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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

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TUESDAY, FEBRUARY 6, 2024

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QUESTIONS AND RESPONSES FOR THE RECORD

HEARING ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT

Tuesday, February 6, 2024

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 10:10 a.m., in Room 2141, Rayburn House Office Building, the Hon. Jim Jordan [Chair of the Subcommittee] presiding.

Members present: Representatives Jordan, Issa, Massie, Gaetz, Armstrong, Steube, Bishop, Cammack, Hageman, Davidson, Fry, Plaskett, Lynch, 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.

We welcome everyone to today's hearing on artificial intelligence and censorship.

The Chair now recognizes the gentleman from Ohio, our newest Member to the Committee—and we are glad that he is now part of the Subcommittee—Mr. Davidson. The Chair now recognizes Mr. Davidson to lead us in the Pledge of Allegiance.

[Pledge of Allegiance.]

Chair JORDAN. In addition to Mr. Davidson, I will briefly note that we also have Mr. Fry, who has not yet joined us, as our new Member to the Subcommittee, replacing—Mr. Davidson and Mr. Fry are replacing, of course, Mr. Stewart, who left Congress a few months back, and, of course, now Speaker Johnson. Both our valued Members of our conference and we are glad that they are now part of this Committee.

The Chair now recognizes himself for an opening statement.

Today, we continue the Select Committee's work at looking into the government's efforts with big tech to censor speech.

First, it was Twitter. When Elon Musk took over the company, he called it a "crime scene" and released information through Matt Taibbi and Michael Shellenberger, two journalists that we have had in front of this Committee a couple of times, showing that the government was deeply involved in the content moderation decisions at Twitter.

It was Facebook, where folks from the White House—Andy Slavitt and Rob Flaherty—were telling the company to take down posts that they disagreed with. The White House pressured Facebook to censor true information and even told them to take down a meme.

Then, it was YouTube. The Biden White House said, "Why aren't you guys at YouTube taking down more," quote, "border line content"—which is content/speech that doesn't violate YouTube's policies. It is just content and speech that they didn't like, didn't agree with their narrative.

Both Facebook and YouTube caved to the White House pressure because they knew they had to keep good relationships with the White House for important policy decisions. We call that coercion.

Then, we learned how they all teamed up—big government, big tech, and big academia—working together to censor Americans in the lead-up to the 2020 election through the Election Integrity Partnership and the Virality Project. This partnership, created at the request of the Federal Government, sent thousands of links directly to big tech to be censored.

So, information was targeted. Jokes weren't safe, either. Even Members of this Committee were targeted—Congressman Massie. We have discussed that throughout this Congress in several different hearings. It wasn't just conservatives. It was mostly conservatives, but it wasn't just conservatives.

Yesterday, we shared what we have uncovered about the White House pressuring Amazon. Internal Amazon emails are unbelievable. It says, "Is the administration"—think about this one—"Is the administration asking us"—we put this out in a Twitter thread yesterday—"Is the administration asking us"—Amazon—"asking us to remove books, or are they more concerned about search results (or both)?" Stop and think about it: Government pressuring Amazon to ban books.

Twitter, Facebook, YouTube, all this big combination to impact the election. Now, we find the same thing was happening, the same dynamic was happening at Amazon.

Today's hearing, now the government is trying to take censorship to the next level by weaponizing artificial intelligence tools to limit speech in real time and at scale.

In the name of combating alleged misinformation regarding COVID–19 in the 2020 election, the National Science Foundation has been issuing multimillion dollar grants to universities and nonprofit research teams to develop artificial-intelligence-powered censorship and propaganda tools. These tools can be used by government and big tech to shape public opinion by restricting certain viewpoints and promoting others.

In notes from the University of Michigan's first presentation to the National Science Foundation about its NSF-funded, AI-powered, what is called WiseDex tool, they said this, quote—so, this is when the University of Michigan is making their pitch to the government to get taxpayer money—they said,

> Our misinformation service helps policymakers at platforms who want to push responsibility for difficult judgment to someone outside the company by externalizing the difficult responsibility of censorship.

Think about that last phrase: "by externalizing the difficult responsibility of censorship."

