‘Hey... you should be on high alert. We thought that there was a lot of Russian propaganda in the 2016 election. There’s about to be some kind of dump similar to that.’”

And yet the FBI warnings of a Russian hack-and-leak operation relating to Hunter Biden were not based on any new intelligence. “Through our

investigations, we did not see any similar competing intrusions to what had happened in 2016," admitted FBI agent Elvis Chan in November 2022.

Indeed, Twitter executives repeatedly reported very little Russian activity. For example, on September 24, 2020, Twitter told the FBI it had removed 345 "largely inactive" accounts "linked to previous coordinated Russian hacking attempts." They "had little reach and low follower accounts."⁷¹

In fact, Twitter staff routinely debunked false claims made by mainstream journalists of foreign influence on its platform. In response to an article suggesting the #dcbblackout campaign was driven by foreign bots, Yoel Roth wrote in an email to Elvis Chan, "We haven't seen any evidence to support that claim."⁷² After the FBI asked about a *Washington Post* story on alleged foreign influence in a pro-Republican tweet, Roth said, "The article makes a lot of insinuations... but we saw no evidence that that was the case here (and in fact, a lot of strong evidence pointing in the other direction)."⁷³

Pressure from the FBI on Twitter had been growing. "We have seen a sustained (if uncoordinated) effort by the IC [intelligence community] to push us to share more information and change our API policies," complained a senior Twitter executive. "They are probing and pushing everywhere they can (including by whispering to congressional staff)."⁷⁴

Despite Twitter's pushback, the FBI repeatedly requested information from Twitter that Twitter has already made clear it would not share outside of normal legal channels.

Recently, Twitter's Roth told tech journalist Kara Swisher that he had been primed to think about the Russian hacking group APT28 before news of the Hunter Biden laptop came out. When it did, Roth said, "It set off every single one of my finely tuned APT28 hack-and-leak campaign alarm bells."⁷⁵

Jim Baker is the former general counsel of the FBI (2014-18) and one of the most powerful men in the U.S. intelligence community. Baker has moved in and out of government for 30 years, serving stints at CNN, Bridgewater (a \$140 billion asset management firm), and the Brookings Institution. As general counsel of the FBI, Baker played a central role in making the case internally for an investigation of Donald Trump.

Baker wasn't the only senior FBI executive involved in the Trump investigation to go to Twitter. Dawn Burton, the former deputy chief of staff to FBI head James Comey, who initiated the investigation of Trump, joined Twitter in 2019 as director of strategy.

As of 2020, there were so many former FBI employees — “Bu alumni” — working at Twitter that they had created their own private Slack channel and a crib sheet to onboard new FBI arrivals.⁷⁶

On October 14, shortly after the *New York Post* published its Hunter Biden laptop story, Roth said, “it isn't clearly violative of our Hacked Materials Policy, nor is it clearly in violation of anything else,” but added, “this feels a lot like a somewhat subtle leak operation.”⁷⁷

In response to Roth, Baker repeatedly insisted that the Hunter Biden materials were either faked, hacked, or both, and a violation of Twitter policy. Baker did so over email, and in a Google doc, on October 14 and 15. It is difficult to believe that Baker genuinely thought the Hunter Biden emails were either fake or hacked. The *New York Post* had included a picture of the receipt signed by Hunter Biden, and an FBI subpoena showed that the agency had taken possession of the laptop in December 2019.

Finally, by 10 am, Twitter executives had bought into a hack-and-dump story. “The suggestion from experts - which rings true - is there was a hack that happened separately, and they loaded the hacked materials on the laptop that magically appeared at a repair shop in Delaware,” wrote Roth.⁷⁸

Ideology, Strategy, And Origins

Ideology

Leaders and members of the censorship complex share a common set of foundational beliefs and worldviews constituting an ideology. At the heart of the ideology is a highly simplistic view of truth. Something is true, or it isn't true, holds censorship ideology. Something is either true or false in the same

way that something is black and white. There are few if any grays. This truth/falsity binary underlies the information/misinformation distinction.

Censorship ideology also holds a highly simplistic view of human intentionality: people either intend to tell the truth or they intend to lie. This good intention/bad intention distinction underlies the distinction between information and misinformation on the one hand and "disinformation" on the other, since the only difference between misinformation and disinformation is the intention to mislead. Again, there is little room in the censorship ideology for gray areas.

The problem is many of the issues that the censorship industrial complex wants to censor aren't obviously "true" or "false." There is an inherent acknowledgment of this by the censorship industry with the concept of "malinformation," which is when accurate facts are used to "mislead" people through "false narratives."

The justification the White House and Facebook used to censor accurate vaccine information was that it was leading to "vaccine hesitancy." In that instance, censorship went from censoring falsity to censoring dangerous truths. That act is fundamentally undemocratic and anathema to America's commitment to freedom of speech.

Censorship ideology holds that the censors are able, at least better than most people, to determine the truth and falsity of something and the intention of the person or organizations. As such, censorship ideology is fundamentally elitist. Holders of censorship ideology believe that "disinformation experts," as many of them define themselves, are well-suited to demand censorship of misinformation, disinformation, and malinformation and define misleading information, including narratives, from social media platforms and others.

Calling oneself a "disinformation expert" is like calling oneself a "truth expert." It is naive, grandiose, and hubristic. Having read hundreds of pages of justifications for the censorship industrial complex in general and for specific censorship efforts, I can testify that the worldview is not significantly more complex than that.

It's true that "disinformation experts" emphasize that they rely on other experts to determine what is true and false. But since experts in every field

disagree, relying on some experts over others means either being an expert in every domain of human investigation or using irrational criteria for deciding between experts, e.g., credentialism.

Since Socrates and Plato, humans have grappled seriously with the universality of human irrationality, both how and why we get things wrong, and often in the same ways, over time. No human has god-like omniscience and wisdom. Everybody is wrong about something. Science evolves. Scientists thought volcanoes made dinosaurs extinct and then thought a large asteroid did and now many believe it was a combination.

The example is relevant because often what's being labeled "disinformation" by the censorship industry aren't facts but hypotheses, such as the idea that COVID came from a lab rather than from nature. Indeed, when Facebook was forced to justify its censorship of accurate information in court, Facebook said its censorship constituted "an opinion," even though it had attached a "fact-check" label to the content.⁷⁹

Adherents to censorship ideology dismiss these objections by making irrational emotional appeals and fear-mongering about the alleged dangers of misinformation, disinformation, and malinformation (MDM). They believe that the U.S. and other liberal democracies are in an "information war" on the Internet against actors who are causing harm with their MDM.

DiResta resists describing what she and her colleagues are doing as censorship. "Content moderation is not a binary 'Take it down/Leave it up,'" explained DiResta. "I'll use Facebook's terminology here. They have a framework called 'Remove, Reduce, Inform.' Remove means it comes down. Reduce means its distribution is limited. And inform means a label is put up. There is some sort of interstitial. A popup comes up, or there is a fact check under it."⁸⁰ When I interviewed her, DiResta described the fact check label as "not censorship in any way, shape, or form."⁸¹

Fighting disinformation, DiResta argued in 2018, "is not about arbitrating truth, nor is it a question of free speech" but rather it is "a cybersecurity issue, it is an ongoing national security issue, and it must be addressed through a collaboration between governments responsible for the

safety of their citizens and private industry responsible for the integrity of their products and platforms.”⁸²

But fighting disinformation involves arbitrating truth and freedom of speech. How could it not? For something to be “disinformation,” one has already determined that it is not only untrue but intentionally so. And labeling something “disinformation” is often if not usually pretext to demanding censorship.

Censorship complex leaders do not argue that all MDM should be censored and often acknowledge their own limitations. Many openly recognize that doing so would be impossible or be a violation of the fundamental right to freedom of speech. “We are never going to live in a world free of mis- and disinformation,” said DiResta in 2021. “Such a world has never existed, and the government is not going to snap its fingers and regulate the problem away, because misinformation is ultimately speech.”

Rather, they argue that MDM that “causes harm” should be censored, and “repeat offenders” should be deamplified or de-platformed. DiResta describes her research into “how to respond to misinformation and disinformation in areas in which it can have significant harm.”⁸³

The censorship industrial complex defines harm far more broadly than the Supreme Court. The U.S. Supreme Court defined “fighting words” in *Chaplinsky v New Hampshire* (1942) as words which “by their very utterance, inflict injury or tend to incite an immediate breach of the peace.”⁸⁴ Speech that incites riots is also not protected.⁸⁵ The Supreme Court narrowed the scope of what counts as fighting words in *Terminiello v. Chicago* (1949),⁸⁶ arguing that for words to be constitutionally *unprotected*, they must produce a clear and present danger.⁸⁷

And the Supreme Court has upheld very strong protections for speech that causes social conflict and unrest. In 1989 the Court found that burning the U.S. flag was not incitement.⁸⁸ And in 1992, the Court held that the “First Amendment prevents the government from punishing speech and expressive conduct because it disapproves of the ideas expressed.”⁸⁹ Notes one legal scholar, “Even if the words are considered to be fighting words, the First

Amendment will still protect the speech if the speech restriction is based on viewpoint discrimination.”⁹⁰

But the censorship complex is aggressive and expansionary, seeking to “map” the entire media sphere, with the aim of controlling the information environment. “When we can monitor the system as a whole and we understand the spread of information throughout the system, we can find opportunities to intercede,” explained DiResta in 2018 at Aspen.⁹¹

Another assumption of censorship ideologues is that federal propaganda and censorship are required. The argument made by EIP is that it was for some reason not good enough that state and local election officials communicate directly to the public through social media and news media. Rather, such officials required federally-funded experts at universities and think tanks to engage in propaganda and censorship efforts in their support.

DiResta and her colleagues have sought ways to deplatform people across multiple issues beyond COVID and elections. “Several platforms, for example, implemented a repeat spreader strike system after the election and then have since applied it to other areas of misinformation that causes significant harm.”⁹²

Leaders of the censorship industrial complex claim to be nonpartisan, but their censorship is heavily focused on Republicans and Trump supporters. The leaders of all four EIP organizations share the same broadly anti-populist ideological orientation that might in the past have been accurately described as Cold War liberalism. Every “repeat misinformation spreader” account that EIP reported to social media companies for censorship through deamplification espoused right-populist views.⁹³

Strategy

The censors’ goal is greater and greater control over social media platforms. “How do we decide what content people see?” pondered DiResta at an Aspen Institute gathering in 2018. “How do we decide what topics are recommended? Is there a ‘do-not-recommend’ list where we think more strategically?”⁹⁴

The censorship complex moves from issue to issue without hesitation. Immediately after the 2020 election, all four members of EIP switched from policing and censoring election skepticism to policing and censoring vaccine skepticism. "Following the success of EIP and the certification of the 2020 election, SIO ramped down its monitoring and analysis capability because we thought that we were done with that," explained DiResta in 2021. "However, almost immediately, we recognized the need to ramp back up this time to support government health officials' efforts to combat misinformation."⁹⁵

The censorship industrial complex has large ambitions and a long-term vision of a public-private partnership to control the information environment. "The hard truth is that the problem of disinformation campaigns will never be fixed," wrote DiResta in December 2018. "It's a constantly evolving arms race. But it can — and must — be managed. This will require that social media platforms, independent researchers, and the government work together as partners in the fight."⁹⁶

Time and again DiResta and her colleagues emphasize the importance of government agencies outsourcing censorship to private entities, but working closely together. "We can establish the non-government capability," she said in 2021. "And this will also help identify emerging issues for possible debunking and community or civil society coordination to deliver those messages to audiences that really trust what they have to say."⁹⁷

DiResta has repeatedly defended government demands of social media companies to censor as legitimate, First Amendment-protected "counter-speech," and dismisses public alarm at the censorship by social media companies at the behest of U.S. government officials, revealed by the Twitter Files. In a recent podcast with me, DiResta claimed that the alarm was a result of a "lack of familiarity" with content moderation, rather than a clash of values.⁹⁸

The new censors encountered resistance to the infringements upon the First Amendment that they felt they needed, and they sought to subcontract a significant amount of the censorship to the private sector, while also creating a revolving door between government agencies, charitable philanthropies, NGOs, social media platforms, and academic research institutions.

"The tech companies don't want to be seen as doing the work of the government," said Renee DiResta in 2018, reflecting on the attitudes in the year 2015. "You have the EFF [Electronic Frontier Foundation] arguing that moderation is censorship.... public-private partnerships I think, are absolutely key... I know that triggers some people who get worried about privacy and such, but I don't think that there's any way to do it other than to treat it as an information war."⁹⁹

Today, the censorship industrial complex's bid for global media and communications domination consists of pushing social media platforms to become more traditional news media companies, whether newspapers or TV networks, which the national security state in the past has been much better able to control.

In fact, with Section 230 protection, the censorship industrial complex may exert significantly more control over social media platforms, with their strict legal liability, than over news organizations. Whatever the final outcome, the direction of travel is clear: the censorship industrial complex seeks to restrict freedom of speech to narrow the public debate to exclude views that it regards as "delegitimizing."

The censorship complex employs various tactics. One is the relentless demand for censorship, as we saw with the Twitter Files and the Facebook Files, released by the Attorneys General of Missouri and Louisiana. Another is directing government and philanthropic money toward research and advocacy for greater censorship of social media platforms, the specific task of at least two organizations, News Guard and the Disinformation Index.

These two tactics go hand in hand. The new censors seek legislation that would give increasing control over the content moderation of social media platforms to establishment experts and elites, while others in their network seek to direct advertiser revenue away from disfavored news media corporations, mostly conservative and libertarian but also some radical Left-wing ones, and toward favored news organizations, mostly liberal and establishment-friendly progressive ones.

What's more, government and nongovernmental censors work together to threaten to revoke the Section 230 protections of social media, on the one

hand, and demand censorship on the other. Sometimes they boast that the tech firms only caved thanks to the "huge regulatory stakes" for not censoring.¹⁰⁰

Censors work together to deplatform disfavored individuals. This starts with labeling them "superspreaders" of disinformation. A disaffected disinformation warrior explained how it works. "When Cog Sec, DFR or MISP identify a threat, they get on their Slack channels and discussion groups. They'll say, 'We've identified this threat actor' and that's all that's needed. Either a structured response will form, or somebody within the network will respond on their own. It isn't necessarily proven disinformation. Sometimes it could be in-depth commentary, a story someone like, or a story that somebody took a loose interpretation of, but is generally factual. If it is disliked or falls afoul of an active narrative, they launch a counteroperation, an example of which could be mass reporting on social media."¹⁰¹

Part of the censorship industrial complex is public-facing, and another part is secretive. Its public aim appears to be to increase public comfort with growing censorship. Its members publish videos, podcasts, reports, and op-eds in newspapers, raising the alarm about "disinformation" and "conspiracy theories," even as it spreads them. DiResta plays a dual role. She is the most articulate public advocate for state-sponsored censorship, on the one hand. On the other, she kept her work for the Department of Defense and, according to remarks by her supervisor, Stamos, the CIA, hidden from public view. In 2021, DiResta's colleague, Alex Stamos, said she "worked for the CIA."¹⁰² In September 2021, DiResta recruited one of Twitter's top censors, Yoel Roth, to attend a DARPA-funded workshop on "affective polarization on social media." She asked him to keep his involvement quiet.¹⁰³

Finally, the censorship industrial complex is expansionary and has missionary zeal. The categories of things it wants to censor have expanded, in just four years, from "foreign disinformation" to "domestic disinformation" to "misinformation" to "malinformation" and "malign narratives," the latter two of which might contain a significant amount of accurate information, like the accurate covid vaccine information that Facebook censored at the request of the Biden administration in 2021.¹⁰⁴

These phrases evoke totalitarian kinds of social control that are anathema to the American tradition of radical speech rights. We should remember that "truth is the first casualty of war," and the same holds doubly true for the "information war."

Much of what the censorship industrial complex advocates is not what it seems. The censorship complex is advocating the "Platform Accountability and Transparency Act," but only for "qualified research projects, qualified researchers" as determined by the same NSF that is overseeing the distribution of government funding to "disinformation experts" and censorship advocates.¹⁰⁵ Neither ordinary citizens nor journalists nor policymakers would have direct access to the data under the proposal. As such, the Act would increase rather than reduce the power of the censorship industrial complex.

This is a radical departure from the Cold War, when the U.S. government not only didn't criminalize foreign propaganda but rather translated it, including Soviet Communist propaganda, into English so that Americans could read it. "I worked on the global media side of the CIA," said Martin Gurri, who wrote *The Revolt of the Public*, a book on the political impact of the Internet. "We used to translate reams of stuff from communist countries — Pravda, Izvestia, whatever — and put them out through something that was a kind of halfway house between the government and a public publication. As a result, American libraries all had Soviet propaganda given to them by the federal government! We didn't think it would cause harm and convert people into communists. And the scholarly community loved it. And so the federal government used to translate and provide propaganda from the other side to the public without fear of what would happen!"

Origins

Elites in all societies seek to win and maintain the consent of the population they govern through communications. Machiavelli counseled leaders on deception and psychology to manipulate public opinion. Walter Lippmann in 1922 talked of the need for the government and industry leaders to utilize more advanced techniques through the mass media to "manufacture

consent." In a 1988 book of a similar title, Ed Herman and Noam Chomsky documented how U.S. news media uncritically cheered the national security establishment, with few exceptions. For three additional decades, this arrangement worked, including with Internet 1.0, itself a product of the national security establishment, particularly DoD and DARPA.

The censorship complex has its roots in the war on terrorism, which began after September 11, 2001, and ran through to the 2015 disinformation war against ISIS recruitment by U.S. government agencies. In other words, its roots are fundamentally military and fundamentally about hierarchy, authority, and deception.

What is the motivation behind the ideology? Two seismic challenges to the postwar liberal order, both of which occurred in 2016: Brexit in June, and the election of Donald Trump as president in November. The two events shocked and frightened national security leaders on both sides of the Atlantic. Many openly said that the political threat to NATO and the Western Alliance was bigger than any security threat, a conclusion dramatically reinforced by the election of Trump in 2016, who had repeatedly criticized NATO and hinted at withdrawing the U.S. from it.

"When Trump came onto the stage, the traditional center-Left got caught up in the 'resistance,'" a professional from the defense establishment told me. "These are people who held strong roles and were strong commentators. When Trump showed up they turned into anti-government personalities. We saw people in government roles of authority openly name-calling and down-calling the president. Openly engaging in commentary and activity that could undermine the interests of the U.S. domestically and abroad."¹⁰⁶

Gurri agrees that an elite counter-revolutionary backlash to the Trump revolution, created by the Internet revolution, is what's driving the censorship industrial complex. "The flags and fact checks all assume people are stupid and will be misled. There is a Platonic guardian assumption elites make. The world to the elite mind breaks down between affluent, mobile, and articulate Platonic guardians and the rest of us would-be victims who they take care of at

their mercy. That's their vision of democracy. The radical move is to assume that the public is as smart as you are."¹⁰⁷

The U.S. national security establishment, along with other U.S. and Western elites, reacted in fear and disgust at the large amounts of grassroots, authentic, and nationalist media and messages, from Brexit supporters and Trump and the very real possibility that it could destroy the liberal post-war global order upon which they depend. Elites spent the following six years reacting to this blow to their control over the media discourse and, thus, their ability to manufacture consent.

I offer all of this as background, not as a statement of my own views of the liberal world order. I am a member of the educated elite and benefit from the liberal world order, for which I am grateful since it has kept the peace and done remarkably well in lifting people out of poverty and expanding human rights. I have, in recent years, defended Western civilization against those who are undermining its pillars of cheap energy, meritocracy, and law and order. I support NATO and Europe and the U.S. government's support for the Ukrainian people's defense against Russia's invasion.

But I might be wrong, which is one reason among many that I believe the censorship industrial complex is so dangerous. Being in support of the liberal world order starts with supporting freedom of speech from authoritarians. What today's censors call "disinformation" is more often than not just "being wrong on the Internet." I've been wrong about many things in my life, including energy and the environment, homelessness, and how to respond to the coronavirus. I don't know whether I'm more wrong or more right than most people, but I'm glad we live in a free society that allows and indeed even encourages us to be wrong because that's democratic consent is built organically, messily, haphazardly, and over time.

Key Events

2017

Department of Homeland Security Expands Mission to Fight "Misinformation"

In January 2017, DHS quietly expanded its mission from cybersecurity to cybercensorship by arguing that "misinformation" is a "cyberattack" on US critical infrastructure. On January 6th, 2017, in his final act as Director of DHS, Jeh Johnson declared elections "critical infrastructure." The concept of critical infrastructure went from physical things like satellites and dams and federal buildings to events like elections or public health campaigns. This allowed DHS to deem tweets about vaccine safety and mail-in ballots that it deemed "misinformation," or simply "misleading," as justification for censorship, specifically asking social media companies to remove users, remove posts, or prevent their spread. DHS defined "misinformation" as an election security risk, a threat to national security, and an attack on democracy.

New Knowledge runs disinformation campaign against Republican Senate Candidate in Alabama

The disinformation operation set up fake Facebook pages for Roy Moore in Alabama, which had Moore purporting to say that he was going to ban alcohol, and created fake Russian trolls on Twitter to make it look like Moore was getting support from the Russians, which journalists reported as true.