They said right upfront what they want to do. They want taxpayer money coming to them, so they can develop tools with AI to censor American speech. I don't know if it gets much scarier than that.

Nonpublic documents obtained by the Select Committee reveal the disinformation researchers referring to their work as, quote, "censorship" in the slides they presented to the National Science Foundation. The National Science Foundation tracked reporting critical of its program, including an article written by Professor Jonathan Turley and by Ms. Richardson, one of our witnesses today. They developed a specific media strategy they considered blacklisting and they considered blacklisting conservative media.

In one project proposal documented to the National Science Foundation, the researchers explained the need for a quote,

> . . . proactive suite of human technologies to assist rural and indigenous communities, military veterans, older adults, and military families . . .

All whom the researchers claimed were unusually susceptible to misinformation campaigns online.

I want you to digest that for a second. If you are an older American, you served in our military, and you live out in flyover country, you're too stupid to know what's true. These guys wanted their tax money, our tax money, the very people they described, they took their tax money to develop tools to censor the people that they took the tax money from.

Another project proposal sent to the National Science Foundation demeans Americans who hold, quote,

> . . . the Bible and the Constitution as sacred and choose to review primary sources rather than rely on expert consensus.

If you think the Bible is sacred, if you support the Constitution, and you review primary sources to think for yourself, you're the problem, according to the National Science Foundation, and they're going to give your tax dollars to entities developing this technology, this tool to censor your speech.

One other proposal document said this, "Reactive content moderation is too slow and ineffective." That is what this hearing is about: AI which can censor in real time and at scale should scare us all.

The pattern we have seen emerging is deeply troubling. For the work of this Committee, we would have never known about all the censorship going on. Now, we are concerned, obviously, about how artificial intelligence can interact, can use these tools, develop these tools to censor and restrict Americans' speech.

I want to thank our witnesses for being here today.

With that, I would yield to the Ranking Member for an opening statement.

Ms. PLASKETT. Thank you, Mr. Chair.

Thank you to our witnesses for all being here, being a part of the discussion, expressing your ideas, and the work that you have been engaged in.

I do have to say that we sit here today in another iteration of the same hearing we have had over and over again in the 118th

Congress—the sixth hearing of the same topic, a merry-go-round of Republican greatest rejections of conspiracy theories.

We are here to attempt to once again discuss the same issue in a different way. Not once has my colleague, the Chair, requested any ideas from my side as to what we might agree on discussing as the weaponization of the Federal Government.

I would say the IRS propensity to audit working class people, and especially people of color, rather than wealthy individuals can show some weaponization of the Federal Government or book banning and censorship in schools and school districts receiving Federal funding.

As with many hearings, my Republican colleagues don't really want us to work together. Chair Jordan has allowed his staff to provide the bare minimum notice for hearings without a subject or identifiable topic, without publicly announcing who the witnesses are, without even the decency to tell the minority anything.

I know that we have come to think that this is normal, but that is not how Congress has always worked. This is, in fact, the sixth time in this Select Subcommittee that a hearing of ours has had the exact same name: "Hearing on the Weaponization of the Federal Government." That's a broad, broad topic and could mean anything.

For the minority to prepare to engage with the majority on such a topic just is further demonstration of how far we are from actually doing work. This is about platforms. This is about speaking to *Fox News*. This is not about solving problems for the American people.

We have come so far from what Congress has been even in the short time that I have been here, which I can't believe is almost a decade now. It is shameful.

So, I will use my side and our discussion to talk about what we think is the weaponization of the Federal Government; what we believe to be the real threat to our democracy and the rule of law: The attempted weaponization of the Federal Government during the Trump Administration, or even more frightening, the extreme weaponization of the Federal Government that the former President has told us he will do if he is reelected.

Just since our last hearing, the fifth hearing, former President Trump has made more terrifying statements on the weaponization of the Federal Government, should he have a second term. Donald Trump has said he will, quote, "act like a dictator on day one of any second term."

He has said, "he would proudly claim full credit for overturning *Roe* v. *Wade*," a woman's protection from overbearing State and her right to privacy.

He has argued in court, as a legal argument, that he would have full immunity as President, even if he ordered the assassination of individual Americans.

He says he is going to lay off thousands of nonpolitical career diplomats, replacing experienced government experts that serve with distinction with individuals whose main quality is passing a loyalty test to him.

He has vowed to appoint a special prosecutor just to go after Joe Biden, his entire family, threatening them multiple times, because

he doesn't like them and they are a threat to him—not to our country. Trump and his followers are obsessed with charging Biden or any Biden individual for a set of wildly changing charges—with a real set of projection in that to things that he, himself, and his own family have done; for charges that our Congressional Republicans still cannot seem to produce documents or their own witnesses to corroborate.

Now, one of the other statements that I gave to you a little earlier, to remove nonpolitical career diplomats with individuals who are willing to take a loyalty test, is also very troubling. It should be obvious to anyone that replacing these qualified people en masse with expressly political operatives of any stripe would undermine Americans' interest and is the hallmark of a fascist State.

Finally, the idea, the sick, audacious notion that a President could order the assassination of an American citizen at will without a single legal consequence runs aground of every American's sense of right and wrong. That is what Donald Trump argues he can do—not in public speeches alone that could just be campaign promises or rhetoric, but in a Federal court filing where his attorneys must put the argument requested and discussed with their client, Donald Trump.

Donald Trump believes, as President, that he can deploy—let's think about this—the American military on American soil to attack an American target, an individual, which in this hypothetical example has not declared any form of hostility toward the American State itself but is merely who the President believes is not his friend or agrees with him. This idea is—and this is my own legal parlance—the craziest, illegal, dictatorial, despotic, demagoguery, and autocratic crap I've ever heard.

Today, the Chair is going to have us go through another round of claims about the weaponization that are his witnesses beliefs about social media on the part of the Federal Government. The Chair and my Republican colleagues on this Subcommittee will ignore or try to make light of, or even mock, the unmistakable promises Donald Trump has made to weaponize the government on his own behalf.

Where are the hearings about a former President who believes he can use the Federal Government to kill his political opponents? Where is the hearing about a President who believes that the most important quality of his appointments to run the greatest and most important country in the world is that they are loyal solely to him? Where is the hearing to discuss, never mind Trump, but even the idea—let's not just make it about Trump; let's have a hearing about the idea of a President using the resources of the Federal Government, the appointment of a special prosecutor to go after those he deemed to be the enemy—not of this country, not of these ideals—but of national security, but of himself.

If you don't think I am thinking this, if you don't think that this is my thought and important to me, let's take it from the word of people who worked directly with the man.

John Bolton, former National Security Advisor to Donald Trump, I think Trump will cause significant damage in a second term, damage that in some cases will be irreparable.

John Kelly, his former Chief of Staff, said, in a second term,

> It just simply would be chaotic, because he'd continually be trying to exceed his authority, but the sycophants would go along with it. It would be a non-stop gun fight with the Congress and the courts.

Bill Barr, President Trump's former Attorney General,

> I think for people going into that second term of the Trump Administration, I think they have to be ready to oppose the abuse of government power.

That's the weaponization of the Federal Government, but I don't think that's ever going to be a topic that the majority is going to bring forth. So, we, the majority, will have to bring it for you.

With that, I yield back.

Chair JORDAN. Without objection, all other opening statements will be included in the record.

Chair JORDAN. We will now introduce today's witnesses.

Mr. Greg Lukianoff—I think I got it right, Lukianoff—is the President and CEO of the Foundation for Individual Rights and Expression, FIRE. He is an attorney and *The New York Times* best-selling author and an expert on the First Amendment.

We welcome you to our Committee today.

Mr. Lee Fang is an independent journalist and one of the authors of the Twitter Files. He began his career as an investigator blogger for *ThinkProgress* and has worked for *The Intercept, Vice, The Nation*, and the *Republic Report*. Mr. Fang received the Izzy Award in 2018 from Park Center for Independent Media for his work at *The Intercept*.

We are glad you are with us today, Mr. Fang.

Ms. Katelynn Richardson is a contributor at the *Daily Caller News Foundation*, where she primarily covers legal issues and the Federal court system. In 2023, she reported on National Science Foundation grants that are being used to develop censorship technology—the focus of our hearing today. A result, frankly, of her work, the National Science Foundation adopted a strategy to avoid any media scrutiny. So, we appreciate your good work there.