DiResta was on the Board of Directors of the group running the disinformation operation, American Enterprise Technologies, and joined New Knowledge, which consulted on the operation, as research director, one month later.

DiResta gave AET technical guidance and introduced its founders to potential financial supporters. DiResta told the *Washington Post* that “she became concerned with the opaqueness of the project, and severed ties with” AET.¹⁰⁸

The disinformation operation run by DiResta’s colleagues at American Engagement Technologies and New Knowledge came to light when Washington Post wrote about a 12-page report bragging about the effort, called “Project Birmingham,” three days after the December 12, 2017 election.¹⁰⁹ “We orchestrated an elaborate ‘false flag’ operation that planted the idea that the Moore campaign was amplified on social media by a Russian botnet,” the memo claimed. The goal was to “radicalize Democrats, suppress unpersuadable Republicans (“hard Rs”) and faction moderate Republicans by advocating for write-in candidates.”

New Knowledge claims that it won the race. The claim cannot be proven, but the vote was close, with just 22,000 voters forcing Moore to lose. New Knowledge said it had moved “enough votes to ensure a Doug Jones victory.”

The revolving door is apparent in the effort. “The money passed through American Engagement Technologies, run by Mikey Dickerson,” reported the *Washington Post*, “the founding director of the United States Digital Service, which was created during the Obama administration to try to upgrade the federal government’s use of technology. Sara K. Hudson, a former Justice Department fellow now with Investing in Us, a tech finance company partly funded by Mr. [Reid] Hoffman, worked on the project, along with Mr. [Jonathon] Morgan.”¹¹⁰

The memo says it “planted the idea that the Moore campaign was amplified on social media by a Russian botnet. We then tied that botnet to the Moore campaign digital director, making it appear as if he had purchased the accounts.”

There is much that is notable about this tactic. First, it evoked the same narrative that was being used against President Trump at the time, that the Russians were supporting him. As such, it was aimed at delegitimation, which DiResta had condemned in other contexts. Second, it actually used the tactic

of bots that DiResta would describe as “information war” in her Senate testimony.

Journalists downplayed DiResta’s involvement, and even seemed to joke about it. Consider the exchange at an Aspen Institute event in 2018.¹¹¹

DiResta: I have a bunch of accounts that pay attention to anti-vax content... My anti-vax accounts — accounts that were active in anti-vax groups, just listening, just sitting in those accounts....

Nicholas Thompson, *The Atlantic*: How many bot accounts do you run?

Renee DiResta: No comment.

Thompson: I would like a complete tally of Renee DiResta’s sock puppet accounts by the end of this panel!

[laughter]

Former FBI employee web site that falsely accuses ordinary Twitter users of being Russian bots

Former FBI employee Clint Watts received U.S. government funding to create the web site, which falsely accused conservatives of being Russian bots.¹¹² Watts received help from New Knowledge.¹¹³

Twitter’s Yoel Roth investigated and found the list full of “legitimate right-leaning accounts.... Virtually any conclusion drawn from [the dashboard] will take conversations in conservative circles on Twitter and accuse them of being Russian.” Roth recommended that Twitter “call this out on the bullshit it is.” But Roth’s supervisors feared the political consequences, and opted instead to play a “longer game.”¹¹⁴

2018

Senate Intelligence Report On Russian Interference

In 2018, DiResta was the lead researcher for the Senate Intelligence Committee in its investigation of Russian influence operations during the 2016 elections. In her 2018 Senate Testimony, she argued that America is in a “high-stakes information war” and the U.S. government, and the “whole-of-society” must “go to war” against “malign narratives” whether foreign or domestic.¹¹⁵

The dramatic rhetoric of DiResta’s 2018 Senate testimony was typical. Censorship advocates repeatedly claim, without evidence, that false information travels faster than true information as justification for rapid and expansive U.S. government and whole-of-society action to censor disfavored opinions and voices.

2020

“Election Integrity Partnership”

The Election Integrity Partnership (EIP), the seed of the censorship industrial complex, was founded by two universities, a think tank, and a social media analytics firm, Stanford Internet Observatory, Washington University's (UW) Center for an Informed Public, The Atlantic Council's Digital Forensics Research Lab; and Graphika. EIP claims it classified 21,897,364 individual posts comprising unique “misinformation incidents” from August 15, 2020 to December 12, 2020 from a larger 859 million set of tweets connected to “misinformation narratives.”¹¹⁶

On June 23, 2020, there was a formal meeting between CISA to formally set up the EIP initiative to stop misinformation for election security. “The legal framework under which DHS – and CISA particularly – drew their jurisdiction was that whenever any US citizen posted what DHS considered

'misinformation' online it was now considered a 'cyber attack' against US critical infrastructure."¹¹⁷

EIP leader Alex Stamos says EIP's purpose was "to try to fill the gap of the things that the government could not do themselves" because the government "lacked both kinda the funding and the legal authorizations."¹¹⁸

EIP flagged posts to social media companies for censorship while publicly advocating for policy change. Stamos told the *New York Times*¹¹⁹ on August 26, 2020, shortly after EIP and DHS planning sessions,¹²⁰ where the arrangement was made for EIP to do what DHS could not legally do, that the tech companies had agreed to join the EIP censorship arrangement.

"We have reached out and we have had two-way conversations with all of the major platforms," said Stamos. "We've had really good conversations with all of the major platforms. Facebook, Twitter, Google, Reddit... our goal is that if we're able to find disinformation, we'll be able to report it quickly, and then collaborate with them on taking it down. There's a good precedent for this, which is that all four of these organizations have worked on research projects side by side with tech platforms."¹²¹

The leaders of all EIP organizations made unsubstantiated claims between 2017 and 2020 that Russian interference in the form of inauthentic bots and troll accounts on social media helped elect Donald Trump president in 2016. By 2020, all four institutions had deep and longstanding relationships with top content moderation executives in all of the major social media platforms. They have worked together on censorship since 2017.¹²²

Social media companies, DHS, and EIP organizations worked on a real-time chat app, Jira Service Desk, to coordinate censorship. The EIP reports that it censored 22 million tweets with "misinformation" labels; collecting 859 million tweets collected in databases for analysis; 120 analysts monitoring social media "misinformation" in up to 20-hour shifts; 15 tech platforms monitored for "misinformation" often in real-time; <1 hour average response time between government partners and tech platforms; Dozens of "misinformation narratives" targeted for platform-wide throttling; and hundreds of millions of individual Facebook posts, YouTube videos, TikToks, and tweets censored for "misinformation."¹²³

EIP representatives often mislead their audiences by claiming their domestic censorship activities were “narrowly tailored” to relate to “time, place and manner” of voting. This deception, however, relies on the ignorance of the audience as to EIP’s own censorship data. The vast and overwhelming majority of EIP censorship was related to “delegitimization,” a new censorship category EIP members pressured tech platforms to adopt, which would come to constitute 72% of EIP’s censorship tickets and what appears to be over 99% of the posts, measured by overall volume, of the 22 million labeled “misinformation incidents.”¹²⁴ EIP defined “delegitimization” broadly to mean any speech that “casts doubt” on any kind of election process, outcome or integrity. “The result was that a user merely posting “incidents” of election issues was still committing a Terms of Service violation because “incidents” had the effect of “casting doubt,” and thus even factual reporting was effectively banned altogether.

By classifying entire political *narratives* as misinformation, and automatically flagging individual US citizens’ posts supporting a banned *postas de facto* misinformation, EIP was able to classify hundreds of millions of social media posts (across 15 social media platforms) in a five months span between June and November 2020 (and then again later similarly for COVID) because they had backend access to the Election Integrity and Intelligence Sharing and Analysis Center (EI-ISAC), the domestic disinformation switchboard that was created so that DHS would be able to have instant access to censorship decisionmakers.

Aspen Institute Workshop Trains Top Journalists To Pre-Bunk “Hack and Leak”

On March 31, 2020, Stanford University’s Cyber Policy Center, the same umbrella organization that houses the Stanford Internet Observatory, published a report by Obama political operative Andrew Grotto and ex-journalist Janine Zacharia urging editors and journalists to “Break the Pentagon Papers principle.” What did they mean? They meant reporters should not cover leaked information, even when true, because it could contribute to “disinformation.”¹²⁵

“Since Daniel Ellsberg’s 1971 leak of the Pentagon Papers,” wrote the authors, “journalists have generally operated under a single rule: Once information is authenticated, if it is newsworthy, publish it.... In this new era, when foreign adversaries like Russia are hacking into political campaigns and leaking material to disrupt our democracy and favor one candidate, journalists must abandon this principle.”

Stanford’s goal was explicitly to change norms so journalists would *not* do what they did in 1971 with the Pentagon Papers. “The more news outlets that embrace a new set of norms, the more resilient American media will be against exploitation by malicious actors,” the authors write.

The authors, Grotto and Zacharia, proceed to celebrate news media *not* reporting on things the national security state doesn’t want them to report. “There is a long history of journalists refraining from publishing, particularly in the national security realm,” the authors write. “In 1958, when *New York Times* military affairs reporter Hanson Baldwin spotted an unusual plane on a German base and later determined it was a secret U.S. U-2 spy plane, *The Times* never published the story despite its obvious newsworthiness.”

The authors describe how the news media will, in real life, cover the Hunter Biden laptop, in October 2020. “Focus on the why in addition to the what,” they say. Make the disinformation campaign as much a part of the story as the email or hacked information dump. Change the sense of newsworthiness to accord with the current threat.”

Aspen Institute held training for reporters with an eerily similar message. On June 25, 2020, Aspen Institute convened a “tabletop exercise” to train journalists at the *New York Times*, *Washington Post*, and CNN, and censors at Twitter and Facebook, to treat leaked information, however accurate, as likely the result of Russian hacking, and to make the story about the hacking, not the contents of the hack.¹²⁶

The organizer was Vivian Schiller, the former CEO of NPR, the former head of news at Twitter, the former General Manager of The New York Times, and the former Chief Digital Officer of NBC News. Two of the attendees were Andrew Grotto and Janine Zacharia, the authors of the Stanford report urging

reporters to “break the Pentagon Papers principle.” Here is a complete list of attendees:

- Jessica Ashooh, Director of Policy, Reddit
- Olga Belogolova, Policy Manager – IO, Facebook
- John Bennett, Director of Security, Wikimedia Foundation
- Kevin Collier, Reporter, NBC News
- Rick Davis, EVP, News Standards and Practices, CNN
- Nathaniel Gleicher, Head of Cybersecurity Policy, Facebook
- Garrett Graff, Director, Cyber Initiatives, Aspen Institute
- Andy Grotto, Director, Stanford Cyber Policy Center
- Steve Hayes, Co-Founder and Editor, The Dispatch
- Susan Hennessey, Executive Editor, Lawfare
- Kelly McBride, Senior VP, Poynter Institute
- David McCraw, VP and Deputy General Counsel, *The New York Times*
- Ellen Nakashima, National Security Reporter, *The Washington Post*
- Evan Osnos, Staff Writer, *The New Yorker*
- Donie O’Sullivan, Reporter, CNN
- Dina Temple Raston, Investigations Correspondent, NPR
- Yoel Roth, Head of Site Integrity, Twitter
- Alan Rusbridger, Former Editor in Chief, Guardian, Member of Facebook Oversight Board
- David Sanger, Chief Washington Correspondent, *The New York Times*
- Noah Shachtman, Editor in Chief, The Daily Beast
- Vivian Schiller, Executive Director, Aspen Institute
- Claire Wardle, Cofounder and Director, First Draft News
- Clement Wolf, Global Public Policy Lead for Information Integrity, Google
- Janine Zacharia, Visiting Lecturer, Stanford¹²⁷

Covid Censorship

Lab Leak Theory

Through most of the pandemic, the idea that the spread of Covid-19 was caused by a leak from the Wuhan Institute for Virology's laboratory in Wuhan, China, was dismissed. In February 2020, the *Washington Post* published an article headlined, "Tom Cotton repeats debunked conspiracy theory about coronavirus," after the Republican senator floated the idea.¹²⁸ Two days later, the British medical journal *Lancet* published an article by 27 scientists "to strongly condemn conspiracy theories suggesting that COVID-19 does not have a natural origin."¹²⁹

In September 2020, Facebook censored a "Tucker Carlson Tonight" segment in which a Chinese doctor said that the COVID pandemic resulted from a virus escaping from a lab in China. Facebook labeled the clip as "false information," and Instagram flagged it.¹³⁰

Today, the mainstream media considers the possibility that a lab leak caused the pandemic to be as likely as the possibility that it was caused by a spillover of a virus from animals to humans.

The *Wall Street Journal* on February 26 reported that the U.S. Department of Energy (DOE) has joined the Federal Bureau of Investigation (FBI) in concluding that a laboratory leak was more likely than natural causes to have caused the coronavirus pandemic.¹³¹ In November, the top government official overseeing the U.S. response to the pandemic, Anthony Fauci, said, about COVID's origins, "I have a completely open mind."¹³²

In truth, there was abundant evidence by 2015 that a lab leak was a possible cause of a coronavirus pandemic.¹³³ None have announced new systems or safeguards to avoid making similar mistakes in the future and regain public trust.

Mask Skepticism

In 2020, Twitter removed a tweet by a member of the White House's coronavirus task force who questioned the efficacy of masks.¹³⁴ In mid-2021, White House Press Secretary Jen Psaki said the Biden administration was identifying "problematic" COVID posts for Facebook to censor.¹³⁵ YouTube removed a video in which scientists from Harvard and Stanford expressed their opinion to Florida's governor that children should not be required to wear masks.¹³⁶ And Facebook censored former *New York Times* journalist John Tierney for accurately reporting on evidence of the harm to children from wearing masks.¹³⁷

2021

DHS Expands Its Censorship Powers

Demands from the government that social media companies censor content have increased under President Joe Biden. In January 2021, the Cyber Security and Infrastructure Security Agency, which was created in 2018 to respond to election disinformation, broadened its scope "to promote more flexibility to focus on general" misinformation, disinformation, and malinformation. Where misinformation can be unintentional, disinformation is defined as deliberate, while malinformation can include accurate information that is "misleading."

In January 2021, CISA replaced the "Countering Foreign Influence Task Force" with a "Misinformation, Disinformation and Malinformation" team "to promote more flexibility to focus on general MDM."¹³⁸ The move included a further turn inward to focus on domestic sources of MDM. The MDM team,

according to one CISA official quoted in the IG report, "counters all types of disinformation, to be responsive to current events."¹³⁹

Geoff Hale, the director of the Election Security Initiative at CISA, recommended the use of contractor nonprofits as a "clearing house for information to avoid the appearance of government propaganda."¹⁴⁰

Under Pressure From White House, Facebook and Twitter Censor Accurate Vaccine Information

Twitter and Facebook both censored accurate COVID information, in part to reduce vaccine hesitancy, "discrediting doctors and other experts who disagreed." This work involved the four members of the EIP, now the "Virality Project." "Over the spring and summer of 2021, VP partnered with federal, state, and local stakeholders, as well as civil society organizations and coalitions of medical professionals to support their efforts to understand vaccine hesitancy," explained DiResta in 2021.¹⁴¹

Biden administration officials scolded Twitter and Facebook executives for not doing more censorship. There were many instances of Twitter banning or labeling "misleading" accounts that were true or merely controversial. Twitter suspended a physician for accurately describing the results of a peer-reviewed study on mRNA vaccines.

Facebook censored a claim in October by President Donald Trump that a COVID vaccine was imminent, which it was,¹⁴² an example of how censorship can be used as part of an effort to discredit accurate information, and increase distrust in authorities, two things about which the censorship industrial complex claims to care.

Facebook, under pressure from the White House, censored "often-true content" that a company executive said in the spring of 2021 "does not contain actionable misinformation" but was "discouraging vaccines."¹⁴³ The State Attorney General of Missouri, who is suing the Biden Administration for violating the First Amendment, released the email.¹⁴⁴ "As you know," wrote the Facebook executive whose name was redacted, "in addition to removing vaccine misinformation, we have been focused on reducing the virality of

content discouraging vaccines that does not contain actionable misinformation.”¹⁴⁵

The email shows Facebook responding defensively to the White House’s then-COVID advisor, Andy Slavitt. “This often-true content,” wrote the executive, “which we allow at the post level because experts have advised us that it is important for people to be able to discuss both their personal experiences and concerns about the vaccine, but it can be framed as sensation[al], alarmist, or shocking.”

“We’ll remove these Groups, Pages, and Accounts when they are disproportionately promoting this sensationalized content,” said the Facebook executive. “More on this front as we proceed to implement.”¹⁴⁶

Another White House official scolded Facebook employees in an email: “We are gravely concerned that your service is one of the top drivers of vaccine hesitancy - period.” Within an aggressive email thread with the subject line, “You are hiding the ball,” the official said he believed Facebook was at risk of “doing the same” thing it did before the Jan 6, 2021 riot at the US Capitol when “an insurrection ... was plotted, in large part, by your platform.”¹⁴⁷

All of these censorship demands were occurring against a backdrop of the White House and Congress regularly threatening to revoke Section 230 of the Communications Decency Act, which indemnifies social media platforms from liability for content posted by users. The social media platforms consider the possible repeal of Section 230 an existential threat. Without the Act, they could not exist in their current form.

After 2020, the four co-founders of EIP started The Virality Project to demand censorship on COVID-related issues. They used the same Jira Service Desk ticketing software that they used for EIP. VP did the exact same kinds of censorship except focused on censoring COVID-19 information. VP says it censored, with its government partners, 66 social media “narratives” that were allegedly going viral during 2021.¹⁴⁸

Aspen Information Disorder Report

The sweeping vision of the censorship industrial complex can be seen in a 2021 Aspen Institute report, which effectively claims that MDM constitutes the greatest crisis facing America because it “exacerbates all other crises.” The report builds upon the continually expanding framework, from “disinformation” to “misinformation” to “malinformation” — a category that allows for the censorship of accurate information in the name of preventing a “misleading narrative” — to “information disorder.”¹⁴⁹ The Aspen report calls for vastly expanded social media censorship of information and a propaganda effort led by the White House and social media platforms working together.

Climate Change and Energy

The censorship-industrial complex pressures social media platforms to censor content relating to climate change and energy.

I speak from experience as someone who has been attacked by an ongoing censor-and-discredit campaign that has been waged against me since I wrote a viral article in June 2020 to announce the publication of my book, *Apocalypse Never*. In response to my article, multiple think tanks quickly and falsely claimed to have “debunked” its contents. Those fake debunkings became the basis for Facebook to censor my posts, even ones that don’t have to do with climate change, to this day. Facebook allowed no way for me to appeal. In response to a lawsuit brought by journalist John Stossel, Facebook confessed that its so-called “fact-checking” of him and me could not be considered defamation as it was merely an “opinion.”¹⁵⁰ And yet the censorship continues.¹⁵¹

In 2021, Facebook censored Bjorn Lomborg for accurately reporting that the British medical journal *Lancet* found that warmer temperatures save lives.¹⁵²

Facebook and other social media companies give the people they have censored nothing in the way of an appeal process. After Stossel sued

Facebook, its parent company, Meta, said in response to the lawsuit that Facebook's "fact-checks" are just "opinion" and thus immune from defamation charges.¹⁵³

The demand for ever more censorship continues. In a 2022 talk with Axios, Biden Administration Climate Advisor Gina McCarthy said, "The tech companies have to stop allowing specific individuals over and over again to spread disinformation." After an Axios reporter asked, "Isn't misinformation and disinfo around climate a threat to public health itself?" McCarthy responded, "Oh, absolutely... We are talking, really, about risks that no longer need to be tolerated to our communities."¹⁵⁴

McCarthy pointed specifically to those who criticized the failure of weather-dependent renewables during the blackouts in Texas in February 2021. But many of those criticisms were factual. Over the last decade in Texas, investors sunk over \$83 billion on weather-dependent energy sources, mostly wind turbines, which alongside frozen fossil fuel plants were largely unavailable during the cold snap in February.¹⁵⁵ That was only partly because of the cold and mostly because of low wind speeds.

McCarthy claimed that the critics of renewables are funded by "dark money" fossil fuel companies, which she compared to Big Tobacco. She claimed the critics are being paid to "fool" the public about "the benefits of clean energy." "We need the tech companies to really jump in," she said, because criticizing renewables is "equally dangerous to denial because we have to move fast."¹⁵⁶

But the main critics of renewables, including those used in Texas, do not receive funding from the fossil fuel industry. Moreover, McCarthy's own interview with Axios was sponsored by 3M, a major supplier to the solar industry that has lobbied directly for climate and energy legislation that would benefit 3M.¹⁵⁷

As such, notes the *Wall Street Journal*, "Merely pointing out technical limitations of lithium-ion batteries could be 'disinformation,'" under the expansive censorship framework being proposed by McCarthy, Center for American Progress, and social media companies.¹⁵⁸

Now, an entity funded by the U.S. government has smeared me and others in a report aimed at demanding greater censorship of my posts and those of others by social media platforms. A British think tank called the Institute for Strategic Dialogue (ISD) is demanding censorship of factual information using American taxpayer dollars. The State Department gave the Institute a grant in September 2021 to "advance the development of promising and innovative technologies against disinformation and propaganda."¹⁵⁹ In a 2022 report on "climate disinformation," the ISD slandered me and others as promoting "delay" on climate action.¹⁶⁰ That is a lie, as everyone who knows my work saving nuclear power plants knows. I have never advocated a "go-slow" approach in my life.

The Institute for Strategic Dialogue was awarded its funding after participating in an event sponsored by the North Atlantic Treaty Organization (NATO), the U.S. Embassy in Paris, the Atlantic Council's Digital Forensic Research Lab (DFRLab), and the Cybersecurity and Infrastructure Security Agency (CISA).

2022

U.S. government funds "Disinformation Index" and "News Guard" to drive advertisers away from disfavored news media

Government-funded censors point to the desires of advertisers as justification for censorship. "Moderation rules and content policy are also tied into business incentives," said DiResta. "Platforms don't want to create a cesspool. Twitter doesn't want, or didn't want, to be 4Chan because most people don't enjoy being in that type of environment. So even if there are types of content that are in line with the First Amendment, some of the platforms choose to moderate more or less heavily in line with the kind of environment they want to create versus having a free-for-all experience."¹⁶¹

Meanwhile, the U.S. government funds groups seeking to divert advertising dollars from disfavored to favored news organizations. The National Endowment for Democracy, which received \$300 million in taxpayer dollars in 2021, granted \$230,000 in 2020 to the Global Disinformation Index, an organization that urges advertisers not to advertise with leading conservative and libertarian media outlets including the *Washington Examiner*, *Reason*, and the *New York Post*.¹⁶²

In September 2021, the Defense Department gave a government contract worth \$750,000 to Newsguard, another group advocating that advertisers cut off their money to disfavored publications.¹⁶³

Creation of Department Of Homeland Security's "Disinformation Governance Board"

In April of 2022, the Department of Homeland Security announced that it was creating a "Disinformation Governance Board" to fight disinformation on social media platforms. In a March 2022 meeting with social media executives and representatives of other government agencies, FBI official Laura Dehmlow, who headed up the Foreign Influence Task Force, said that "we need a media infrastructure that is held accountable."¹⁶⁴

The announcement of the Board triggered a strong and broad backlash from the public, and within a few weeks, the Biden administration had abandoned the plan. But rather than completely abandoning the plans, DHS agencies are monitoring social media on their own. According to the draft copy of the DHS's 2022 Quadrennial Homeland Security Review, the agency had planned to target "inaccurate information," including "the origins of the COVID-19 pandemic and the efficacy of COVID-19 vaccines, racial justice, U.S. withdrawal from Afghanistan, and the nature of U.S. support to Ukraine."¹⁶⁵

2023

Twitter Files

The American people should be appreciative of new Twitter owner Elon Musk for making the Twitter Files available. As might be predictable, the censorship industrial complex has spread significant malinformation and misinformation, and perhaps disinformation, about them and the journalists involved in reporting them. It has been widely reported that Musk hand-selected me to report on the Twitter Files; that is not true. Bari Weiss invited me to join her team of reporters. When we met for the first time, Musk told me he did not know who I was.

We were given broad access to internal emails and direct messages and found no evidence anything was kept from us. As for my journalistic independence, I will simply note that I am one of the few journalists in America to have criticized Musk's statements on energy, both in *Mother Jones* magazine and in my 2020 book, *Apocalypse Never*. Whatever else one might think of Musk, his decision to make transparent the inner workings of one of the world's most important social media platforms is unprecedented and allowed the public to understand the operations of the censorship industrial complex.

DiResta and Stamos hype "foreign disinformation" threat

In late February, after Meta (Facebook) released its fourth quarter "Adversarial Threat Report," DiResta tweeted, "Interesting Facebook's adversarial threat report today: 4 disinformation networks... Some were pretty big, state-linked but w/mercenary component (paid operators), \$\$\$ ad spend."¹⁶⁶ Stamos agreed. "Serious foreign influence campaigns continue online."¹⁶⁷

Here's what Meta wrote: "While Russian-origin attempts at covert activity (CIB) related to Russia's war in Ukraine have sharply increased, overt efforts by Russian state-controlled media have reportedly decreased over the last 12 months on our platform. We saw state-controlled media shifting to other platforms and using new domains to try to escape the additional transparency on (and demotions against) links to their websites. During the same period, covert influence operations have adopted a brute-force, 'smash-and-grab' approach of high-volume but very low-quality campaigns across the internet."¹⁶⁸

In other words, Russia has tried and largely failed to have impact through covert activity, and has been forced to shift to other platforms and "low-quality campaigns," — a very different picture from DiResta's claim that the efforts were "pretty big" and Stamos' assertion that they were "serious."

Gurri, author of *Revolt of the Public*, pushed back. "Prove 'influence,'" he tweeted. "Where's the data? What pure American minds are polluted? And if there's no data, how isn't this an even dumber version of 'a Commie under every bed'?"¹⁶⁹

In response, Stamos wrote, "I'm a big fan of your book. It's unfortunate to see you reduced to this, sir....I have stated multiple times, over years, that I thought the impact of these campaigns is often overstated. It certainly was in regards to the 2016 election. But letting authoritarians run free and buy checkmarks is still not a smart way to run a trusted platform."¹⁷⁰

Recommendations

1. Defund the Censorship Industrial Complex

Censorship is a subsidized industry. If you take that money out there will be replacement money from private sector donors, such as the Open Society Institute, who will fill the gaps, but not entirely.¹⁷¹

2. Mandate instant reporting of all communications between government officials and contractors with social media executives relating to content moderation.

Both parties should be legally required to report on their conversation to create a prisoner's dilemma that reduces secret censorship.

3. Reduce Scope of Section 230

Section 230 is a special, radical legal liability granted to social media platforms, not to news media organizations, in recognition of the difference between them. Citizens have a right to demand that Section 230 privileges come with certain responsibilities.

This is especially true since the platforms are legal monopolies. Much has changed since 1996. Back then, neither Google, Facebook, nor Twitter existed. Nobody imagined back then that government officials would ask social media companies to secretly censor factual information and remove individuals from their platforms, under threat of losing their ability to operate.

Section 230 in its current form undermines the right of citizens both to free speech and to our constitutional right to redress harm or injury. In the 2022 Rogan O'Handley ruling, the San Francisco Ninth Circuit court refused to recognize normal tort and contract theories relating to social media companies on the grounds that Section 230 exempts social media companies from any

liability. On Twitter, Meghan Murphy in 2018 called a trans activist by their birth gender and was bounced, or removed, from the platform.¹⁷² What she had done wasn't, according to Twitter's own Terms of Service, a bannable offense. But then Twitter changed its Terms of Service, and retroactively applied it. As such, the courts had effectively said Twitter did not need to follow its own contracts. No corporation in the world should have such extraordinary powers to both deny American citizens their free speech rights and their ability to sue to redress the harm they cause.

As such, we need two key reforms: real transparency and private right of action. Congress must clarify that Section 230 doesn't abrogate state tort law absent extremely specific criteria. Section 230 currently protects a social media platform from liability for "any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable." The words "otherwise objectionable" should be removed. It provides far too broad an ability of social media platforms to censor. Just as we must be free to express unpopular opinions, we must be free to insult each other, including in ways that some people claim cause "emotional harm."

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Chair JORDAN. I thank the gentleman for his opening statement. Mr. Taibbi, you are now recognized for five minutes.
 Mr. TAIBBI. Chair Jordan.
 Chair JORDAN. Hit that, Mr. Taibbi.

STATEMENT OF MATTHEW TAIBBI

Mr. TAIBBI. Chair Jordan, Ranking Member Plaskett, Members of the Select Committee, thank you for having me today. My name is Matt Taibbi. I've been a reporter for 30 years and a staunch advocate of the First Amendment. Much of that time was spent at Rolling Stone Magazine.

Ranking Member Plaskett, I'm not a so-called journalist. I have won the National Magazine Award, the I.F. Stone Award for independent journalism, and I've written 10 books, including four *The New York Times* bestsellers. I'm now the editor of the online magazine Racket on the independent platform, Substack.

I'm here today because of a series of events that began late last year when I received a note from a source online. It read: "Are you interested in doing a deep dive into what censorship and manipulation was going on at Twitter?"

A week later, the first of what became known as the Twitter files reports came out. To say these attracted intense public interest would be an understatement. My computer looked like a Vegas slot machine as just the first tweet about the blockage of the Hunter Biden laptop story registered 143 million impressions and 30 million engagements.

It wasn't until a week after the first report, after Michael Shellenberger, Bari Weiss, and other researchers joined the search of the files that we started to grasp the significance of this story.

The original promise of the internet was that it might democratize the exchange of information globally. A free internet would overwhelm all attempts to control information flow, its very existence a threat to anti-democratic forms of government everywhere.

What we found in the files was a sweeping effort to reverse that promise and use machine learning and other tools to turn the internet into an instrument of censorship and social control. Unfortunately, our own government appears to be playing a lead role.

We saw the first hint of information communications between Twitter executives before the 2020 election, when we read things like, "flagged by DHS," or, "please see attached report from FBI for potential misinformation." This would be attached to an Excel spreadsheet with a long list of names, whose accounts were often suspended shortly after.

Again, Ranking Member Plaskett, I would note that the evidence of Twitter-government relationship includes lists of tens of thousands of names on both the left and right. The people affected include Trump supporters, but also left-leaning sites like Consortium and Truth Out, the leftist South American Channel Telesur, the Yellow Vest Movement. That, in fact, is a key point of the Twitter files; that is neither a left nor right issue.

Following the trail of communications between Twitter and the Federal Government across tens of thousands of emails led to a series of revelations.

Mr. Chair, we summarized and submitted them to the Committee in the form of a new Twitter files spread which was also released to the public this morning.

We learned Twitter, Facebook, Google, and other companies developed a formal system for taking in moderation requests from every corner of government, from the FBI, the DHS, the HHS, DOD, the Global Engagement Center at State, even the CIA. For every government agency scanning Twitter, there were perhaps 20 quasi-private entities doing the same thing, including Stanford's Election Integrity Partnership, *Newsguard*, the Global Disinformation Index, and many others, many taxpayer-funded.

A focus of this fast-growing network, as Mike noted, is making lists of people whose opinions, beliefs, associations, or sympathies are deemed misinformation, disinformation, or malinformation. That last term is just a euphemism for true but inconvenient. Undeniably, the making of such lists is a form of digital McCarthyism.

Ordinary Americans are not just being reported to Twitter for deamplification or deplatforming, but to firms like PayPal, digital advertisers like Xandr, and crowdfunding sites like GoFundMe. These companies can and do refuse service to law-abiding people and businesses whose only crime is falling afoul of a distant, faceless, unaccountable, and algorithmic judge.

As someone who grew up a traditional ACLU liberal, this mechanism for punishment and deprivation without due process is horrifying.

Another troubling aspect is the role of the press, which should be the people's last line of defense in such cases.

Instead of investigating these groups, journalists partnered with them. If Twitter declined to remove an account right away, government agencies and NGO's would call reporters for *The New York Times*, *Washington Post*, and other outlets, who in turn would call Twitter demanding to know why action had not yet been taken.

Effectively, news media became an arm of a State-sponsored, thought-policing system.

I'm running out of time, so I'll just sum up and say, it's just not possible to instantly arrive at truth. It is, however, possible becoming technologically possible to instantly define and enforce a political consensus online, which I believe is what we're looking at. This is a grave threat to people of all political persuasions.

The First Amendment and American population accustomed to the right to speak is the best defense left against Censorship Industrial Complex. If the latter can knock over our first and most important constitutional guarantee, these groups will have no serious opponent left anywhere.

If there's anything that Twitter files show, it's that we're in danger of losing this most precious right, without which all democratic rights are impossible.

Thank you for the opportunity to appear, and I'd be happy to answer any questions from the Committee.

[The prepared statement of Mr. Taibbi follows:]

Written Statement
Matt Taibbi

"Hearing on the Weaponization of the Federal Government on the Twitter Files"

Select Subcommittee on the Weaponization of the Federal Government
Committee on the Judiciary
United States House of Representatives

March 9, 2023

Chairman Jordan, ranking member Plaskett, members of the Select Committee,

My name is Matt Taibbi. I've been a reporter for over 30 years, and a staunch advocate for the First Amendment. Much of my three decades have been spent at *Rolling Stone* magazine. Over my career, I have had the good fortune to be recognized for the work I love. I've won the National Magazine Award, the I.F. Stone Award for independent journalism, and written ten books, including four *New York Times* bestsellers. I'm now the editor of the online magazine *Racket*, on the independent platform Substack.

Today, I'm here because of a series of events that began late last year, when I received a note from a source online.

It read: *"Are you interested in doing a deep dive into what censorship and manipulation... was going on at Twitter?"*

A week later, the first of what became known as the "Twitter Files" reports came out. To say these attracted intense public interest would be an understatement. My computer looked like a slot machine as just the first tweet about the blockage of the Hunter Biden laptop story registered 143 million impressions and 30 million engagements.

But it wasn't until a week after the first report, after Michael Shellenberger, Bari Weiss, and other researchers joined the search of the "Files," that we started to grasp the significance of this story.

The original promise of the Internet was that it might democratize the exchange of information globally. A free internet would overwhelm all attempts to control information flow, its very existence a threat to anti-democratic forms of government everywhere.

What we found in the Files was a sweeping effort to reverse that promise and use machine learning and other tools to turn the internet into an instrument of censorship and social control. Unfortunately, our own government appears to be playing a lead role.

We saw the first hints in communications between Twitter executives about tweets before the 2020 election, where we read things like:

Hi team, can we get your opinion on this? This was flagged by DHS:

Or: Please see attached report from the FBI for potential misinformation. This would be attached to excel spreadsheet with a long list of names, whose accounts were often suspended shortly after.

Following the trail of communications between Twitter and the federal government across tens of thousands of emails led to a series of revelations. Mr. Chairman, we've summarized these and submitted them to the committee in the form of a new Twitter Files thread, which is also being released to the public now, on Twitter at @ShellenbergerMD, and @mtaibbi.

We learned Twitter, Facebook, Google, and other companies developed a formal system for taking in moderation "requests" from every corner of government: the FBI, DHS, HHS, DOD, the Global Engagement Center at State, even the CIA. For every government agency scanning Twitter, there were perhaps 20 quasi-private entities doing the same, including Stanford's Election Integrity Project, Newsguard, the Global Disinformation Index, and others, many taxpayer-funded.

A focus of this growing network is making lists of people whose opinions, beliefs, associations, or sympathies are deemed to be misinformation, disinformation, or malinformation. The latter term is just a euphemism for “true but inconvenient.”

Plain and simple, the making of such lists is a form of digital McCarthyism.

Ordinary Americans are not just being reported to Twitter for “deamplification” or de-platforming, but to firms like PayPal, digital advertisers like Xandr, and crowdfunding sites like GoFundMe. These companies can and do refuse service to law-abiding people and businesses whose only crime is falling afoul of a faceless, unaccountable, algorithmic judge.

As someone who grew up a traditional ACLU liberal, this sinister mechanism for punishment without due process is horrifying.

Another troubling aspect is the role of the press, which should be the people’s last line of defense in such cases.

But instead of investigating these groups, journalists partnered with them. If Twitter declined to remove an account right away, government agencies and NGOs would call reporters for the *New York Times*, *Washington Post*, and other outlets, who in turn would call Twitter demanding to know why action had not been taken.

Wittingly or not, news media became an arm of a state-sponsored thought-policing system.

Some will say, “So what? Why shouldn’t we eliminate disinformation?”

To begin with, you cannot have a state-sponsored system targeting “disinformation” without striking at the essence of the right to free speech. The two ideas are in direct conflict.

Many of the fears driving what Michael calls the “Censorship-Industrial Complex” also inspired the infamous “Alien and Sedition Laws of 1798,” which outlawed “any false, scandalous, and malicious writing against Congress or the president.” Here is something that will sound familiar: supporters of that law were quick to

denounce their critics as sympathizers with a hostile foreign power, at the time France. Alexander Hamilton said Thomas Jefferson and his supporters were “more Frenchmen than Americans.”

Jefferson in vehemently opposing these laws said democracy cannot survive in a country where power is given to people “whose suspicions may be the evidence.” He added:

It would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights: that confidence is everywhere the parent of despotism.

Jefferson was saying something that was true then and still true today. In a free society we don't mandate truth, we arrive at it through discussion and debate. Any group that claims the “confidence” to decide fact and fiction, even in the name of protecting democracy, is always, itself, the real threat to democracy. This is why “anti-disinformation” just doesn't work. Any experienced journalist knows experts are often initially wrong, and sometimes they even lie. In fact, when elite opinion is too much in sync, this itself can be a red flag.

We just saw this with the Covid lab-leak theory. Many of the institutions we're now investigating initially labeled the idea that Covid came from a lab “disinformation” and conspiracy theory. Now apparently even the FBI takes it seriously.

It's not possible to instantly arrive at truth. It is however becoming technologically possible to instantly define and enforce a political consensus online, which I believe is what we're looking at.

This is a grave threat to people of all political persuasions.

For hundreds of years, the thing that's distinguished Americans from all other people around the world is the way we don't let anyone tell us what to think, certainly not the government.

The First Amendment, and an American population accustomed to the right to speak, is the best defense left against the Censorship-Industrial Complex. If it can

knock over the first and most important constitutional guarantee, it will have no serious opponent left anywhere.

If there's anything the Twitter Files show, it's that we're in danger of losing this most precious right, without which all other democratic rights are impossible.

Thank you for the opportunity to appear before you and I would be happy to answer any questions from the Committee.

Chair JORDAN. Thank you, Mr. Taibbi. We appreciate both of your opening statements. The Chair now recognizes the gentleman from Louisiana, Mr. Johnson, for five minutes of questions.

Mr. JOHNSON of Louisiana. Gentlemen, thank you both for being here. It is not surprising that the minority is already attacking you in its opening statement. We apologize to both of you. You shouldn't be treated that way.

Some of the defenders of Big Tech and the Biden Administration, as we know, have worked very hard to cast doubts on legitimacy of your reporting. Some have gone so far to State it's irrelevant if Twitter was suppressing speech in coordination with the Federal Government.

This morning, we saw a stunning display of their attack of your character. We shouldn't be surprised. This is what the defenders of big government corruption do. This is the playbook. They destroy the messenger. We just saw it here on live television, and everybody can see it for themselves, and the whistleblowers, of course, as well.

Look, that is what we know. What you've documented carefully in the Twitter files are a couple of key facts. You will hear—the people will hear a lot of things today, but this is what we need to know. The Federal Government from Democratic Members of Congress, to intelligence agencies, including the FBI, used Twitter and other social media companies to censor American's speech. If the alarm bells are not going off, then you're not paying attention.

Over the past three years, documents show, they prove what you guys have uncovered here. There's communication between Twitter and the FBI. It was constant. It was persuasive. Twitter was basically an FBI subsidiary before Elon Musk took it over. the Twitter files revealed that by 2020, Twitter was engaged in open information sharing with the intelligence community. Now we know there were many intelligence agencies apparently involved in this. The FBI pressured Twitter to act on election-related tweets, leading up to the 2022 election. Of course, it did it in 2020. Twitter dutifully censored content as a result.

Twitter executives restricted accounts, they censored speech, they conflicted with the left's narrative. Twitter has used its internal tools to control and manipulate—considered—speech considered misinformation. Who was determining that? It was the government bureaucrats.

Documents show that Twitter used visibility filtering to restrict certain accounts and posts and removed people from the platform altogether. the Twitter files should be a matter of bipartisan concern for every Member of Congress and every American citizen, because it is a bedrock principle of our constitutional system that the government does not get to decide what speech is acceptable or true.

Under the First Amendment, Americans have a right to speak freely regardless of whether their speech upsets the preferred narrative. In fact, that's when it needs the most vigorous protection. Everybody on the left used to believe in that, or at least they purported to. Government and media fact checkers frequently get things wrong.

The American people can't and shouldn't rely on so-called experts to be the arbiters of truth, disinformation boards, and the like. It doesn't what political party you're in, government should not suppress important debates and public discourse.

Gentlemen, let me start with Mr. Taibbi. You have a long award-winning journalist career. You've just highlighted decades of experience reporting on some of the most complex and important issues of our time. Where do you rate your reporting on the Twitter files among your whole body of work throughout your career? How serious is this?

Mr. TAIBBI. Well, first, Mr. Congressman, thank you for the question. I would say I spent 10 years covering the aftermath of the 2008 financial crisis. That was, obviously, a very serious issue. This Twitter files story and what we're looking at now and what we're investigating now, I don't think there's any comparison. This is by far the most serious thing that I've ever looked at, and it's certainly the mostly grave story that I have ever work on personally.

Mr. JOHNSON of Louisiana. I want to ask you both the same question, and that is, first, has anyone from the Federal Government contacted you, during the course of this investigation or since you've reported on Twitter files? Now two, who do you think is the most egregious Federal Government agencies involved in this censorship exercise? Let's start with Mr. Shellenberger.