The Honorable Norman Eisen is a Senior Fellow in government studies at the Brookings Institution. He previously served as U.S. Ambassador to the Czech Republic from 2011–2014. I had the experience of working not with or for, but maybe against Mr. Eisen when he was with the Democrats in the 2019 impeachment effort.

We welcome you as well, Mr. Eisen.

We welcome all our witnesses, and we thank you for being here.

We will begin by swearing you in. Would you please rise, raise your right hand?

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

Let the record show that each of the witnesses answered in the affirmative.

Thank you. Please be seated.

Please know that your written testimony will be entered into the record in its entirety. Accordingly, we ask that you try to summarize it in five minutes, but we will be fine with that.

I think we are going to start with Ms. Richardson, and then we'll work right down the line, if that's OK.

So, Ms. Richardson, you are recognized for five minutes. Just make sure your mic is on and go right ahead.

STATEMENT OF KATELYNN RICHARDSON

Ms. RICHARDSON. I want to thank the Committee for inviting me to testify today.

My name is Katelynn Richardson. I'm a reporter at the *Daily Caller News Foundation*, a nonprofit news outlet based in Washington, DC, dedicated to holding public officials accountable and exposing government waste, fraud, and abuse through in-depth investigative reporting. I cover the Supreme Court and do investigative reporting.

In September 2021, I started looking into the government's funding of censorship tools after finding that The National Science Foundation had launched a program awarding grants to researchers to develop projects aimed at combating misinformation. What I discovered was a multimillion-dollar effort to build what I call a censorship industrial complex, using taxpayer dollars as seed funding for various projects.

The efforts fit within the broader trend of the Federal Government's increasing involvement in online censorship, from the Center for Disease Control flagging posts during COVID–19 to the FBI working with social media companies to suppress the Hunter Biden laptop story.

In September 2021, the National Science Foundation awarded $750,000 each to 12 teams of researchers, as part of a new research track within its Convergence Accelerator Program titled, "Trust & Authenticity in Communication Systems." Proposals ranged from fact-checking tools that warn journalists when publishing content may result in outcomes like "polarizing discourse" or perpetuating "false narratives."

Six projects—which are currently ongoing—advanced in 2022 to the second stage and received an additional $5 million in funding.

(1) A digital dashboard called "Course Correct," aims to help journalists locate and correct misinformation. Run by researchers in the University of Wisconsin system, the project uses machine learning to identify networks where misinformation is spreading and pinpoint who is sharing it on social media. It highlights issues like "vaccine hesitancy" and "electoral skepticism" as areas of special interest.

(2) Another AI-based grant project by the company Meedan aims to curb racially targeted misinformation by developing algorithms that scan "millions of posts" and map them to "misinformation narratives."

(3) The Convergence Accelerator Program is not the only way the NSF has steered taxpayer dollars toward the development of censorship tools.

(4) The NSF awarded the University of Washington $550,000 to develop language technologies that "detect and intervene" in hate speech and discriminatory language, like "sexist, racist, homophobic microaggressions."

(5) It awarded the University of Houston $50,000 to develop an online dashboard with "misinformation forecast trends."

(6) It also approved $324,000 in 2022 for a summer camp at Old Dominion University to teach students about "the rapidly growing research area of disinformation detection and analytics," which is scheduled to happen again this summer. The goal is to prepare students for future "disinformation-related jobs"—an indicator that this is a growing industry, and as the sampling of grants demonstrates, one the Federal Government has a multimillion-dollar stake in.

Even as a lawsuit challenging the Federal Government's communications with social media companies to censor speech progresses to the Supreme Court, these grants and the tools they are developing have received comparatively little attention.

The NSF swears it does not engage in censorship and that it does not partner directly with social media platforms. Taxpayer dollars spent on projects that do are still troubling, as were the agency's responses to straightforward questions about its programs.

When I reported on Convergence Accelerator grants shortly after their announcement, the NSF devised an official media strategy instructing research teams to highlight the "pro-democracy" nature of their projects. I only know this thanks to emails unveiled in a report this Committee put out today.

Again, when I wrote for the *Daily Caller News Foundation* in early 2023 about projects that advanced to stage two, emails from the Committee report showed they privately considered removing videos about the projects they were funding from YouTube.

If the agency's reaction to fair questions from journalists is to strategize ways to rebrand and avoid attention, why does it have any business funding tools that tell reporters what is true and what is false? If their impulse is to hide information, how can projects it backs be trusted to sort out what information is authoritative?

The government is not the arbiter of truth. Our Founders understood this, which is why we have the First Amendment. They understood the danger of the government telling people what they should believe and targeting opinions that cut against the official narrative. Pursuing information control by funding outside organizations is no less a threat to free speech and freedom of the press than a tyrannical government.

Thank you.

[The prepared statement of Ms. Richardson follows:]

TESTIMONY OF KATELYNN RICHARDSON

I want to thank the committee for inviting me to testify today. My name is Katelynn Richardson. I am a reporter at the Daily Caller News Foundation, a nonprofit news outlet based in Washington, D.C. dedicated to holding public officials accountable and exposing government waste, fraud and abuse through in-depth investigative reporting.

I cover the Supreme Court and do investigative reporting. In September 2021, I started looking into the government's funding of censorship tools after finding that the National Science Foundation (NSF) had launched a program awarding grants to researchers to develop projects aimed at combating misinformation. What I discovered was a multi-million dollar effort to build what I call a Censorship Industrial Complex, using taxpayer dollars as seed funding for various projects.

The effort fits within the broader trend of the federal government's increasing involvement in online censorship, from the Center for Disease Control flagging posts during COVID-19 to the FBI working with social media companies to suppress the Hunter Biden laptop story.

In September 2021, the NSF awarded $750,000 grants to twelve teams of researchers as part of a new research track within its Convergence Accelerator program titled, “Trust & Authenticity in Communication Systems.” Proposals ranged from fact checking-tools to tools that warn journalists when publishing content may result in outcomes like “polarizing discourse” or perpetuating “false narratives.”

Six projects — which are currently ongoing — advanced in 2022 to the second stage and received an additional $5 million in funding.

One is a digital dashboard called Course Correct, which aims to help journalists locate and correct misinformation. Run by researchers in the University of Wisconsin system, the project uses machine learning to identify networks where misinformation is spreading and pinpoint who is sharing it on social media. It highlights issues like “vaccine hesitancy” and “electoral skepticism” as areas of special interest. When the initial grant was awarded in 2021, a researcher told me intervention techniques the team developed to counter misinformation would likely be tested on public platforms like Facebook and Twitter. Potential interventions included using “ad-purchasing, automated bots, and online influencers.”

A University of Michigan project called WiseDex that was chosen for additional funding uses AI to automatically identify social media posts that contain misleading claims based on keywords, so human reviewers at social media companies can flag or remove them.

Another AI-based grant project by the company Meedan aims to curb “racially-targeted misinformation” by developing algorithms that scan “millions of posts” and map them to “misinformation narratives.” Meedan’s platform would host resources to combat these narratives.

The Convergence Accelerator program is not the only way the NSF has steered taxpayer dollars towards the development of censorship tools.

In August 2021, the NSF awarded $3 million through the Secure and Trustworthy Cyberspace (SaTC) program to academics at the University of Washington's Center for an Informed Public (CIP) and the Stanford Internet Observatory.

These same two groups helped found the Election Integrity Partnership (EIP), an information exchange created at the request of the Cybersecurity and Infrastructure Security Agency (CISA). EIP collaborated with CISA to flag content for social media companies to suppress during the 2020 election.

The NSF awarded the University of Washington $550,000 to develop language technologies that "detect and intervene" in hate speech and discriminatory language, like "sexist, racist, homophobic microaggressions."

The NSF awarded the University of Houston $50,000 to develop an online dashboard with "misinformation forecast trends."

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After I reported on Convergence Accelerator grants shortly after their announcement, the NSF devised an official media strategy instructing research teams to highlight the "pro-democracy" nature of their projects. I only know this thanks to emails unveiled in a report this committee put out today.