Mr. SHELLENBERGER. Thank you, Congressman. I have not been contacted by anybody in the Biden Administration relating to this topic. I would like to echo what Matt just said. This is—I've never worked on an issue where so frequently while doing it I just had chills go up my spine because of what I was seeing happening. I never thought in my own country that freedom of speech would be threatened in this way, and it's just frightening when you get into it.

The most recent—our most recent discoveries—I mean, you understand the processes that we first raised a bunch of concerns around the way Twitter, pre-Elon Musk was censoring people and creating blacklists. Very quickly, we discovered that we had FBI agents basically—and other government officials demanding that Twitter take certain actions. We now know that the Department of Homeland Services which has had—what's that?

Mr. TAIBBI. Security?

Mr. SHELLENBERGER. Security. Sorry. Department of Homeland Security had tried to create a disinformation board. That went away after public backlash. We now realize that they have this other enterprise, and they have been building out basically mechanisms to proliferate a Censorship Industrial Complex around the country to censor on a whole range of issues. So, you've seen this censorship industry go from, "Well, we're just fighting ISIS," to "Well, we're just fighting Russian disinformation bots," to, "Well, now we need to fight domestic misinformation," which was just saying we need to fight against people who are saying things we disagree with online. That's all that means. I mean, it's not a slippery slope. It's an immediate leap into a terrifying mechanism that I—we only see in totalitarian societies of attempting to gain control over what the social media platforms are allowing. So, yes, for me

it's just—it starts at DHS, but we basically see almost every government agency involved in this.

Mr. JOHNSON of Louisiana. It's frightening. I'm out of time. I yield back.

Chair JORDAN. The gentleman from Massachusetts, Mr. Lynch, is recognized.

Mr. LYNCH. Thank you, Mr. Chair. I do need to correct the record. So, there's been the suggestion here that the FBI and other government agencies pressured employees at Twitter to validate these theories of foreign influence. When we had Mr. Roth, who was the—Yoel Roth, who is the former global head of trust and safety at Twitter, so we asked Twitter if there was pressure applied. Mr. Roth said, "No, I would not agree with that." The FBI—this is his quote,

The FBI was quite careful and quite consistent to request review of the accounts, but not to cross the line into advocating for Twitter to take any particular action.

So, that's what Twitter says about the actions of the FBI vis-à-vis Twitter.

Mr. Taibbi, in 2019, Special Counsel Robert Mueller unequivocally found that the Internet Research Agency, owned by Yevgeny Prigozhin, the same oligarch who runs the Wagner Group, carried out an extensive social media disinformation campaign to help then-candidate Donald Trump and to hurt Hillary Clinton. He also found that the Russian intelligence interfered with the 2016 election via a hack-and-release campaign, damaging to the Clinton campaign. These particular findings came on the heels of the unanimous assessment, on the part of United States' 18 intelligence agencies that Russian President Putin, quote, "ordered an influenced campaign in 2016 aimed at the Presidential election," closed quote.

They also followed the release of a bipartisan, Senate Intelligence Committee report, finding that Russia and Vladimir Putin engaged in, and I quote, "aggressive, multifaceted effort to influence the U.S. Presidential election."

So, Mr. Taibbi, do you believe that the Russians and their oligarch-controlled Internet Research Agency interfered in the 2016 election via this social media disinformation campaign? Do you believe that?

Mr. TAIBBI. Mr. Congressman, my disagreement with the issue—

Mr. LYNCH. Well, I think this is basically a yes-or-no question. Either you think so or you don't. I don't have a lot of time, so—

Mr. TAIBBI. OK. Well, then I'm going to answer not in the sense that you're putting it.

Mr. LYNCH. OK.

Mr. TAIBBI. I think all countries engaging in offensive information operations, the question is scale.

Mr. LYNCH. Do you believe that the Russians are engaging in hacking? Reclaiming my time. That's how it works on now. I'll ask the questions, and you try to provide an answer if you can.

VOICE. You have to allow him to answer.

Ms. WASSERMAN SCHULTZ. The gentleman is out of question and should not be interrupting a Member asking a question on our side, Mr. Chair.

Mr. LYNCH. Reclaiming my time from everyone. Do you believe that Russia engaged in a hack-and-release claim damaging to the Clinton campaign back in 2016? Again—

Mr. TAIBBI. I don't know, and I would say it's irrelevant.

Mr. LYNCH. Let me ask Mr. Shellenberger. These are pretty easy questions. It's just whether you believe it or not.

Mr. Shellenberger, the same question, do you believe that the Russian oligarch-controlled internet research agency interfered in the 2016 election?

Mr. SHELLENBERGER. I think that they tried to.

Mr. LYNCH. OK. Fair enough.

Mr. Shellenberger, do you believe that the Russians engaged in a hack-and-release campaign with respect to the damaging information they released regarding the Clinton campaign?

Mr. SHELLENBERGER. To the best of my awareness, that is what happened, yes.

Mr. LYNCH. OK. Fair enough. Thank you.

Mr. SHELLENBERGER. That's the not the same thing as influence.

Mr. LYNCH. I understand. I understand.

Mr. TAIBBI. Also, that material was true.

Mr. SHELLENBERGER. Yes.

Mr. LYNCH. I think—look, let me introduce a couple of documents just to reinforce that. We've got—

Mr. TAIBBI. That is not a legitimate predicate for censorship.

Mr. LYNCH. Reclaiming my time.

Mr. TAIBBI. Sure.

Mr. LYNCH. The gentleman is out of order.

So, Mr. Chair, I will ask unanimous consent to enter the indictment in the *U.S. v. The Internet Research Agency*, U.S. District Court of the District of Columbia, No. 118–32. I would also ask to enter into the record the executive summary to volume 1 of the Mueller Report which states: In March 2016, the GRU began hacking—this is a Russian agency—began hacking the email accounts of the Clinton campaign, volunteers and employees, including campaign Chair John Podesta. GRU later released additional materials through the organization WikiLeaks. The Presidential campaign of Donald Trump showed interest in WikiLeaks releases of the document and welcomed their potential damage to candidate Clinton. So, I have introduced these documents.

Chair JORDAN. Without objection.

Mr. LYNCH. Thank you, Mr. Chair. I've introduced these documents, but it's clear to me that Russia's use of social media to interfere in the 2016 election created abundant reason for social media platforms to be concerned—

Chair JORDAN. The gentleman's time has expired. Without objection, these documents are now entered into the record. We now recognize the gentleman from California, Mr. Issa, for five minutes.

Mr. ISSA. Thank you, Mr. Chair. I'd to continue along in a sense the line we've been on just now. Mr. Taibbi, Mr. Shellenberger, I'll ask both of you, is it fair to say Russia is a bad actor who is trying to do everything they can to undermine confidence in the U.S. Government and in our form of democracy?

Mr. TAIBBI. I think that's a fair statement.

Mr. SHELLENBERGER. Yes.

Mr. ISSA. OK. Are you familiar with the organization in Europe, the Global Engagement Center?

Mr. SHELLENBERGER. Yes.

Mr. TAIBBI. Well, it's an American—

Mr. ISSA. State Department, I'm sorry. Are you familiar with the Global Engagement Center's use of European and other sources—

Mr. SHELLENBERGER. Yes.

Mr. ISSA. —to, in fact, determine where Twitter files should or shouldn't be, if you will, taken down thousands of names and Twitter files, correct?

Mr. TAIBBI. I'm not sure that Global Engagement Center is taking down Twitter files. I actually wasn't aware of that. I'm sorry.

Mr. ISSA. Well, Twitter and the FBI have used this organization and their funding—let me go on to another, another—stay on the path I was on.

You commented that the scale mattered. OK. Would you elaborate on scale mattering in the attempt to undermine free speech?

Mr. TAIBBI. Absolutely. So, a great example of this is a report that the Global Engagement Center sent to Twitter and to members of the media and other platforms about what they called the pillars of Russian disinformation. Now, part of this report is what you would call traditional, hardcore, intelligence-gathering where they made a reason evidence-based case that certain sites were linked to Russian influence or linked to the Russian Government.

In addition to that, however, they also said that sites that, quote, "generate their own momentum," and have opinions that are in line with those accounts are part of a propaganda ecosystem. Now, this is just another word for guilt by association. This is the problem with the whole idea of trying to identify which accounts are actually the Internet Research Agency and which ones are just people who follow those accounts or retweeted them.

Twitter initially did not find more than a handful of IRA accounts. It wasn't until they got into an argument with Senate Select Intelligence Committee that they came back with a different answer.

Mr. ISSA. OK. So, scale matters, but let me go through a couple of quick questions that I think are part of the reason that we have this Select Committee. This country has political parties and people from the—what might call the extreme left and extreme right. Even Congress has people that might be considered outside the main street of Republican and Democratic thinking. Those people speak regularly, and they have since our founding. Is that correct?

Mr. SHELLENBERGER. Yes.

Mr. ISSA. The ACLU and journalists almost always support their right to say what they believe, even if you disagree.

Mr. SHELLENBERGER. Absolutely.

Mr. ISSA. Our Constitution says we will make no law to restrain exactly that kind of free speech.

Mr. SHELLENBERGER. Yes.

Mr. ISSA. That includes people who promote the idea that we should redistribute all wealth in a communist-type way. As a matter of fact, we still have a Communist Party in the United States. Isn't that correct?

Mr. SHELLENBERGER. It is.

Mr. ISSA. So, the limit of free speech historically has been incitement to violence or anarchy, the actual overthrow of a government. Anything other than that is historically covered by the First Amendment?

Mr. SHELLENBERGER. Yes.

Mr. ISSA. So, when we look at the very nature of these—the State Department funding to affect domestic U.S. speech, was that speech outside the legal bounds? Did it call for insurrection or other criminal activities that would destroy our government?

Mr. SHELLENBERGER. No. I mean, we did not—I mean, I'm not saying—we're not saying that didn't happen, but we're describing people having political arguments online.

Mr. ISSA. Right. So, let me just—because my time is limited like everyone. So, it suffices to say that every bit of the speech, or virtually every bit of the speech, whether foreign or domestic online, fell within the normal protections of the First Amendment, and the very act of Federal dollars being used to stifle that speech is, in fact, historically what we would consider an indictment against the First Amendment protection?

Mr. SHELLENBERGER. Correct.

Mr. ISSA. That is why we have this Subcommittee. That is why we're here today. Thank you.

Chair JORDAN. I thank the gentleman. A great point. I now recognize the gentlelady from Florida for five minutes.

Ms. WASSERMAN SCHULTZ. Thank you, Mr. Chair.

Mr. Taibbi, I want to ask about journalistic ethics and information sources. The Society of Professional Journalists Code of Ethics asserts that journalists should avoid political activities that can compromise integrity or credibility. Being a Republican witness today certainly cast a cloud over your objectivity.

A deeper concern that I have relates to ethics of how journalists receive and present certain information. Journalists should avoid accepting spoon-fed and cherry-picked information if it's likely to be slanted, incomplete, or designed to reach a foregone, easily disputed, or invalid conclusion. Would you agree with that?

Mr. TAIBBI. I think it depends.

[Slide.]

Ms. WASSERMAN SCHULTZ. Really? You wouldn't agree that a journalist should avoid spoon-fed, cherry-picked information if it's likely to be slanted, incomplete, or designed to reach a foregone, easily disputed, or invalid conclusion.

Mr. TAIBBI. Congresswoman, I've done probably a dozen stories involving whistleblowers. Every reported story that I've ever done across three decades involve sources who have motives. Every time you do a story, you're making a balancing test.

Ms. WASSERMAN SCHULTZ. OK. Reclaiming my time. Thank you very much.

Mr. TAIBBI. OK.

Ms. WASSERMAN SCHULTZ. I ask you this because before you became Elon Musk's handpicked journalist—and pardon the oxymoron—you stated this on Joe Rogan's podcast about being spoon-fed information. I quote, "I think that's true of any kind of journalism." You will see it behind me here.

[Slide.]

I think that's true of any kind of journalism. Once you start getting handed things, then you've lost. They have you at that point, and you got to get out of that habit. You just can't cross that line.

Do you still believe what you told Mr. Rogan? Yes or no? Yes or no?

Mr. TAIBBI. Yes.

Ms. WASSERMAN SCHULTZ. OK. Now, you crossed that line with the Twitter files.

Mr. TAIBBI. No—

Ms. WASSERMAN SCHULTZ. Elon Musk—it's my time. Please do not interrupt me. Elon Musk spoon-fed you his cherry-picked information which you must have suspected promotes a slanted viewpoint, or at the very least, generates another right-wing conspiracy theory. You violated your own standard, and you appeared to have benefited from it.

Before the release of the emails, in August of last year, you had 661,000 Twitter followers. After the Twitter files, your followers doubled, and now it's three times what it was last August. I imagine your Substack leadership, which is a subscription, increased significantly because of the work that you did for Elon Musk.

Now, I'm not asking you to put a dollar figure on it, but it's quite obvious that you've profited from the Twitter files. You hit the jackpot on that Vegas slot machine to which you referred. That's true, isn't it?

Mr. TAIBBI. I've also reinvested a lot—

Ms. WASSERMAN SCHULTZ. No, no, no, no. Is it true that you have profited since you were the recipient of the Twitter files; you've made money? Yes or no?

Mr. TAIBBI. I think it's probably a wash, honestly.

Ms. WASSERMAN SCHULTZ. Nope. You have made money that you did not have before, correct?

Mr. TAIBBI. I've also spent money that I didn't have before.

Ms. WASSERMAN SCHULTZ. OK.

Mr. TAIBBI. I just hired a whole group of people.

Ms. WASSERMAN SCHULTZ. Patently obvious answer. Reclaiming my time. Attention is a powerful drug: Eyeballs, money, prominence, attention, all of it appoints to problems with accuracy and credibility, and the larger points, which is social media companies are not biased against conservatives. If anything, they ignored their own policies by allowing Trump and other MAGA extremists to post incessant lies, endangering public safety, and even our democracy. Hypocrisy is the hangover of an addiction to attention.

Now, I want to point out another alleged finding from the Twitter files. Mr. Shellenberger, you've referenced several times this \$3.4 million that the FBI paid to Twitter in 2020 that was referenced in general counsel Jim Baker's email. I first want to confirm that nowhere in the email does Baker say that the money was paid to censor information, take down posts, suspend accounts, or do anything relating to content moderation. Is that correct?

Mr. SHELLENBERGER. It is.

Ms. WASSERMAN SCHULTZ. Thank you. Honest reporting would have explained that the \$3.4 million was paid to release information, not censor it. One of my colleagues on this panel repeated

your distortions and told Americans this reimbursement was used to, quote, “censor certain stories.” That’s a flat-out lie.

Mr. Shellenberger, are you aware of Section 2706 under the Stored Communications Act. It says when social media companies comply with subpoenas, warrants, or court orders, it cost them money, so they get reimbursed. The FBI makes these requests and reimbursements to discover evidence that runs relevant to a criminal investigation. Let me repeat that. The FBI makes these requests to help catch the bad guys. That helps keep child predators off social media sites. It helps keep violent criminals off our streets.

I support the FBI and our law enforcement agencies. It would be nice if our Republican colleagues did the same and not fabricate explanations for pavements that are designed for clear purposes in Federal law. My time is just about wrapped up.

Mr. SHELLENBERGER. May I respond?

Ms. WASSERMAN SCHULTZ. The truth is that social media companies are unregulated monoliths. They pose danger to individuals, they allow posts that bring harm, and that’s the bottom line that this—the other side will not tell you. I yield back the balance of my time.

Chair JORDAN. The gentlelady had no time to yield back, but I will let the gentleman, Mr. Shellenberger, respond. I would also point out that I did not say what the FBI paid Twitter for.

Ms. WASSERMAN SCHULTZ. Mr. Chair, I—

Chair JORDAN. All I said was they paid Twitter \$3.4 million.

Ms. WASSERMAN SCHULTZ. Mr. Chair, point of order, I didn’t ask Mr. Shellenberger a question.

Chair JORDAN. Yes, but the witness wants to respond. The witness has been invited as our guest, and frankly they’ve been attacked by the Federal Government.

Ms. WASSERMAN SCHULTZ. Well, please do that—

Chair JORDAN. I’m going to let Mr. Shellenberger answer that before recognizing Mr. Bishop.

Ms. WASSERMAN SCHULTZ. So, are you going to do that as we move down the line of questioners.

Chair JORDAN. The gentlelady has not been recognized. You had your five minutes. Frankly, I think that’s at the discretion of the Chair.

Mr. Shellenberger, you can respond briefly.

Mr. SHELLENBERGER. I’ll be brief, which is that my understanding from those files is that Twitter had decided not to take that money until recently. So, if you read that email, what Stasha, I believe the person that sent it, is saying is that they started taking money after previously not taking it. I believe that the reason that they had not taken it earlier was because they did not want that financial conflict, clouding their relationship.

Ms. WASSERMAN SCHULTZ. Chair, the money is payment under Federal law—

Mr. BISHOP. She’s out of order.

Ms. WASSERMAN SCHULTZ. —so that they can cut costs—

Chair JORDAN. The gentleman from North Carolina, Mr. Bishop, is recognized for five minutes.

Ms. WASSERMAN SCHULTZ. —for material that they’ve been used asked for.

Mr. BISHOP. I thank the gentleman. Mr. Taibbi, would you care to—I'm down here on this end, sir. Would you care to respond to the attack on your ethics? You weren't really given an opportunity to answer. If you'd be brief. I've got a bunch of stuff I want to ask you as well.

Mr. TAIBBI. Sure, just quickly. That moment on the Joe Rogan show, I was actually recounting a section from Seymour Hersh's book, "Reporter," where he described a scene where the CIA gave him a story, and he was very uncomfortable. He said that I who had always gotten the secrets was being handed the secrets.

Look, again, I've done lots of whistleblower stories. There's always a balancing test that you make when you're given material, and you're always balancing newsworthiness versus the motives of your sources. In this case, the newsworthiness clearly outweighed any other considerations. I think everybody else who worked on the project agreed.

Mr. BISHOP. Doesn't it seem like any reporter who breaks a blockbuster story is going to get attention, and there may be even financial consequences that follow? It seems like as surely as the night follows the day, that's the case, right?

Mr. TAIBBI. That is true. Although, I would like to clear up some things that have been misrepresented. Not one of us has actually been paid to do any of this work. We've all traveled on our own. We've hired our personnel on our own. I've just hired a pretty large team to investigate this issue—

Mr. BISHOP. Yes.

Mr. TAIBBI. —out of my own pocket.

Mr. BISHOP. The fact that the attempt comes from the dais across the aisle to smear you, frankly, I think liberals, if I understand that—in your background, you're both good liberals, and come in and the Democrats' hostility to what you have undertaken is astonishing to behold, but it's part of the picture we're seeing.

In Twitter files No. 15, Mr. Taibbi, you exposed Hamilton 68, a website associated with a German Marshall Fund that purported in a dashboard to identify Russian bot networks and became ubiquitously cited by media to identify media stories or narratives that supposedly flowed from Russia, from Russia.

You showed that the front man for Hamilton 68 was Clint Watts, a former FBI agent. At Twitter, the trust and safety executives were ridiculing Hamilton 68 for the ludicrous identifications that it was making, which they could reverse engineer and figure out who those accounts were. Then in Twitter files No. 17, after disclosing Mr. Watts identity, you disclosed that J.M. Berger is the creator of Hamilton 68. Guess what? He was a Federal contractor, right?

Mr. TAIBBI. He was, yes. He denies that he worked on it for the Global Engagement Center, but he was an employee of theirs until about a month before the dashboard's released.

Mr. BISHOP. Just a month before what he said, I believe publicly, that the dashboard was the product of three years' work.

So, doesn't it beg sort of the intriguing question whether the creation of this fraudulent Hamilton 68 dashboard was effectively underwritten by government funding?

Mr. TAIBBI. Yes, I think that's a good question. Certainly, the German Marshall Fund, which is the NGO that is at the top of the chain in this organization, it's German Marshall Fund, then the Alliance for Securing Democracy, and then Hamilton 68. They're a Federal contractor. They received over \$1 million from the Department of Defense. They're the board of the Alliance For Securing Democracy, has a former acting head of the CIA, former deputy head of the NSA, a Former Chief of the DHS on it.

Mr. BISHOP. I want to make it—and the bigger point is hard because the example sometimes starts making it.

I want to introduce you to—or introduce to somebody else. I think you've mentioned it in some of your writings. Richard Stengel. Do you know who that is?

Mr. TAIBBI. Yes. He's the former—the first head of the Global Engagement Center.

Mr. BISHOP. I want the American people to hear from him for 30 seconds.

[Audio recording played.]

Mr. BISHOP. Every country does it. Every country does propaganda, and they have to do it to their own people, is what Mr. Stengel said.

If I understand correctly, he was the head of the Global Engagement Center at its creation, right?

Mr. TAIBBI. He was. In his book "Information Wars," there are a number of passages where he talks about creating a whole-of-government solution to the information problem. He hastened to say that he didn't want to create a, quote, "information ministry." What he was describing roughly approximates that.

Mr. BISHOP. In the half minute I've got left, he also was associated with Hamilton 68, right?

Mr. TAIBBI. The Global Engagement Center certainly had ties to Hamilton 68, yes.

Mr. BISHOP. I think it's closer than that. That'll come out.

Mr. TAIBBI. OK. Well, I'd be anxious to hear that.

Mr. BISHOP. I hope I'll get yielded a minute or two from somebody else down the way.

There's all sorts of stuff to disclose. This Committee has to uncover, not that single instance, but this system that you have described. This is the hope that Americans have to set this right, this Committee. That hostility shows what we're up against. It's not three pillars to the system; it is four. You're seeing the left move to crush you and anybody else who tries to expose this.

I yield.

Chair JORDAN. I thank the gentleman for his great five minutes, and would now yield to the gentleman from Virginia, Mr. Connolly.

Mr. CONNOLLY. Thank you, Mr. Chair.

I don't know what to say after that last one.

We're fellow Americans and we're elected officials. We're trying to get at the truth, and we're trying to participate in the process of getting at the truth.

Mr. Taibbi, you have said that this isn't really a matter of right or left, that there are lots of different ideological colorations involved in the Twitter files. Is that roughly, correct?

Mr. TAIBBI. Yes.

Mr. CONNOLLY. Mr. Shellenberger, you would agree with that?

Mr. SHELLENBERGER. Yes.

Mr. CONNOLLY. So, when you release information, have you released any information of, for example, right-wing elements or the Trump White House attempting to moderate content at Twitter?

Mr. TAIBBI. No, not the Trump White House per se, although I did report initially in the first Twitter files that the Trump White House had made and requested and had been honored.

Mr. CONNOLLY. Mr. Shellenberger?

Mr. SHELLENBERGER. I did not find that.

Mr. CONNOLLY. You haven't found it.

So, we had a hearing the other day on Twitter, and we had four witnesses, three for the majority, one for the minority. All four testified under oath they had never received a request for content moderation or takedown by the Biden White House, but they did from Donald Trump's White House.

Specifically, the case brought up was an exchange between Donald Trump, then President of the United States, and Chrissy Teigen, where, he had called her something and she called him something back. I won't repeat it.

This was under oath, confirmed, yes, that happened, and that the White House shortly thereafter, after Teigen had her email about the President, which was pejorative, that the White House called Twitter to try to take down the content.

Are you aware of that, Mr. Taibbi?

Mr. TAIBBI. Yes. I certainly heard that in the news, yes.

Mr. CONNOLLY. Did you see that email exchange?

Mr. TAIBBI. No, I have not seen an exchange from the Trump White House. I have seen one from Congressman Schiff and one from Senator Angus King.

Mr. CONNOLLY. Yes, nice try. We're talking about the Trump White House and people under oath confirming it. My question is, in the Twitter files, did Elon Musk or Twitter provide you with that exchange with Chrissy Teigen?

Mr. TAIBBI. No. That's probably because the searches that I was making—

Mr. CONNOLLY. Well, probably because it didn't confirm the bias that this is all about, as the gentleman from Texas would say, the left attempting to control content when, in fact, the evidence is the Trump White House most certainly attempted to control content on Twitter.

Mr. Shellenberger, were you aware of that, or is this all news to you?

Mr. SHELLENBERGER. I already answered that question.

Mr. CONNOLLY. No. I mean specifically the Teigen exchange.

Mr. SHELLENBERGER. Yes, the Teigen exchange was news to me.

Mr. CONNOLLY. I'm probably mispronouncing her name. I'm sorry.

So, let me ask, have you, like, combed the so-called Twitter files to look at other examples that aren't about the Biden White House or the FBI that might, in fact, involve people from the right ideologically or from the Republican ranks, just to be fair?

Mr. TAIBBI. Well, again, Mr. Congressman, I mentioned before we're focused not on the Biden Administration or the Trump Ad-

ministration. In fact, just this morning we released an exchange where Twitter talked about vetting the accounts of both Mr. Biden and Mr. Trump. Really, we were looking at the intelligence agencies when we were doing this research. As I mentioned before, their conclusions targeted people on both the left and the right globally, again, including the Yellow Vests movement in France, the pro-Maduro accounts in South America, and leftist news organizations in America, like Truthout and Consortium. Some of those people are my friends actually.

We found those in intelligence lists that were passed on to Twitter, just as we found lists that included ordinary Trump supporters.

Mr. CONNOLLY. Thank you. Reclaiming my time. I appreciate that because, in some ways, what you just said undermines the premise of this Select Committee, which is that the Federal Government has been organized to weaponize against conservative voices. Of course, what you've just indicated in your testimony is, well, actually that's not the evidence you found.

Mr. TAIBBI. No. I think this Committee—my understanding is that they're concerned about the weaponization of the government against free speech, which is certainly what we're—

Mr. CONNOLLY. Thank you. My time has expired, but I appreciate your understanding of our Committee. I have a different understanding.

I yield back.

Chair JORDAN. Well, you've got the wrong understanding. Last week in the Full Judiciary Committee hearing I introduced into the record a story of left-wing journalists who said that—talked about the FBI putting a paid informant, a felon, in the Black Lives Matter movement in Denver.

I want to focus on the First Amendment, just like—protecting the First Amendment just like these guys do.

Ms. PLASKETT. Point of order, Mr. Chair.

Are you going to respond after every—

Chair JORDAN. No. I'm taking my five minutes.

Ms. PLASKETT. This is your—

Mr. JORDAN. I can take my five minutes.

Ms. PLASKETT. Oh, it's your five minutes now?

Chair JORDAN. I can take my five minutes when I want to, and I'm taking my five minutes now.

Ms. PLASKETT. OK. Great. Thank you.

Chair JORDAN. Yes. Well, I would ask for an additional few seconds for being interrupted by the Ranking Member.

The truth is we want to focus on protecting the First Amendment.

Mr. Shellenberger, are you a Republican?

Mr. SHELLENBERGER. No, I'm not.

Chair JORDAN. You got any pro-Trump bumper stickers on your car?

Mr. SHELLENBERGER. I voted for Biden.

Chair JORDAN. Voted for Biden.

You don't have any MAGA hats laying around your house, right?

Mr. SHELLENBERGER. I do not.

Chair JORDAN. Yes. You said earlier—both you and Mr. Taibbi said, “this is the most chilling thing you have ever seen as journalists.”

Mr. Taibbi, the same thing. You’re not a Republican either, are you?

Mr. TAIBBI. No, I’m not.

Chair JORDAN. You didn’t vote for Trump.

I mean, like, this is about protecting the First Amendment.

Mr. Taibbi, I want to read from your Twitter file No. 9. You say this:

After weeks of Twitter files, the Bureau issued a statement Wednesday, referring to the FBI.

Here’s what the FBI said:

It is unfortunate that conspiracy theorists and others are feeding the American public misinformation with the sole purpose of attempting to discredit the agency.

You then follow-up—and this is why I think you’re an award-winning author. You then follow-up:

They must think we’re unambitious if our sole aim is to discredit the FBI; after all, a whole range of government agencies discredit themselves in the Twitter files.

Then you go on to—and this particular Twitter file I’m talking about what Mr. Bishop was just talking about, the GEC at the State Department. You talk about the CIA. You talk about the DOD. You talk about the FBI. You talk about the DHS. You talk about the Foreign Intelligence Task Force, which is a combination of all these. There was one agency you didn’t mention, because you didn’t know at the time, one agency, one—you got almost the whole alphabet, but you didn’t mention one agency, the FTC. You know about them now.

Mr. TAIBBI. Yes, we do.

Chair JORDAN. You know about them now in an up close and personal way. You didn’t know then, but you do know now.

On December 2nd, as I said earlier, December 2nd the first Twitter file comes out, Mr. Taibbi. I think there are five others, including the ones from Mr. Shellenberger. December 13th, the very first letter that the FTC sends to Twitter after the Twitter files, 11 days after the first Twitter file, there have been five of them come out. The FTC’s first demand in that first letter after the Twitter files comes out is: “Identify all journalists”—I’m quoting. “Identify all journalists and other members of the media to whom Twitter worked with.”

You find that scary, Mr. Taibbi, that you got a Federal Government agency asking a private company, who in the press are you talking with?

Mr. TAIBBI. I do find it scary. I think it’s none of the government’s business which journalists a private company talks to and why. I think every journalist should be concerned about that.

The absence of interest in that issue by my fellow colleagues in the mainstream media is an indication of how low the business has sunk. There was once a real esprit de corps and a camaraderie within media. Whenever one of us was gone after, we all kind of rose to the challenge and supported—

Chair JORDAN. Used to be, used to be the case.

Mr. TAIBBI. Yes. That is gone now. We don't protect one another.

Chair JORDAN. You know what else used to happen? Democrats used to care about protecting First Amendment free speech rights, too. Now, it's like, OK, if you're attacking—and I said this on the House floor. I said,

Don't think they won't come for you. Oh, the big tech, big media, the cancel culture, they may come for Republicans and conservatives now, but they never—the mob is never satisfied. They will keep coming.

Mr. Shellenberger, you know who the chair of the FTC is?

Mr. SHELLENBERGER. Not personally.

Chair JORDAN. Lina Khan. Lina Khan. You know who she used to work for?

Mr. SHELLENBERGER. My understanding is the Judiciary Committee.

Chair JORDAN. Yes, she's worked for these folks, the same folks that have been attacking you today, same folks, the chair of the FTC, worked for them.

Here's what they said—here's what she said in a letter where they ask about who these journalists—again, they name four personally, four journalists by name. You were two of the four.

As I said before, I think it's, frankly, courageous and brave of you to show up today when you know the Federal Government's got an eye on you personally.

Here's what they asked for in that letter: "Any credentialing or background check Twitter has done on journalists."

Now, think about that. The Federal Government is saying we want you to do a background check on members of the press. Freedom of the press mentioned in the First Amendment. They're doing back—they want Twitter to do a background check on you before they can talk to you, in America? The FTC led by Lina Khan, who used to work for these guys, is asking that question?

Now we know. Now we all know why. You guys said at the outset, this is the most chilling story, and you guys are *The New York Times* best sellers, award-winning journalists. In all your time in the journalism field, this issue, most important. How this—I think—what did you call it, Mr. Shellenberger, this complex? What did you call it?

Mr. SHELLENBERGER. Censorship industrial complex.

Chair JORDAN. Totally this web of censorship, big government, big tech, NGO's, all this web of censorship that Mr. Bishop was getting into in his line of questioning, that's what this Committee is going to get to. That's not right or left. That's not—this is just right of wrong. This is wrong. We know it's wrong, and it's about protecting the First Amendment.

I yield back.

I now recognize the Ranking Member for her five minutes.

Ms. PLASKETT. Thank you. Thank you very much, Mr. Chair.

Mr. Taibbi, the emails and documents you've produced all date to around 2020. Is that correct?

Mr. TAIBBI. No. There's a significant portion of them from 2017 and 2018 as well.

Ms. PLASKETT. Thank you.

Mr. Shellenberger, what dates do you have?

Mr. SHELLENBERGER. I believe that we had emails including 2022, 2021, 2020, and 2019.

Mr. TAIBBI. That's also true.

Ms. PLASKETT. Mr. Taibbi, you said 2018. Do you have 2018 as well?

Mr. SHELLENBERGER. I can't remember.

Ms. PLASKETT. OK. Thank you.

Mr. Taibbi, how many employees did Twitter employ in approximately the time period of 2020–2021? Do you know?

Mr. TAIBBI. I don't.

Ms. PLASKETT. OK. It was 7,500.

Do you know how many were in its legal team during that time period?

Mr. TAIBBI. I don't. I'm sorry.

Ms. PLASKETT. Do you know how many were in its public policy team?

Mr. TAIBBI. I don't.

Ms. PLASKETT. Mr. Shellenberger, do you know how many were employed in content moderation during that time?

Mr. SHELLENBERGER. I do not know.

Ms. PLASKETT. OK. So, we're looking at thousands of employees overall and hundreds in offices were the focus of emails and documents you released.

I will ask you, Mr. Shellenberger, how many emails did Mr. Musk give you access to?

Mr. SHELLENBERGER. I mean, we went through thousands of emails.

Ms. PLASKETT. Did he give you access to all the emails for the time period in which—

Mr. SHELLENBERGER. We never had a single—I never had a single request denied. Not only that, but the amount of files that we were given were so voluminous that there was no way that anybody could have gone through them beforehand. We never found an instance where anything—there was any evidence that anything had been taken out.

Ms. PLASKETT. OK. So, you would believe that you have probably millions of emails and documents, right? That's correct, would you say?

Mr. SHELLENBERGER. I don't—millions sound too high.

Mr. TAIBBI. No, I think the number is less.

Ms. PLASKETT. OK. A hundred thousand?

Mr. TAIBBI. That's probably closer.

Mr. SHELLENBERGER. Probably, yes.

Ms. PLASKETT. Probably close to a hundred thousand that both of you are seeing. Yet, in the Twitter files, Mr. Taibbi, you've produced only 338 of those 100,000 emails. Is that correct?

Mr. TAIBBI. That's correct, yes.

Ms. PLASKETT. Then, who gave you access to these emails? Who was the individual that gave you permission to access the emails?

Mr. TAIBBI. Well, the attribution from my story is sources at Twitter, and that's what I'm going to refer to.

Ms. PLASKETT. OK. Did Mr. Musk contact you, Mr. Taibbi?

Mr. TAIBBI. Again, the attribution from my story is sources at Twitter.

Ms. PLASKETT. Mr. Shellenberger, did Mr. Musk contact you?

Mr. SHELLENBERGER. Actually, no. I was brought in by my friend, Bari Weiss. So, the story, there's been a lot of misinformation—

Ms. PLASKETT. So, Mr. Weiss brought you in.

Mr. SHELLENBERGER. —or disinformation about that.

Ms. PLASKETT. Mr. Taibbi—Ms. Weiss. Thank you.

Mr. Taibbi, have you had conversations with Elon Musk?

Mr. TAIBBI. I have.

Ms. PLASKETT. OK. Mr. Taibbi, did Mr. Musk place any conditions on the use of the—

Chair JORDAN. Would the gentlelady yield for a second?

Ms. PLASKETT. As long as my time is not used for it.

Chair JORDAN. Are you trying to get journalists to disclose their sources?

Ms. PLASKETT. No, I'm not trying to get—no, I'm not. I am asking—

Chair JORDAN. Well, it sure sounds like it.

Ms. PLASKETT. Well, if you would let me finish.

Are you—and you had conversations with him? Not where—you said you weren't going to agree to who your sources were. I'm not asking you your source. I'm asking you if you had conversations with the owner of Twitter. Did Mr. Musk place any conditions on your use of the emails or documents?

Mr. TAIBBI. No. In fact, I was told explicitly that we were given license to look at present day Twitter as well as past Twitter.

Ms. PLASKETT. So, you had unfiltered access to Twitter's internal communications and systems?

Mr. TAIBBI. Yes.

Ms. PLASKETT. Would those include H.R. files?

Mr. TAIBBI. No, no, no, no. We did not have access to personal information of any kind. In fact, we signed a waiver foregoing—

Ms. PLASKETT. Have you produced that waiver to the Members of anyone on this Committee or any staff?

Mr. TAIBBI. I'd be happy to produce it.

Ms. PLASKETT. Have you?

Mr. TAIBBI. I haven't, but I'd be happy to.

Ms. PLASKETT. Have you given all the access to what you were given by your source to this Committee?

Mr. TAIBBI. No. I would never do that.

Ms. PLASKETT. OK. I didn't ask if you had given the Committee, the individuals, all the files. No, you have not?

Mr. TAIBBI. No.

Ms. PLASKETT. So, what we're getting is your dissemination, your decision as to what was important and not important in that, correct?

Mr. TAIBBI. Which is true in every news story.

Ms. PLASKETT. In every story. You have files that you say you're sharing, but those files are just a smaller period of the files. Is that correct?

Mr. TAIBBI. Yes, but there's—

Ms. PLASKETT. Yes? OK. Thank you.

The FTC investigation of Twitter, you knew that they were investigating Twitter before the time period that Mr. Musk came on?

Mr. TAIBBI. I was aware of it, yes.

Ms. PLASKETT. The FTC was concerned with user data being hacked or used. Is that correct, that they didn't have enough checks and balances on that data?

Mr. TAIBBI. Well, I wasn't privy to that part.

Ms. PLASKETT. Have you seen the consent decree?

Mr. TAIBBI. No, I have not.

Ms. PLASKETT. OK. Well, the consent decree is concerned with user data, which would be probably the reason that they were concerned, if they're giving files to journalists, that potentially data about users as well as data about individuals and employees would be given to them.

Mr. TAIBBI. My understanding is that they—

Ms. PLASKETT. I didn't ask a question. I didn't ask you a question, sir. OK.

So, do you know that Elon Musk paid \$44 billion for Twitter? Is that correct, Mr. Shellenberger? Were you aware of that?

Mr. SHELLENBERGER. Yes, I read that.

Ms. PLASKETT. Did you know that he received part of the funding from Saudi Arabia as well as Qatar?

Mr. SHELLENBERGER. I heard that.

Ms. PLASKETT. Did you know that one of those individuals who owns Binance was the company Binance—

Mr. SHELLENBERGER. Binance.

Ms. PLASKETT. —while he has Canadian citizenship, he is a Chinese national? Were you aware of that?

Mr. SHELLENBERGER. I did not know that.

Ms. PLASKETT. OK. That he stated that this was for the cause. Thank you very much for answering my questions.

I yield back.

Chair JORDAN. The Chair now recognizes the gentlelady from Wyoming for five minutes.

Will the gentlelady yield for 20 seconds?

Ms. HAGEMAN. Yes.

Chair JORDAN. I thank the gentlelady for yielding.

I just think this is interesting. First, the FTC is asking for your backgrounds, and now the Ranking Member of the Committee on the Weaponization of Government is asking for your sources. If that doesn't raise—

Ms. PLASKETT. I never asked them for their sources.

Chair JORDAN. Yes, you did.

Ms. PLASKETT. I did not ask for sources.

Chair JORDAN. You know what—

Ms. PLASKETT. I asked if they were talking to Elon Musk.

Chair JORDAN. The gentlelady is not recognized.

Ms. PLASKETT. They said that they were not talking—well, you are not going to say I've asked—

Chair JORDAN. I will yield back to the gentlelady. I thank her for yielding.

Mr. TAIBBI. With respect, you asked me who gave me the files.

Ms. PLASKETT. I asked you who gave it to you, and once you said they were your sources, I then asked you if you had spoken with Elon Musk. I did not ask you who those sources were, for the record, so the record is correct.

Chair JORDAN. The gentlelady from Wyoming is recognized, and she will receive an additional 20 seconds. The gentlelady is recognized for five minutes of questioning.

Ms. HAGEMAN. Thank you, Mr. Chair.

Thank you to our witnesses for being here today and all of your important work that you have put into writing the Twitter files.

Thank you for your willingness to come here and be subjected to the kind of abuse that we've observed, when all you're trying to do is talk about the importance of the First Amendment and why the Federal Government should not be doing what they did and what has been evidenced in the Twitter files.

I often say that sunshine is the best disinfectant. Boy, after listening to you and reading the reports that I have, does our Federal Government need to be fumigated.

Mr. Taibbi, I would like to focus on Twitter files' Part 9. Twitter and other government agencies, as I think a lot of the evidence you present in this section, touches on the major takeaways that are so important for Americans to understand about the seriousness of what was found in the Twitter files.

In your testimony describing the cooperation between the Federal Government and tech companies like Twitter, you stated, quote,

A focus of this growing network is making lists of people whose opinions, beliefs, associations, or sympathies are deemed to be misinformation, disinformation, or malinformation.

What's interesting to me is that what is missing from that list is the word "unlawful."

Mr. TAIBBI. That's true, yes.

Ms. HAGEMAN. So, it notably seems to be missing from the FBI's lexicon. In Part 9 of the Twitter files, Mr. Taibbi notes that the main conduit sending requests to Twitter would routinely label these flags as violations of Twitter's terms of service. Even Jim Baker, a Twitter employee at the time and someone who was allegedly a former general counsel of the FBI, stated, quote, "But also odd that they are searching for violations of our policies."

Mr. Taibbi, what was the approximate percentage of the FBI requests to Twitter being based on the justification that the tweet violated the company's terms of service?

Mr. TAIBBI. Ms. Congresswoman, I would say that was a standard disclosure or a standard disclaimer in almost all the communications from the FBI to Twitter. There would usually be a line in there saying something like, for your consideration, we believe the following 207 accounts may have violated your terms of service.

Notably, they very rarely focused on words like "truth" or "inaccuracy." Very often they used the words "malinformation," "misinformation," or "disinformation." So, I think they were trying to shift the focus from one idea to the other.

Ms. HAGEMAN. OK. I think that's interesting as well.

What do you make of the finding that the FBI found that its responsibility to police violation of a private company's terms of service is a priority over policing violations of U.S. Federal law?

Mr. TAIBBI. We've—there were a couple of very telling emails that we published. One was by a lawyer named Sasha Cardeel (ph), where the company was being so overwhelmed by requests from

the FBI—and, in fact, they gave each other a sort of digital high-five after one batch saying that was a monumental undertaking to clear all of these. She noted that she believed that the FBI was essentially creating—doing word searches keyed to Twitter’s terms of service, looking for violations of terms of service specifically so that they could make recommendations along those lines, which we found interesting.