When I wrote for the Daily Caller News Foundation in early 2023 about projects that advanced to stage two, another NSF brainstorming session occurred. Emails in the committee's report show the NSF privately considering the removal of YouTube videos on the projects they were funding.

If the agency's reaction to fair questions from journalists is to strategize ways to rebrand to avoid attention, why does it have any business funding tools that tell reporters what is true and what is false? If their impulse is to hide information, how can projects it backs be trusted to sort out what information is authoritative?

The government is not the arbiter of truth. Our Founders understood this, which is why we have a First Amendment. They understood the danger of the government telling people what they should believe and targeting opinions that cut against the official narrative. Pursuing information control by funding outside organizations is no less a threat to free speech and freedom of the press than a tyrannical government.

Chair JORDAN. Thank you, Ms. Richardson.
Mr. Fang, you're recognized for five minutes.

STATEMENT OF LEE FANG

Mr. FANG. Chair Jordan, Ranking Member Plaskett, esteemed Members of the Select Committee, my name is Lee Fang. I'm here in my role as an independent investigative journalist. I see it as my duty to serve the broad public interest and spotlight wrongdoing, whether it comes from the left, the right, or the center. I appreciate the opportunity to share my work here today.

I've long covered issues concerning free speech and censorship. Artificial intelligence introduces a new dimension, offering the unprecedented ability to monitor, to flag, and to censor billions of individuals at a scale and scope never before conceivable.

Some of you may be familiar with my October 2022 investigation delving into the history of the Cybersecurity and Infrastructure Agency, or CISA, and the FBI's concurrent expansion into policing social media. Using court documents and evidence provided by a DHS whistleblower, I reported that government programs initially designed to curb foreign influence and incitement to terrorism had transformed into a broader campaign to suppress ordinary domestic speech. CISA's expansive focus eventually touched on a wider range of political topics—from the 2020 Presidential election to the origins of COVID–19, to criticism of the Ukraine-Russia War.

Two months later, in December 2022, I reported on a cache of Twitter's internal corporate documents that became known as the Twitter Files. I gained access to internal emails, tools, and chats that confirmed my earlier reporting on CISA.

I have since published many articles based on these documents on my *Substack*, *leefang.com*, including a piece released yesterday. In my latest report, I reveal that CISA acted on an inaccurate tip regarding *The New York Times* journalist's observations about delays in the Presidential vote count in Green Bay, Wisconsin. Instead of verifying the veracity of this tip, CISA directly lobbied Twitter to restrict access to the reporter's tweet. In response, Twitter shadow banned *The New York Times* reporter's tweet, effectively rendering it invisible to most users.

I understand the stated intent behind these efforts—the desire to uphold the highest standards in our elections and to deter any illicit manipulation. However, as this and many other cases illustrate, the government often errs and frequently acts in a politically motivated manner. For this reason alone, it is inappropriate for law enforcement or intelligence agencies to act as the arbiter of permissible journalism. Moreover, government censorship of truthful and accurate speech, rather than dispelling conspiracy theories, only serves to exacerbate the erosion of public trust in our elections.

My Twitter Files and broader reporting differ slightly from recent testimony heard by this Committee. I've also shed light on the role of private sector entities in attempting to control and curtail public discourse on areas of major public policy.

I revealed that a group called Public Good Projects regularly corroborated with Twitter to censor social media. This censorship cam-

paign was entirely funded by biopharma lobbyists that represent Moderna and Pfizer.

In some instances, the demands for censorship targeted accounts simply for expressing opposition to vaccine passports—a debate that should be open in a free society, not repressed by a drug company with financial interests at stake.

More recently, in collaboration with UnHerd and RealClear Investigations, and with my coauthor Jack Poulson, I reported that Moderna relaunched these efforts to influence the vaccine discourse last summer. Again, working with Public Good Projects, Moderna employed the services of the artificial intelligence term Talkwalker to monitor vaccine-related conversations across 150 million websites, including social media and gaming platforms, like Steam.

There are many other examples in my reporting, beyond the Twitter Files and Moderna documents, that show overreach by government and corporate interests to stifle free speech.