Ms. HAGEMAN. Do you believe it’s the FBI’s responsibility to police the terms of service for a private company?

Mr. TAIBBI. I do not. I think you cannot have a State-sponsored antidisinformation effort without directly striking at the whole concept of free speech. I think the two ideas are in direct conflict. This is a fundamental misunderstanding, I think of a lot of the people who get into this world. Some of them, I believe, in a well-meaning way, I think they’re actually trying to accomplish something positive. What they don’t understand, what free speech means and what happens when you do this, it undermines the whole concept that truth doesn’t come from—isn’t mandated, that we arrive at it through debate and discussion.

Ms. HAGEMAN. Well, in fact, wouldn’t you agree with me that the First Amendment is broader than Twitter’s terms of service?

Mr. TAIBBI. Absolutely, yes, yes.

Ms. HAGEMAN. Wouldn’t you also agree with me that the FBI is responsible for complying with the First Amendment, not Twitter’s terms of service?

Mr. TAIBBI. I would hope so, yes, yes.

Ms. HAGEMAN. You also highlighted the presence of people like Jim Baker at Twitter. Again, I’ve noted that he is allegedly a former FBI employee. Part 9 also speaks of former other government association employees working at Twitter.

What was the extent to which you found former FBI or other intelligence community employees working at Twitter, and did you find it odd?

Mr. TAIBBI. There was a significant quantity of people who had come from the intelligence world or who had worked at State agencies. In fact, that was a very common method by which members of—people who were currently working in government would reach out to Twitter. For instance, we found an email by a current State Department official who reached out to a former State Department official asking that 14 ordinary Americans have their accounts deleted. That was in a recent Twitter files release.

So, yes, there’s an extraordinary number of these people. A lot of them come from the intelligence world, which we did find unusual.

Ms. HAGEMAN. OK. Thank you very much.

I yield back.

Chair JORDAN. The gentlelady’s time has expired. I thank her.

The gentleman from California is recognized for five minutes.

Mr. GARAMENDI. Thank you, Mr. Chair.

I still try to figure out where all this is going to go. We’ve heard a lot from our Republican colleagues claiming that somehow all this interaction has led to Twitter censoring conservative voices. I really want to look at what the evidence is that has or has not happened.

In 2020, Twitter commissioned an objective study to examine whether its algorithms disproportionately promote conservative or liberal voices. This was a massive study by researchers from the University of Cambridge and Berkeley. The analysis examined millions of Twitter accounts and 6.2 million news articles that were shared within the United States. The study results were quite clear. Twitter's algorithms actually amplified conservative voices far more than liberal voices.

So, whatever comes of this question about pressure from the Federal Government, at least up until 2020, it didn't have an effect.

A separate study, this one from the Indiana University, found that partisan accounts, especially conservative accounts, tend to receive more, more followers and follow more automated accounts.

So, Mr. Taibbi and Mr. Shellenberger, are you familiar with these studies?

Mr. SHELLENBERGER. I am.

Mr. TAIBBI. I am, yes.

Mr. GARAMENDI. Very good. Then you know that whatever you may be trying to tell us, the effect on Twitter didn't happen.

Mr. TAIBBI. No, I don't agree.

Mr. GARAMENDI. Excuse me. It's my time. Thank you.

I can also give you many real analytical studies based on actual evidence. Since I have only five minutes, Mr. Chair, if I might enter into the record these studies of what actually is going on at Twitter with regard to censorship or not censorship.

Mr. Chair, may I enter those into the file?

Thank you, Mr. Chair. I take that silence as a yes.

Chair JORDAN. Did you identify the document? I'm sorry.

Mr. GARAMENDI. Certainly. Two documents—these documents.

Chair JORDAN. What?

Mr. GARAMENDI. The studies that were done by universities—

Chair JORDAN. Usually, it takes a little bit more for unanimous consent than “these documents,” but without objection, we'll accept them into the record.

Mr. GARAMENDI. Thank you, Mr. Chair.

These studies found that to the extent that far right accounts are being suspended, it's not because of their ideology, but because they are spreading conspiracy theories, like QAnon. You can see those up on the board. Talk about nonsense. QAnons, are you really ready for these dots? Where in the country has gone, the rest of the world will go. Q is real, on and on.

They're up there, and they're now part of the file also.

This type of speech that perhaps our Republican colleagues believe social media platforms, all whom, by the way, are private companies, not government, are somehow obligated to post, no matter how crazy, how offensive a post might be. These private companies presumably must advance the lies, conspiracy theories, and personal attacks promoted by radicals.

Now, I'm pretty sure that if the Democrats held a hearing today to force *FOX News* to post certain content, my Republican colleagues would be up in arms. This is particularly ironic because we know for a fact that *FOX News* does spread disinformation and does so while knowing that the material is false.

We've learned from the Dominion lawsuit that *FOX* hosts lied about the 2020 election. Its executives knew they were lying, and yet they were allowed to continue peddling their lies.

Now, here's a reporter speaking to this issue, a *FOX News* reporter. He said, dangerously insane.

There's two *FOX* executives describing *FOX*'s decision to push forward election lies as chasing the nuts off the cliff.

There are two other quotes—two other tweets that I think we ought to be aware of, and *FOX News* was promoting it. They were promoting Trump's lies. The quote up there: "Big protest in D.C. on January 6th. Be there, will be wild." A call to arms, and all us in this building know the result of that call.

A second one: "Mike Pence didn't have the courage to do what needed to be done to protect our country."

This is the speech that my Republican colleagues would have us to believe is being wrongly, quote, "censored by social media companies." It's offensive. It's absurd. No private company has an obligation to amplify anything and especially not messages that strike at the heart of our democracy.

I yield back.

Chair JORDAN. The gentleman yields back.

The gentleman from Utah is recognized for five minutes.

Mr. STEWART. Thank you, Chair.

Thank you, witnesses, for being here.

I suppose this is maybe a little bit outside your comfort zone. You didn't find yourself with this kind of attention when you began this endeavor, but I appreciate the courage and the commitment you've made to doing that.

We may not agree on a lot of things when it comes to policy and politics, but I think we agree on our concern regarding the topic today.

I'll actually follow on from my Democratic friend and colleague and the things that he has said, because I agree with him. Private companies, I mean, Twitter, Facebook, they can ban whoever they want. They can mute. They can deplatform. They can set up whatever policy they want, and they have the ability to do that.

I don't care about that. I agree with that. They should have that authority. The thing that we're concerned about is when the Federal Government by proxy essentially contracts this out, because the Federal Government can't ban speech. They can define time and place, but they cannot ban content. Anyone would be foolish to think that when the FBI comes to a private company and highlights speech and then would expect them to do nothing, of course, they would respond to that. The FBI knew they would respond to that. The FBI expected them to respond to that.

I could use a couple of analogies, if I could, and they sound dramatic, but they're exactly right. It's illegal for the United States to assassinate a foreign leader. It would be illegal for the United States to pay \$3.2 million to someone to go assassinate a foreign leader. It's illegal in some cases for the United States—or not illegal, but we would have to have a policy debate whether we would invade another country. It would be illegal for the United States to pay a private company like the Wagner Group in Russia to go and fight their battles for them.

That's exactly what the FBI did here. They said, well, we can't do this ourselves. We'll contract it out. We'll launder this effort through another company.

I would just ask you to respond to that. Do you think I'm overly dramatic or do you think I'm wrong in my characterization of what we see here?

Mr. SHELLENBERGER. I don't. I think that's absolutely correct. Freedom of speech is the foundation for our democracy. What we have seen here is Federal Government putting extraordinary amounts of pressure both on Twitter and Facebook. We haven't talked about Facebook, but we now know that we have the White House demanding that Facebook take down factual information on Facebook doing that. With Matt's thread this morning, we saw the government contractors demanding the same thing of Twitter, accurate information they said that needed to be taken down to advance a narrative.

Mr. STEWART. I have to interrupt just to agree with you. For heaven's sake, again, we've heard over here, well, they have *FOX News* lies. There's a reason that 20 percent of the people trust media. Oh, my gosh, if you want to have a conversation about lies and deception in the media, I would love to engage in that, because we've seen plenty of it over the last six years. It's not coming from just *FOX News*. *The New York Times*, *CBS*, *NBC*, every single one of them were saying things that they knew was not true. They didn't say it once; they said it for years.

The White House, again, trying to stifle things that they know is true, but it doesn't fit their narrative.

I've got to give one illustration in the few minute—or minute I have left. When you have an agent, Mr. Chan, who goes to Twitter and says, "Please see below a list of Twitter accounts which we believe violate your terms of service." I mean, how do you respond to that and defend that? Yes, the FBI should be looking at other private companies' policies and then highlighting, hey, these people might be violating your policies.

Either one of you. Mr. Taibbi.

Mr. TAIBBI. If I could. No, I think there's—thank you, Mr. Congressman.

There's an important point. In conjunction with our own research, there's the foundation, the Foundation For Freedom Online which, there's a very telling video that they uncovered where the director of Stanford's Election Integrity Partnership talks about how CISA, the DHS agency, didn't have the capability to do election monitoring, and so that they kind of stepped in to, quote, "fill the gaps legally before that capability could be amped up."

What we see in the Twitter files is that Twitter executives did not distinguish between DHS or CISA and this group EIP. For instance, we would see a communication that said, "From CISA escalated by EIP." So, they were essentially identical in the eyes of the company.

EIP, by its own data—and this is in reference to what you brought up, Mr. Congressman. According to their own data, they significantly targeted more what they called disinformation on the right than on the left by a factor, I think of about 10:1.

So, I say that as not a Republican at all. It's just the fact of what we're looking at.

So, yes, we have come to the realization that this bright line that we imagine that exists between, say, the FBI, DHS, or GEC and these private companies is illusory and that what's more important is this constellation of quasi-private organizations that do this work.

Mr. STEWART. Well, and we're over time, so I'll conclude reemphasizing this. By a factor of 10:1, they tried to mute conservative thought, and the Federal Government cannot contract out suppression of free expression.

Mr. TAIBBI. No.

Mr. STEWART. Chair, thank you.

Chair JORDAN. Thank you. The gentleman's time has expired.

The gentlelady from Texas is recognized for five minutes.

Ms. GARCIA. Thank you, Mr. Speaker—I didn't get that last time. I apologize, Mr. Chair.

Mr. Taibbi, I want to follow-up a little bit on the Ranking Member's questions.

When was the first time that Mr. Musk approached you about writing the Twitter files?

Mr. TAIBBI. Again, Congresswoman, that would—

Ms. GARCIA. I just need a date, sir.

Mr. TAIBBI. I can't give it to you, unfortunately, because this is a question of sourcing, and I don't give up—I'm a journalist. I don't reveal my sources.

Ms. GARCIA. It's not a question of sources. It's a question of chronology.

Mr. TAIBBI. No. That's a question of sources.

Ms. GARCIA. Because you earlier said that someone had sent you to the internet, some message about whether you would be interested in some information.

Mr. TAIBBI. Yes. I refer to that person as a source.

Ms. GARCIA. So, you're not going to tell us when Musk first approached you?

Mr. TAIBBI. Again, Congresswoman, you're asking me to—

Ms. GARCIA. You can answer yes or no.

Mr. TAIBBI. You're asking a journalist to reveal a source.

Ms. GARCIA. So, do you consider Mr. Musk to be the direct source of all this?

Mr. TAIBBI. No. Now, you're trying to get me to say that he is the source. I just can't answer your question about sources.

Ms. GARCIA. Well, he either is or he isn't. If you're telling me you can't answer because it's your source, well, then, the only logical conclusion is that he is, in fact, your source.

Mr. TAIBBI. Well, you're free to conclude that.

Ms. GARCIA. Well, sir, I just don't understand. You can't have it both ways, but let's move on because—

Chair JORDAN. No, he can. He's a journalist.

Ms. PLASKETT. No, he can't, because either Musk is the source, and he can't talk about it, or Musk is not the source. If Musk is not the source, then he can discuss his conversations with Musk.

Mr. JOHNSON. No one has yielded. The gentlelady is out of order. You don't get to speak every time—

Ms. PLASKETT. She's out of order because he's interrupted.

Chair JORDAN. The gentlelady is not recognized.

Ms. PLASKETT. Mr. Chair, you're not recognized.

Ms. GARCIA. Mr. Chair, I'd like to reclaim my time.

Chair JORDAN. He has not said that. What he has said is he's not going to reveal his source. The fact that Democrats are pressuring him to do so is such a violation of the First Amendment.

Ms. PLASKETT. We're not. We're asking him about his conversations with Musk.

Ms. WASSERMAN SCHULTZ. The gentlelady has not yielded you time. You don't get to talk over her.

Ms. GARCIA. I have not yielded time to anybody. I want to reclaim my time, and I would ask the Chair to give me back some of the time because of the interruption.

Chair JORDAN. We can do that.

Ms. GARCIA. Mr. Chair, I'm asking you if you will give me the seconds that I lost.

Chair JORDAN. We will give you that 10 seconds.

Ms. GARCIA. Thank you.

Now, let's talk about another item when you responded to the Ranking Member. You said that you had free license to look at everything, but, yet, you, yourself, posted on your—I guess it's kind of like a web page—I don't quite understand what Substack is—but that: What I can say is that in exchange for the opportunity to cover a unique and explosive story, I had to agree to certain conditions.

What were those conditions? She asked you that question, and you said you had none. You, yourself, posted that you had conditions.

Mr. TAIBBI. No. The conditions, as I've explained multiple times—

Ms. GARCIA. No, sir. You've not explained. You told her in response to her question that you had no conditions. In fact, you kind of used the word "license," that you were free to look at all them, all 100,000 emails.

Mr. TAIBBI. The question was posed was I free to write about—

Ms. GARCIA. Sir, did you have any conditions?

Mr. TAIBBI. The condition was that we published on Twitter.

Ms. GARCIA. Sir, did you have any conditions? Yes or no? A simple question.

Mr. TAIBBI. Yes.

Ms. GARCIA. All right. Could you tell us what conditions those were?

Mr. TAIBBI. The conditions were an attribution, sources at Twitter, and that we break any news on Twitter.

Ms. GARCIA. You didn't break it on Twitter. Did you send the file that you released today to Twitter first?

Mr. TAIBBI. Did I send—actually I did, yes.

Ms. GARCIA. Sir, I'm asking you today, did you send it to Twitter first?

Mr. TAIBBI. The Twitter files thread?

Ms. GARCIA. That was one of the conditions. Yes or no, sir?

Mr. TAIBBI. The Twitter files thread actually did come out first.

Ms. GARCIA. Sir, you said earlier that you had to attribute all the sources to Twitter first. What you released today, did you send that to Twitter first?

Mr. TAIBBI. No, no, no. I posted it on Twitter.

Ms. GARCIA. First? First, sir, or did you give it to the Chair of the Committee or the staff of the Committee first?

Mr. TAIBBI. Well, that's not breaking the story. That's giving—yes, I did. I did give—

Ms. GARCIA. So, you gave all the information that you did not give to the Democrats, you gave it to the Republicans first, then you put it on Twitter?

Mr. TAIBBI. Actually, no. The chronology is a little bit confused. It's more or less at the same time.

Ms. GARCIA. Well, then, tell us what the chronology was.

Mr. TAIBBI. I believe the thread came out first.

Ms. GARCIA. Where?

Mr. TAIBBI. On Twitter.

Ms. GARCIA. On Twitter. So, then you afterwards gave it to the Republicans and not the Democrats?

Mr. TAIBBI. Yes, because I'm submitting it for the record as my statement.

Ms. GARCIA. Did you give it to them in advance?

Mr. TAIBBI. I gave it to them today.

Ms. GARCIA. You gave it to them today, but you still have not given anything to the Democrats.

Well, again, I'll move on.

I wanted to ask, Mr. Shellenberger, the same questions, sir. When did you first visit with or get contacted by Mr. Musk?

Mr. SHELLENBERGER. I'm not going to reveal my sources. Like I said, I was invited by Bari Weiss, and it was—

Ms. GARCIA. I'm not asking for sources, sir. I'm just asking for chronology.

Mr. SHELLENBERGER. Yes, I was—

Ms. GARCIA. When did you first make contact with Mr. Musk?

Mr. SHELLENBERGER. I don't know the exact date.

Ms. GARCIA. Was it 2020?

Mr. SHELLENBERGER. It was December. It was December.

Ms. GARCIA. December of—well, there's a lot of Decembers in history.

Mr. SHELLENBERGER. December of last year.

Ms. GARCIA. Which December?

Mr. SHELLENBERGER. December of last year, ma'am.

Ms. GARCIA. Last year, 2022?

Mr. SHELLENBERGER. Yes.

Ms. GARCIA. All right. Now, in your discussion—in your answer you also said that you were invited by a friend, Bari Weiss?

Mr. SHELLENBERGER. My friend, Bari Weiss.

Ms. GARCIA. So, this friend works for Twitter, or what is her—

Mr. TAIBBI. She's a journalist.

Ms. GARCIA. Sir, I didn't ask you a question. I'm now asking Mr. Shellenberger a question.

Mr. SHELLENBERGER. Yes, ma'am, Bari Weiss is a journalist.

Ms. GARCIA. I'm sorry, sir?

Mr. SHELLENBERGER. She's a journalist.

Ms. GARCIA. She's a journalist. So, you work in concert with her?

Mr. SHELLENBERGER. Yes.

Ms. GARCIA. Do you know when she first was contacted by Mr. Musk?

Mr. SHELLENBERGER. I don't know.

Ms. GARCIA. You don't know. So, you're in this as a threesome?

Mr. SHELLENBERGER. There were many more people involved than that.

Ms. GARCIA. There were many more people involved with it.

Are you being paid to be here today, either through consulting fees—

Mr. SHELLENBERGER. No.

Ms. GARCIA. —campaign contributions to your next run?

Mr. SHELLENBERGER. Absolutely not.

Chair JORDAN. The gentlelady's time has—

Ms. GARCIA. Do you have an interview scheduled after this hearing?

Chair JORDAN. The gentlelady's time has expired.

Mr. SHELLENBERGER. Absolutely not.

Chair JORDAN. The gentlelady's time has expired.

Ms. GARCIA. Thank you.

Chair JORDAN. I don't know what to say other than I'll recognize the gentleman from North Dakota for five minutes.

Mr. ARMSTRONG. Thank you, Mr. Chair. I'll yield my five minutes to you.

Chair JORDAN. Oh, I appreciate the gentleman yielding.

I do think it's worth pointing out that I have cosponsored, I think some of my colleagues have cosponsored The Shield Act in previous Congresses, with Democrats, to protect what we see them trying to do today, protect journalists from having to reveal their sources to government. That used to be a shared position in the Congress. Unfortunately, as we're seeing now multiple occasions, it's not the position anymore.

Mr. Shellenberger, I want to go to Twitter files' Part 7. I related a lot of what you put in there in my opening statement. I want to give you as much time as you want, because I'm going to read the very first sentence, because something jumped out at me when I read the first sentence.

In Twitter files No. 7, the FBI and the Biden laptop. You say this:

How the FBI and the intelligence community discredited factual information about the Biden foreign business dealings both after and before the *New York Post* revealed the contents of his laptop on October 14, 2020.

What stuck—kind of jumped out at me was the way you framed it. Because you did it backward from what it's normally said. Normally, you would say—the sentence would read: Foreign business dealings both before and after.

I assume you did that for a reason because, in fact, I think the next sentence you say: "Social media companies discredit leaked information about Hunter Biden before and after." You used the normal customary way in the second sentence, but the first sentence strikes me as you were trying to emphasize the before component of that statement.

Now, I want you to just walk us through why you said that, because when I read it, it certainly was an operation both before and after, as you said, after and before.

Mr. SHELLENBERGER. Thank you, Mr. Chair. Reading through the whole sweep of events, I do not know the extent to which the influence operation aimed at prebunking the Hunter Biden laptop was coordinated. I don't know who all was involved. What we saw was—you saw Aspen and Stanford many months before then saying, "Don't cover the material in the hack and leak without emphasizing the fact that it could be disinformation." OK. So, they're priming journalists to not cover a future hack and leak in the way that journalists have long been trained to in the tradition of the Pentagon Papers made famous by the Steven Spielberg movie. They were saying cover the fact that it probably came from the Russians.

Then you have the former general counsel to the FBI, Jim Baker, the former deputy chief of staff to the FBI both arriving at Twitter in the summer of 2020, which I find what an interesting coincidence.

Then, when the *New York Post* publishes its first article on October 14, it's Jim Baker who makes the most strenuous argument within Twitter, multiple emails, multiple messages saying, "This doesn't look real." There's people—there's intelligence experts saying that this could be Russian disinformation. He is the most strenuous person inside Twitter arguing that it's probably Russian disinformation.

The internal evaluation by Yoel Roth, who testified in front of this Committee, was that it was what it looked to be, which was that it was not a result of a hack-and-leak operation. Why did he think that? Because the *New York Post* had published the FBI's subpoena, taking the laptop in December 2019, and they published the agreement that the laptop computer store owner—the computer store owner, rather, had with Hunter Biden that gave him permission after he abandoned the laptop to use it however he wanted.

So, there really wasn't much doubt about the providence of that laptop, but you had Jim Baker making a strenuous argument. Then, of course, you get to—a few days after the October 14 release, you have the President of the United States echoing what these former intelligence community officials were saying, which is that it looked like a Russian influence operation.

Chair JORDAN. Yes.

Mr. SHELLENBERGER. So, they were claiming that the laptop was made public by a conspiracy theory and the conspiracy theory that somehow the Russians got it, and they—

Chair JORDAN. Right.

Mr. SHELLENBERGER. Basically, they convinced Yoel Roth that it was—they convinced him it was this wild hack-and-leak story that somehow the Russians stole it, got the information, gave it to the computer store, and it was bizarre.

So, you read that chain of events, and it appears as though there is an organized influence operation to prebunk—

Chair JORDAN. Why? Why do you think they could predict the time, the method, and the person? Why could the FBI predict it?

Mr. SHELLENBERGER. I'm—

Chair JORDAN. Not only did they predict it—they predicted it, so did the Aspen Institute.

Mr. SHELLENBERGER. Yes.

Chair JORDAN. Seemed like everyone was in the know saying, here's what's going to happen. We can read the future.

Why do you think—how do you think they were able to do that?

Mr. SHELLENBERGER. I think the most important fact to know is the FBI had that laptop in December 2019. They were also spying on Rudy Giuliani when he got the laptop and when he gave it to the *New York Post*.

Now, maybe the FBI agents who were going to Mark Zuckerberg at Facebook and to Twitter executives and warning of a hack and leak potentially involving Hunter Biden, maybe those guys didn't have anything to do with the guys that had the laptop.

Chair JORDAN. Maybe.

Mr. SHELLENBERGER. We don't know that.

Chair JORDAN. I know.

Mr. SHELLENBERGER. I have to say, as a newcomer to this, as somebody that thought it was Russian disinformation in 2020—everybody I knew thought it was Russian—I was shocked to see that series of events going on. It looked to me like a deliberate influence operation. I don't have the proof of it, but the circumstantial evidence is pretty disturbing.

Chair JORDAN. It's pretty overwhelming. Thank you, Mr. Shellenberger.

I now recognize the gentleman from New York, Mr. Goldman, for five minutes.

Mr. GOLDMAN. Oh, I think it's Mr. Allred first.

Chair JORDAN. Oh, I'm sorry. You just walked in.

I recognize the gentleman from Texas. Go right ahead.

Mr. ALLRED. Well, thank you, Mr. Chair.

I'd like to ask unanimous consent to enter a few tweets into the record.

Chair JORDAN. Sure. Can you identify the tweets?

Mr. ALLRED. Let's see, I think staff should have them. Can we put the tweets up on the screen?

Let's take a look at a couple of tweets from Kanye West, who now goes by Ye, at the time of these tweets had 32 million followers.

Mr. Taibbi, can you read the tweet on the left? Do you see the text there?

Mr. TAIBBI. I actually can't. My eyesight is not so that great.

Mr. ALLRED. I'll read it to you. It says: "I'M A BIT SLEEPY TONIGHT, BUT WHEN I WAKE UP I'M GOING DEATH CON 3 ON JEWISH PEOPLE," in all caps. The funny thing is I actually can't be anti-Semitic because Black people are actually Jew. Also, you guys have toyed with me and tried to blackball anyone whoever opposes your agenda.

Can you see the tweet next to it?

Mr. TAIBBI. I can, yes.

Mr. ALLRED. It's a—would you describe it as a Star of David with a swastika in the middle of it?

Mr. TAIBBI. Yes.

Mr. ALLRED. Should those tweets have been taken down by Twitter?

Mr. TAIBBI. I think it's a difficult question. Hate speech is protected in the United States.

One of my heroes growing up was the Ukraine-born author Isaac Babel. He gave a speech at the first Soviet Writers Congress, and he was asked if any important rights had been taken away. He sarcastically answered, No. The only rights that have been taken away are the right to be wrong.

The crowd laughed, but he was making an important point, which is that in a free country you can't have freedom without the freedom to be wrong.

Mr. ALLRED. Let's move on to a couple of other tweets not from somebody with 32 million followers.

This one says: "Elon now controls Twitter. Unleash the racial slurs, K word and N word."

The other one says: "I can freely express how much I hate N words now. Thank you, Elon."

See, these tweets were taken down, even by Elon Musk Twitter, and they should have been because they're hate speech, and they lead to real world reactions. In fact, in the 12 hours after Elon Musk's acquisition of Twitter, hate speech of all kinds spiked on Twitter, including a 500 percent increase in the use of the N word.

It's not just online. From 2020–2021, hate crimes rose almost 44 percent in major cities. So, hate speech online has real impacts in life. So, does election misinformation and propaganda online.

Mr. Taibbi, I've read a lot of your work. I respect some of it, but you've cast a lot of doubt on Russian interference in our elections. Today, you have virtually alleged a vast government conspiracy to censor speech. I can tell you that the threat to our democracy—

Mr. TAIBBI. Not allegedly.

Mr. ALLRED. I'm not asking you a question. I'll let you know when I do.

I can tell you that the threat to our democracy is very real, and it's not just the elections that get all the headlines. In 2018, in a congressional race, two Kremlin-maligned foreign nationals named Lev Parnas and Igor Freeman succeeded in funneling illegal Russian money to a Trump-aligned super-PAC that spent \$1.3 million to support the Republican candidate.

That was my election. My neighbors in east Dallas saw advertisements online, in their mailbox, and on their TV, paid with Russian money. That's not my opinion. That's a fact proven in the Southern District of New York. Both Parnas and Freeman were convicted to 21 months and one year, respectively, for conspiring to make political contributions by a foreign national, along with other campaign finance-related violations.

We live in an information age where malign actors do want to use social media to influence our elections, both big, the ones you spend a lot of time talking about, and small like mine.

Mr. TAIBBI. Mr. Congressman, may I ask a question?

Mr. ALLRED. It should be a bipartisan goal—no, you don't get to ask questions here.

Mr. TAIBBI. OK.

Mr. ALLRED. It should be a bipartisan goal to ensure that Americans, and only Americans, determine the outcome of our elections, not fear mongering.

I think—I hope that you can actually take this with you, because I honestly hope that you will grapple with this: That it may be possible that if we can take off the tin foil hat that there's not a vast conspiracy, but that ordinary folks and national security agencies responsible for our security are trying their best to find a way to make sure that our online discourse doesn't get people hurt or see our democracy undermined, and that the very rights that you think they're trying to undermine, they may be trying to protect.

I yield back.

Chair JORDAN. The gentleman yields back.

The gentleman from Kentucky, Mr. Massie, is recognized for five minutes.

Mr. MASSIE. I want to talk about the weaponization of the CDC against the American people. This overlaps with one of the Twitter files, No. 13 by my count, actually by Alex Berenson, not one of our two witnesses, but I would like your comment on it.

A week before Christmas 2020, the vaccines came out. The FDA curated the Pfizer trial results, and then the CDC curated the FDA's opinion. The CDC said in their MMWR, which is never peer-reviewed—they're very proud it's not peer-reviewed. They treat it like science. It's not science. They said that the vaccine was 92 percent efficacious for people who had already had COVID. The Pfizer trial data said no such thing. In fact, there was no support for that claim.

So, I called up the head of CDC, recorded the conversation, the head in Washington, DC. She said she'd get the top scientists on the line. There was a snowstorm that day, so I was impressed; she got this top scientist on the line. They said I was eagle eye Massie. They couldn't believe how that statement had made it into their report and that I was absolutely correct there was no support for it.

So, I said "How are you going to fix it? Are you going to redact it? Are you going to change it? What are you going to do?" They said, "We'll do all of that." I said, "Great."

A month later, it was still on their website. I made some more phone calls. They brought in an old hand, an old fixer, Dr. Schuchat. These are her notes of her phone call with me about natural immunity in January when I called them out on it again. These are the entirety of her notes that were obtained in the FOIA from somebody—a third party.

I took all my recordings, released them to Sharyl Attkisson. She blew the whistle on this. A lot of people have forgotten about it.

Here's why I find it interesting, and I'm going to tie it into the Twitter files. By the way, I told them I was not an anti-vax. I said the problem with your story is there's a misallocation of vaccines which are not available for all the old people in Kentucky, but you've got young people in Kentucky taking them, because you're telling them on the website, even if you've had COVID, go get it. So, that was my complaint.

On May 10, 2021, Todd O'Boyle—this name will come up in the Twitter file later. He is the top lobbyist in Twitter's Washington office, who was also Twitter's point of contact in the White House.

He encouraged the CDC to enroll in the partner support program. Oh, OK. The CDC is now a partner with Twitter because they're in the partner support program. He said, "In the future, that's the best way to get a spreadsheet like this reviewed."

Now, this is an email from—between Todd O'Boyle and the folks at CDC.

By the way, let me talk to this, too. These are more of my conversations with the CDC, completely redacted, the subject thereof.

Next one, please.

I also found as a result of the FOIA, CDC tracks every tweet that a Congressman puts out, not just Republican, but Democrat. They keep the spreadsheet. They make it every week. This showed up in the FOIA for me because I'm in their spreadsheet that they track.

Why is this interesting? OK. So, they're tracking Congressmen's tweets at CDC. They're enrolled in the partner support portal at Twitter. Then I found—this is why—I found Alex Berenson's report very interesting, because what he found out is that Scott Gottlieb worked hard, and Twitter complied, it looks like, to censor a tweet from a doctor about natural immunity.

Guess what? On the same day, that doctor's tweet was censored, so were my tweets on natural immunity. Why is this important? What is consequential about the date? This is three days after the military vaccine mandate came out and a week before the Federal vaccine mandates came out.

This truth was toxic to a narrative that Pfizer was spreading that Joe Biden wanted out there so that he could force the vaccine on everybody, whether you had natural immunity or not.

Now, I actually—you guys might not agree with me on this. I don't think the press gets special privileges on the First Amendment. I don't think Congress does. I think every American, by virtue of being an American, has the right to free speech enshrined in the Constitution.

So, I'm not so much worried that they censored a Congressman, but they disabled all of the comments from my constituents. Those are the voices they squelched. My beef is not with Twitter, but my beef is with the CDC and these Federal agencies.

I encourage you all, if you can, to find more about this. Do you have any—either of you have any comments on this topic?

Mr. TAIBBI. Yes, absolutely.

Chair JORDAN. The gentleman's time has expired, but the gentleman may—

Mr. MASSIE. I still had three seconds.

Chair JORDAN. —the witnesses may respond. OK.

Mr. TAIBBI. Just quickly, we found just yesterday a tweet from the Virality Project at Stanford, which is partnered with a number of government agencies and Twitter where they talked explicitly about censoring stories of true vaccine side effects and other true stories that they felt encouraged hesitancy.

Mr. MASSIE. This isn't true.

Mr. TAIBBI. Yes, so they used the word "true" three times in this email. What's notable about this is that it reflects the fundamental misunderstanding of this whole disinformation complex—and disinformation complex. They believe that ordinary people can't

handle difficult truths. So, they think that they need minders to separate out things that are controversial or difficult for them. Again, that's totally contrary to what America is all about, I think.

Mr. SHELLENBERGER. I will just briefly add, this is very disturbing because what they're doing when they're putting these labels on there is they're actually also trying to discredit you. So, it's not just—it's a form of censorship, but it's also a disinformation campaign. I think what Matt says is really important to understand—now, we went from—you go from a situation where we were fighting ISIS recruiting. Then it was Russian disinformation. Now they're in a situation where they're wanting to censor true information, accurate facts because they're worried that people might behave in ways that they don't want them to. That involves mind reading at a level that is grossly inappropriate.

I worry even about making this defense, because let's remember, the First Amendment protects our right to be wrong. It protects our right to lie. It's bizarre to me that we would need to make a defense of the First Amendment and remind people that we have a right to be wrong—and being wrong, as Matt was explaining, is a big part of being a human being and having a democracy.

So, this is disturbing and showing, and you're absolutely right to be outraged by it. There needs to be a full truth and reconciliation that I hope everybody would appreciate having on this issue, because a lot of bad behavior has come out about what they've done.

Mr. MASSIE. Thank you. I yield back.

Chair JORDAN. Good job. The gentleman's time has expired. We now recognize the gentleman from New York, Mr. Gomez.

Ms. PLASKETT. Actually, excuse me, it's Ms. Sanchez.

Chair JORDAN. Oh, I'm sorry.

Ms. PLASKETT. Mr. Chair, since that went over two minutes with them responding, will you give an additional time?

Chair JORDAN. There's a question at the end of someone—it's customary if there's a question at the end of someone's five minutes and the witnesses haven't responded, we'll give them time to do. Many times, you go over, and then don't, there's no question.

Ms. PLASKETT. I understand that, but two minutes. OK. Thank you.

Chair JORDAN. That's customary, so we'll certainly do that. The gentlelady from California is recognized, excuse me.

Ms. SANCHEZ. I would like to yield my time to Mr. Goldman.

Mr. GOLDMAN. Thank you, Ms. Sanchez.

Mr. Shellenberger, first, I'd just like to compliment you on your choice of tie today. It seems like we're on the same page. I would also just like to respond to your last point and just remind everyone that, of course, we all believe in the First Amendment. The First Amendment applies to government prohibition of speech, not to private companies.

I want to talk about your Twitter files No. 7, Mr. Shellenberger. Are you aware that Rudy Giuliani was the sole source of the hard drive obtained by the *New York Post*.

Mr. SHELLENBERGER. That is my understanding.

Mr. GOLDMAN. Are you aware that Rudy Giuliani had been openly cavorting with agents of Russian intelligence throughout 2020?

Mr. SHELLENBERGER. That is also my understanding.

Mr. GOLDMAN. Now, this is the same Russian agent who had been feeding information to Senators Johnson and Grassley, I might add. Also, are you aware that Rudy Giuliani told *The New York Times* that he did not want anyone to do an analysis of the hard drive until it was published?

Mr. SHELLENBERGER. I was not aware of that exactly, but—

Mr. GOLDMAN. You don't dispute it?

Mr. SHELLENBERGER. I don't dispute it.

Mr. GOLDMAN. Are you aware that one of the *New York Post* reporters for the Hunter Biden story refused to put his byline on the story?

Mr. SHELLENBERGER. Yes.

Mr. GOLDMAN. Are you aware that *Fox News* called this story, quote, "very sketchy," unquote?

Mr. SHELLENBERGER. I'm aware that somebody at *Fox News* said that, yes.

Mr. GOLDMAN. Correct. Bret Baier at *Fox News* said that.

Mr. SHELLENBERGER. Yes.

Mr. GOLDMAN. Are you aware that the FBI had nothing to do with Twitter's decision to pause the *New York Post* story?

Mr. SHELLENBERGER. I am not aware of that.

Mr. GOLDMAN. OK. Well, let me read you the testimony from Yoel Roth at the hearing we had on February 8. Quote,

The FBI was quite careful and consistent to request review of the accounts, but not to cross the line into advocating for Twitter to take any particular action.

Then Jim Baker said, in response to the Chair's question, when he asked, "Did you talk to the FBI about the Hunter Biden story?" He said, "To the best of my recollection, I did not talk to the FBI about the Hunter Biden story before that day." In other testimony, Yoel Roth said that the information that he received from the FBI had nothing to do with the Hunter Biden story.

Now, are you aware that there was an analysis of the hard drive that was done by *The Washington Post* at a later date?

Mr. SHELLENBERGER. My awareness is that multiple media organizations have done analyses and found the—including CBS, and found that it was, indeed—the laptop was authentic, and that nothing had been changed on it.

Mr. GOLDMAN. OK. So, let's just get something clear, the laptop that the FBI had is different than the hard drive that Rudy Giuliani gave to the *New York Post*? A hard drive, you agree with this, is a copy from a laptop, right?

Mr. SHELLENBERGER. Yes.

Mr. GOLDMAN. You are aware that hard drives can be altered, are you not?

Mr. SHELLENBERGER. Of course.

Mr. GOLDMAN. OK. So, are you aware that *The Washington Post* analysis of the hard drive showed that it had been altered?

Mr. SHELLENBERGER. I haven't heard that, but I'm also saying CBS verified—

Mr. TAIBBI. *Politico*.

Mr. SHELLENBERGER. —and other media organizations have verified.

Mr. GOLDMAN. We're not talking about authenticity. We're not talking about authenticity.

Mr. SHELLENBERGER. You're not really making this argument. OK.

Mr. GOLDMAN. We're not talking about authenticity.

Mr. SHELLENBERGER. OK.

Mr. GOLDMAN. We're talking about whether it's been altered.

Mr. SHELLENBERGER. Yes.

Mr. GOLDMAN. OK. There's no question there's some material on the hard drive that is authentic and accurate. Are you aware that there's some material that is not?

Mr. SHELLENBERGER. My understanding is there are copies of the hard drive that have been tampered with. That media organizations, including *CBS*, have verified that the laptop in question was not tampered with.

Mr. GOLDMAN. I don't know what the laptop in question, but let's move on. Because you said in your Twitter files, am I correct, that every single fact in the *New York Post* story was accurate?

Mr. SHELLENBERGER. Yes.

Mr. GOLDMAN. OK. Do you recall that the first paragraph of that *Post* story said that then-Vice President Joe Biden pressured Ukraine to fire its prosecutor general because he was investigating Burisma where Hunter Biden was on the board?

Mr. SHELLENBERGER. Yes.

Mr. GOLDMAN. I have here, which I'd like to enter into the record, the Trump Ukraine Impeachment Inquiry Report—300 pages by the House Intelligence Committee. Did you review this report before you said that every fact in this story was accurate?

Chair JORDAN. Without objection, the material will be entered in the record.

Mr. SHELLENBERGER. Did I read that before I wrote the Twitter files? No. Aware of the contents—

Mr. GOLDMAN. If you read this you would have known that every single State Department and Trump Administration expert on Ukraine said that Vice-President Joe Biden, in concert with the European Union and the IMF, was executing official U.S. policy by encouraging Ukraine to fire the prosecutor general because he was not prosecuting corruption and was not prosecuting companies like Burisma. So, that story, notwithstanding your allegations, was false. I yield back.

Chair JORDAN. The gentleman yields back. I now recognize—the Chair now recognizes the gentleman from Florida, Mr. Gaetz, for five minutes.

Mr. GAETZ. Impeachment nostalgia always warms my heart, but we are here focused on a weaponized government, a whole-of-government approach that has been turned against the American people. While Rudy Giuliani may have been running around with the laptop in 2020, what is an indisputable fact is that the FBI had the laptop in 2019. It appears that the last round of questioning misses the boat, that it's true. The information is authentic. The pictures, the videos, the emails—there hasn't been a single allegation that there is a single doctored email. Unlike what we saw before the FISA courts, where the FBI itself was doctoring emails to smear President Trump.

I have to get to a question I'm amazed hasn't been asked of the two of you. This FTC consent decree, where it is government action subject to rigorous scrutiny under First Amendment standards, government action demanding that your names be listed. How did it feel when you found out that you were being expressly targeted by a government document based on your reporting?

Mr. SHELLENBERGER. It was chilling—I mean, it's disturbing. I never thought that would happen in the United States of America to be perfectly honest. I've lived in a bunch of authoritarian countries. I visited a lot of authoritarian countries. I never thought this kind of thing would be going on here.

Mr. GAETZ. The nexus to authoritarianism is the desire to control the nature of truth itself. Our understandings change about things. We learn new changes. We challenge prior assumptions. If a bunch of people in Washington, DC, get to decide what the truth is and then enforce it on the country and then punish and target those who report on their conduct, we are drifting more toward that. How did you feel, Mr. Taibbi, when you saw your name?

Mr. TAIBBI. I was upset, obviously. I lived in Russia during the nineties and early 2000's, so I was there when Putin took power. I was friends with a group of very brave muckraking reporters in Russia, many of whom didn't make it. A few of them were murdered after Putin came to power.

So, I've always been conscious of how the risks that other reporters take in other countries are inconsiderably severe. That's one of the reasons why I'm motivated to protect the First Amendment, because our country has the best protections for reporters in the world. This kind of thing where the government is looking for information about reporters, it's usually a canary in the coal mine that something worse is coming in terms of an effort to exercise control over the press. So, on that level, it's absolutely disturbing.

Also, the Aspen Institute report that we published today, talked about today in the Twitter files thread, one of their recommendations was that the FTC be empowered to have unlimited power to search all data of private companies so that they could more freely and more accurately search the speech of ordinary citizens.

Mr. GAETZ. So, as we're trying to put downward pressure on the government's expanding authority to be able to engage in what we see mostly from dictatorships, what you're reporting, and what you're observing is that, actually, they view this as a growth industry, the information business, right?

Mr. TAIBBI. Yes.

Mr. GAETZ. This Censorship Industrial Complex is a growth industry to the government.

Mr. SHELLENBERGER. I think the key thing to also—yes, and the thing to understand is that NSS—

Mr. GAETZ. What is *NewsGuard*, and how are they part of the Censorship Industrial Complex?

Mr. SHELLENBERGER. Yes, and by the way, we talk about Richard Stengel, he is on the board of *NewsGuard*. *NewsGuard* and the disinformation index are both U.S. Government funded entities who are working to drive advertiser revenue away from disfavored publications and toward the ones that they favor. This is totally inappropriate.

Mr. GAETZ. Now, what I'm used to in this town is government officials pick their favorite outlets, and they give them the best scoops, and they give them the best stories. There's a fusion of media and government that has long made me uncomfortable. What you're describing now is literally the directing of revenue to certain media companies over other media companies designed and implemented with the U.S. Government funding and support.

Mr. SHELLENBERGER. That's right.

Mr. GAETZ. That is an astonishing—if we do not take a look at *NewsGuard*, we have failed. You talked about the brave reporting that occurs and what it subjects you to. I would suggest there's also political bravery that I have observed. While we've only heard from Democrats on this panel, attacking you, discrediting you, a lot like they've tried to attack and discredit FBI whistleblowers who are truth tellers, there are brave Democrats who still believe in free speech. I would advise my colleagues to look at the comments of Ro Khanna who has been deeply, deeply concerned about this weaponization of government. He believes these Twitter files are indeed worthy of our focus and our energy, and that is exactly what we are going to do. I yield back.

Chair JORDAN. I thank the gentleman. I would now recognize the gentlelady from New York.

Mr. GOLDMAN. I still have my five minutes, Mr. Chair.

Chair JORDAN. Oh, that's right. I forgot.

Mr. GOLDMAN. I understand why you may not want to.

Chair JORDAN. The gentleman from New York is recognized for five minute.

Mr. GOLDMAN. Mr. Shellenberger, I may have misheard earlier, but is it your testimony here today that you disagree with the two indictments by Special Counsel Robert Mueller that definitively established that Russia interfered in our 2016 election through social media disinformation and the hack-and-leak operation.

Mr. SHELLENBERGER. No, I don't disagree.

Mr. GOLDMAN. OK. Mr. Taibbi, do you disagree with those two indictments?

Mr. TAIBBI. Well, indictments aren't a thing to do—

Mr. GOLDMAN. Do you disagree—there are about 40 or 50 pages. Do you disagree with the evidence outlined in those indictments?

Mr. TAIBBI. Well, indictments are just charges.

Mr. GOLDMAN. I just asked you: Do you disagree with the evidence included in those indictments, yes or no?

Mr. TAIBBI. I'm not on the jury of that case. I couldn't possibly say yes or no.

Mr. GOLDMAN. OK. Because you said earlier, I believe, that you did not see Russia—that could not confirm that Russia interfered in our election in 2016, that you don't believe that. Is that your testimony here today, you don't believe that they did?

Mr. TAIBBI. I think it's possible that they may have on a small scale, but certainly not to what's been reported.

Mr. GOLDMAN. What's been reported or what's been included in the indictments?

Mr. TAIBBI. Well, again, indictments are allegations. They're not proof.

Mr. GOLDMAN. I understand. It's pretty detailed allegations.

Mr. TAIBBI. In the Mueller indictment, by the way—

Mr. GOLDMAN. You should go read the indictment and then come back and tell us if you actually think there's no proof of it.

Mr. TAIBBI. Well—

Mr. GOLDMAN. Let me move on, please.

Mr. TAIBBI. Well, some of those things happened by the way when the—

Mr. GOLDMAN. Please, let me move on. That's how this works. You should know this by now.

So, do you disagree with the Special Counsel Mueller's conclusion in his report, Mr. Taibbi, that the Trump campaign knew about Russia's interference, they welcomed it, and they used it for their benefit? You have no reason to disagree with that, don't you? You have no information.

Mr. TAIBBI. Yes.

Mr. GOLDMAN. So, after that foreign interference in our 2016 election, Twitter and other social media companies naturally wanted to work with the intelligence community to stop Vladimir Putin from interfering in our elections again.

Mr. Taibbi, do you think it's a legitimate pursuit of the FBI to try to stop foreign interference in our elections?

Mr. TAIBBI. Again, sir, will I be allowed to answer this question, or—

Mr. GOLDMAN. It's a yes-or-no question. Do you think it's a legitimate pursuit of the FBI to—

Mr. TAIBBI. It's not a yes-or-no answer. It depends.

Mr. GOLDMAN. No, no, no, no, no. I'm not asking how. I'm saying, as an objective, do you think it's a legitimate objective of the FBI to stop foreign interference in our elections?

Mr. TAIBBI. I think it's a legitimate objective to stop actual foreign interference.

Mr. GOLDMAN. OK. I don't know what the difference is, but that's fine. So, since Russia used social media disinformation, according to Special Counsel Mueller, I understand you may disagree with the allegations to interfere in our 2016 elections, are you trying to say that the FBI had no basis to inform social media companies about efforts to potentially interfere in our elections after 2016?

Mr. TAIBBI. I can tell you that I read internal Twitter emails where Twitter expressly talked about the fact that the FBI couldn't possibly know more than they did about whether or not there was Russian interference, and that, in fact, even they couldn't determine which accounts were actually IRA and which ones weren't.

Mr. GOLDMAN. OK. I understand you like to filibuster. That was not an answer to my question, but I'll move on.

Mr. Shellenberger, in all the emails that you reviewed, did the FBI ever direct Twitter to take down any accounts or remove any posts?

Mr. SHELLENBERGER. Yes.

Mr. GOLDMAN. They directed Twitter to remove them, or they said these may violate your terms and services?

Mr. SHELLENBERGER. Yes.

Mr. GOLDMAN. Which.

Mr. SHELLENBERGER. I think that's an accurate use of the word "direct."

Mr. GOLDMAN. They said these may violate—you think that saying that—saying that these may violate your terms and conditions is the same—

Mr. SHELLENBERGER. Yes, I do.

Mr. GOLDMAN. —as directing them to take an account down.

Mr. SHELLENBERGER. Yes, I think if a police officer says, all right, well, you broke the law.

Mr. GOLDMAN. That's very helpful. That's very helpful. I'm glad to know that you think flagging—

Mr. SHELLENBERGER. Yes.

Mr. GOLDMAN. —something for a private company to make a decision about what they should do is a direction.

Now, Mr. Chair—

Mr. SHELLENBERGER. Yes.

Mr. GOLDMAN. —you have repeatedly said that this Committee is all about protecting the First Amendment.

Chair JORDAN. Uh-huh.

Mr. GOLDMAN. What is unfortunate here is that we are talking about Twitter, and that we were not talking about Republican government officials around the country who are banning books. We are not talking about—

Chair JORDAN. Will the gentleman yield?

Mr. GOLDMAN. No, I will not. We are not talking about Donald Trump jailing his former counsel to prohibit him from publishing a book that the President did not want. The former President literally jailed his enemy, and we're here talking about Twitter. Twitter. Even with Twitter, you cannot find actual evidence of any direct government censorship of any lawful speech. When I say "lawful," I mean noncriminal speech. Because plenty of speech is noncriminal.

Chair JORDAN. I'll give you one. The gentleman's times has expired. I'd unanimous consent to enter into the record the following email from Clark Humphrey, Executive Office of the Presidency White House Office. On January 23, 2021, that's the Biden Administration, 4:39 a.m.:

Hey, folks—this goes to Twitter—Hey, folks, I wanted to use the term—they used the term Mr. Goldman just used—wanted to flag the below tweet and then wondering if we can get moving on the process for having it removed ASAP.

That is—

Mr. GOLDMAN. Could you read the below tweet.

Chair JORDAN. Then, if we can keep an eye out for tweets that fall in this same genre, that would be great. This is a tweet on various—the various—you see the Thomas—

Mr. GOLDMAN. Can you just—for the fullness of the record, can you read the—because I have not seen this—can you read the tweet that it's referencing?

Chair JORDAN. I don't have the tweet here with me—

Mr. GOLDMAN. Oh, shocking.

Chair JORDAN. —but the gentleman's point was—tell us—you said, no time did government try to tell Twitter to take that—to explicitly remove something.

Mr. GOLDMAN. No, I said explicitly remove lawful speech. Lawful speech. We're going to conflate. The First Amendment does not—is not absolute.

Chair JORDAN. This is something from Robert Kennedy, Jr.

Ms. PLASKETT. For the record—

Chair JORDAN. I assume that's lawful speech.

Ms. PLASKETT. —as a point of order, Mr. Chair.

Mr. GOLDMAN. Because Robert Kennedy, Jr., said it, that's why it's lawful speech?

Ms. PLASKETT. Just a minute. Just a minute, Mr. Goldman.

Chair JORDAN. All I'm saying is you said, “at no time did the government explicitly say to take a tweet down.” Here we have it right here from the White House.

Ms. PLASKETT. Mr. Chair?

Chair JORDAN. They couldn't even wait two days. Two days into this administration they were asking Twitter to take something down. We will get you the underlying tweet.

Ms. PLASKETT. Thank you.

Chair JORDAN. With that I recognize the gentlelady from New York.

Ms. PLASKETT. Will you place it into the record as well, sir, the underlying tweet?

Chair JORDAN. Robert Kennedy, Jr., is talking about—he's talking about Hank Aaron's death after he received the vaccine. That's what the tweet is about. We'll give you a copy.

Ms. PLASKETT. Thank you.

Chair JORDAN. I think that's—and I would say one thing, that's.

Ms. WASSERMAN SCHULTZ. Mr. Chair, I—

Chair JORDAN. I would say one thing, that's—

Ms. WASSERMAN SCHULTZ. Mr. Chair, I ask unanimous consent—

Chair JORDAN. —that's certainly lawful speech.

Ms. WASSERMAN SCHULTZ. Mr. Chair, I ask unanimous consent to enter the tweet that you referenced into the record of the Committee.

Chair JORDAN. Without objection, we'll enter that into the record, along with the statement from the White House, the Biden White House two days into the administration when they're directly attacking the people's First Amendment liberties.

Chair JORDAN. With that I recognize the gentlelady from New York for five minutes.

Ms. STEFANIK. I want to yield to Mr. Johnson.

Mr. JOHNSON of Louisiana. Thank you. Just to point out, quickly, that Mr. Goldman is proving himself to be a master of obfuscation. He said, the First Amendment applied to government censorship of speech and not private companies. What we're talking about and what the Chair just illustrated is that what we have here and what your Twitter files show is the Federal Government has partnered with private companies to censor and silence the speech of American citizens. I yield back to the gentlelady.

Ms. STEFANIK. I just came from an open hearing with FBI Director Chris Wray. He said under oath that no one from the FBI communicated with Twitter regarding the Hunter Biden laptop story. Based upon both of your courageous reporting, can you address that?

Mr. SHELLENBERGER. I mean, we saw—like I said, we don't know. It's at this point we just have to take his word on it. What we saw was a huge amount of FBI communications to Twitter. We saw the former deputy Chief of Staff, the former general counsel showing up at Twitter, right at the critical period. So, I find a lot of suspicious activity. I would like to ask him a bunch of questions about that because I find it very suspicious and unresolved.

Ms. STEFANIK. Mr. Taibbi, do you have comments on that?

Mr. TAIBBI. We do know that there was a teleporter communication that had 10 documents in it just before the story broke, but we don't know what those documents were, and so we can't suppose.

Ms. STEFANIK. Well, I don't take his word for it. We have lots of examples where it has not been—they've not been accurate from that particular agency when it comes to testifying before Congress. So, it is our job in this Committee to get to the truth, to shine sunlight and transparency for the American people.

I want to ask you both about the Aspen Digital Hack and Dump Working Group, which involved an 11-day scenario in October 2020, that began with the imaginary release of falsified record, that's what they claim, related to Hunter Biden's controversial employment by the Ukrainian energy company, Burisma.

Mr. SHELLENBERGER. Right.

Ms. STEFANIK. This was if they knew, because they did know. So, I would like your comments, Mr. Shellenberger, these were the files that you did extensive reporting on about how concerning this is, and how this is truly the definition of the weaponization against free speech and suppressing accurate reporting.

Mr. SHELLENBERGER. Yes, so there's actually two things, and one of them we just discovered recently, which is there was a Stanford Cyber Policy Institute Report which said that—which was, in menacing terms, telling journalists that they should abandon the Pentagon principle. Again, this is the Pentagon paper's principle. This the idea that—if Daniel Ellsberg brings you materials he's taken from the Pentagon, about how the war in Vietnam is going. *The New York Times* and *The Washington Post* publish those, that was considered one of the greatest moments of American journalism. Here you have Stanford Cyber Policy Center saying, you should abandon that principle. You should have instead made the issue about, frankly the theories about where it might have come from.

Then you had the Aspen workshop, which was attended, by the way *The New York Times*, *CNN*, *The Washington Post*, Wikipedia, Facebook, Twitter, many other journalists where they basically—you read it, it's like a kind of programming of the journalists that they should not follow this longstanding journalistic principle of taking materials from a hack and leak, or any other situation and take them seriously. So, I mean, you read this, and it feels like a kind of brainwashing exercise that Aspen and Stanford were running against American journalists in the social media companies.

Ms. STEFANIK. Mr. Taibbi, any comments?

Mr. TAIBBI. Yes, I think there were a couple of moments in the Twitter files that really speak to a kind of larger problem. In the first Twitter files we saw an exchange between Representative Ro Khanna and Vijaya Gadde where he's trying to explain the basics

of speech law in America. She's seems completely unaware of what, for instance, *New York Times v. Sullivan* is. There are other cases like *Bartnicki v. Vopper* which legalized the publication of stolen material. That's very important for any journalist to know.

I think most of these people are tech executives, and they don't know what the law is around speech and around reporting. In this case, and in 2016, you are dealing with true material. There is no basis to restrict the publication of true material no matter who the source is and how you get it. Journalists have always understood that. This has never been an issue or a controversial issue until very recently.

Mr. SHELLENBERGER. By the way, just one quick thing I'll add. That's the exact same strategy of the malinformation, misleading—in other words, they were saying, they were saying, even if the material you think is true, it could lead people to have conclusions that we don't want them to have, and, therefore, you should change your journalism because of that.

So, we're so far down the slippery slope. You've crashed at that point. I mean, it's a disturbing trend in journalism and social media and in the relationship from the intelligence community to these organizations.

Ms. STEFANIK. How have you been targeted since the publication of the Twitter files?

Chair JORDAN. The gentlelady's time has expired. We'll give a quick answer, if we can.

Mr. TAIBBI. Again, I have known journalists who have suffered real brutal harms in my career. So, they've said a lot of nasty things about me upon Twitter, but it hasn't been so bad, I would say. The FTC thing is the only thing that's legitimately concerning, and that's not really for my sake, it's more because it's a general problem for journalists everywhere.

Mr. SHELLENBERGER. I've been censored on Facebook since the year 2020 for writing accurate information in an article that went viral. I remain censored. They continue to flag warnings on post that I write that have nothing to do with the environment. We now know that one of the U.S. Government's funded organizations has put out a report that specifically targets me and presents disinformation about my own position on climate change. So, I've got a lot at stake here.

Ms. STEFANIK. I yield back.

Ms. PLASKETT. Mr. Chair, may I ask unanimous consent to enter into the record a letter dated June 25, 2020, to Mark Zuckerberg from Chad Wolf, the Acting Secretary of Homeland Security, in which he asks Twitter—asks Facebook to keep Americans safe by taking appropriate action, consistent with your terms of service against content that promotes, incites, or assists the commission of imminent legal activities. Those committed to protecting free exchange of ideas should not turn a blind eye to illegal activity and violence fermenting in your platform. This is after the summer in which Black Lives Matter protests took place.

Chair JORDAN. Without objection.

Chair JORDAN. The gentlelady from Florida is recognized for five minutes.

Ms. CAMMACK. Thank you, Mr. Chair. Thank you to our witnesses for appearing here today. I know it doesn't feel exactly warm and fuzzy, but believe me, I think what you guys are doing is very important.

[Slide.]

Ms. CAMMACK. We're here to discuss the weaponization of government. I want to follow-up on my colleague Representative Massie's comments on the CDC. Up on the screen, you can see an email from October 2020. This is from then-NIH Director Francis Collins to Dr. Anthony Fauci. It goes on in to say this proposal, talking about the Great Barrington Declaration, is from three fringe epidemiologists who met with the Secretary. It seems to be getting a lot of attention. Even a signature, a co-signature from a Nobel Prize winner.

A key line in here that I would like to point out. There needs to be a, quote,

... quick and devastating published takedown of its premises. I don't see anything like that online yet. Is it underway? Signed Francis

Now, what I find interesting is if you fast forward into June 2021, the Biden Administration was raging at social media companies. There are communications that we can produce, for the record, that State we would like you to come combat quote, "misinformation." Now, we think, so the Twitter files know, that Twitter executives were using the term visibility filtering, and that really to the best of the American general public was shadow banning, correct?

Mr. SHELLENBERGER. Yes.

Mr. TAIBBI. Yes.

Ms. CAMMACK. So, all of a sudden, we saw a rash of blacklists created by Twitter at the highest levels that were taking down some of the signatories and creators of this very Barrington Declaration, correct? This is to both of you.

Mr. TAIBBI. I haven't seen that.

Mr. SHELLENBERGER. I haven't seen that either.

Ms. CAMMACK. So, would you agree that there was a blacklist created in 2021.

Mr. SHELLENBERGER. Oh. Sorry. Yes. Jay Bhattacharya—

Ms. CAMMACK. Yes.

Mr. SHELLENBERGER. —the Stanford professor who I don't think anybody considers a fringe epidemiologist was indeed—I'm sorry, I didn't piece it together—he was indeed fringe visibility filters.

Ms. CAMMACK. Correct. So, this blacklist that was created that really was used to deplatform a reduced visibility—

Mr. TAIBBI. Yes.

Ms. CAMMACK. —create lists internally where people couldn't even see their profiles, that was used against doctors and scientists who produced information that was contrary to what the CDC was putting out, despite the fact that we now know that what they were publishing had scientific basis and, in fact, was valid?

Mr. SHELLENBERGER. Absolutely. Not only that, but these are secret blacklists. So, Professor Bhattacharya had no idea he was on it. I mean, this is East Germany Stasi kind of behavior. That's what this is. The Great Barrington Declaration, by the way, I was skeptical at the time, but it actually now looks pretty good in terms

of how response to COVID. Even if it was totally wrong, it still deserved—this is the whole point of the First Amendment is that—

Ms. CAMMACK. Absolutely.

Mr. SHELLENBERGER. —I think, we all have the experience of you're not right until you're wrong a lot. You actually have to have that debate and that conversation. So, by repressing that, we actually stifled a much broader conversation we could have had about how to effectively respond to COVID because they were secretly blacklisting people like Jay Bhattacharya.

Ms. CAMMACK. I think to the bigger point that Americans are concerned about when it comes to the weaponization of government, this isn't Republican or a Democrat issue, this is an American issue. You had individuals, millions of Americans who, in many cases, were being mandated to take an experimental vaccine. When those that wanted to consider taking it were trying to make an informed decision, you had opinions that were being silenced because it didn't fit a specific narrative pushed by the Biden Administration, correct.

Mr. SHELLENBERGER. Absolutely, correct. That's why we use the language of disfavored ideas and disfavored people, because it doesn't fall neatly among left and right lines. If there's anything going on here, it tends to be more of a disproportionate blacklisting of more populist voices, or just ideas that we would consider slightly outside of the Overton window, the mainstream opinion at the time. The Overton window moves—

Ms. CAMMACK. Right.

Mr. SHELLENBERGER. —and so, the idea that you're just going to narrow the entire—what's acceptable on social media to what is mainstream at the time would basically freeze us and not allow the society to progress and for knowledge to grow and for the democracy to function.

Ms. CAMMACK. With the 14 seconds that I have left, Mr. Taibbi, you would like to weigh in on any of this that we have talked about and why this is a direct threat to Americans today, I would appreciate it.

Mr. TAIBBI. Yes, just quickly, again, we yesterday discovered this email talking about the suppression of people telling their own stories of true vaccine side effects. So, these are people who are telling about their own experiences, things that happened to them that are true. They're being suppressed because what anti-disinformation does is the opposite of what the press does. They are aiming for what the narrative is. They already know in advance what they're looking for. Whereas a journalist goes into a story, does not know what the truth is. We often find that the thing we expect to find turns out to be completely different. They know in advance what they're looking for, and that's why this is so dangerous.

Ms. CAMMACK. My time has expired. I yield back. Thank you two.

Chair JORDAN. The gentlelady yields back. I want to thank our witnesses for being here today. I think maybe if we can get this right and stop this—and what I read—with legislation, appropriators, whatever it takes, we can stop this. I think in the future, people will look back and look at your courage as people in jour-

nalism, in the press, to come here with what you've been facing, what you've had to endure. Now, with the idea that the FTC is coming after you, that's something that I think is present darn important and certainly noteworthy. So, we appreciate you sitting here for 2½ hours, taking the questions you did, but giving so much valuable information to this Committee who is—certainly on our side—committed to protecting the First Amendment and peoples' right to speak.

So, that concludes today's hearing. Again, we thank you both for being here. Without objection, all Members will have five legislative days to submit additional written questions for the witnesses or additional materials for the record. Without objection, the hearing is adjourned.

[Whereupon, at 12:42 p.m., the Subcommittee was adjourned.]

All materials submitted for the record by Members of the Select Subcommittee on the Weaponization of the Federal Government can be found at: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=115442>.