Last month, I revealed documents on the activities of Logically, a British artificial intelligence firm that is poised to shape the 2024 election. It is important to underscore why the American public should be aware of this firm. Logically previously had contracts in the United Kingdom to combat misinformation during the pandemic. Like many other firms of this nature, they, instead, surveilled legitimate forms of speech, including thoughtful concerns about pandemic lockdowns. Logically boasted of a special partnership with Facebook to automatically suppress and label any content they deemed as misinformation, giving the company immense influence over content moderation decisions.

In my official written remarks, my testimony, I go into much greater detail about my record on these issues—writing on censorship and surveillance of animal rights activists and labor union activists. I have profiled the various private contractors that began by spying on behalf of the FBI during the War on Terror that now utilize artificial intelligence to spy on conservative, antivaccine mandate activists. More recently, I've reported on organized suppression of peaceful speech by pro-Palestinian activists.

I present these varied examples to underscore how censorship affects dissenting voices of all ideological stripes. I understand that, in our intensely polarized environment, free speech has become a divisive issue, often misused by politicians seeking a convenient scapegoat.

History teaches us that government and private entities demand censorship authority to attack dissidents of a particular group in one era. Those tools are then used against an entirely different set of actors a few years later. Today's cheerleaders for an unaccountable content moderation regime may well be tomorrow's victims of that same system.

In the interest of time, I want to keep my remarks brief and close by drawing your attention to a hearing held nearly 12 years ago by another House Committee addressing a remarkably similar topic. At that time, lawmakers demanded answers about revelations that the Department of Homeland Security had engaged a private contractor for around-the-clock surveillance of social media.

During that hearing, Representative Jackie Speier, a Democrat from California, expressed her alarm at the potential for a big

brother effect and called for assurances that DHS was not infringing on, quote, "civil rights and civil liberties of those who choose to use social media," or "spying on lawful activities."

Representative Pat Meehan, a Republican from Pennsylvania, cautioned against DHS from monitoring private citizens' speech. He said it could, quote,

> Have a chilling effect on individual privacy and people's freedom of speech and dissent against their government.

In many ways, that hearing may appear quaint in today's context. In terms of bureaucratic and technological abilities, it was a relic from another era. This was before CISA existed. This was before we had much more powerful and intrusive AI. This was before the cottage industry of censorship groups operating under the banner of antimisinformation.

Nonetheless, the 2012 hearing serves as a reminder that these issues need not be divisive on partisan lines. I implore the Committee to rise against—rise above partisanship and perceive the threat posed by online surveillance as an American issue that affects all of us.

I appreciate this opportunity. Thank you.

[The prepared statement of Mr. Fang follows:]

Testimony of Lee Fang
Investigative Journalist
www.leefang.com

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

“Hearing on the Weaponization of the Federal Government"

February 6, 2024,

Chairman Jordan, Ranking Member Plaskett, esteemed members of the Select Committee,

As an independent investigative journalist, it is my duty to serve the broad public interest, to watch over governmental and corporate misconduct, to safeguard the principles underpinning a free society, and to spotlight wrongdoing – whether it comes from the left, the right, or the center.

It is a privilege to present my work to this committee. Over the past fifteen years, I have uncovered a variety of different forms of surveillance and censorship, documenting how special interest groups, politicians, and law enforcement agencies use these tactics to silence or weaken their enemies.

I am committed to reporting on surveillance and censorship because I regard free speech as the bedrock of our republic and the linchpin of our democratic process. These principles are the defining characteristics that set America apart on the global stage.

But freedom of speech has not endured without a fight. In every generation, political and corporate actors from across the ideological spectrum have seized on crises and moral panics to demand restrictions on speech.

Now as ever, we must remain vigilant against efforts to undermine free speech and free expression. Recent technological advancements have created new

opportunities to restrict speech without public input or accountability. The rapid development of artificial intelligence tools, in particular, offers powerful entities the unprecedented ability to monitor, flag, and censor billions of individuals at a scale and scope never before conceivable. While this technology holds significant benefits, it also carries substantial risks. Private security firms are increasingly marketing AI solutions to both government agencies and corporations. Mounting evidence suggests that state and business interests are already deploying this technology with the goal of stifling lawful discourse and silencing dissent.

Some of you may be familiar with my October 2022 investigation delving into the history of the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Agency (CISA) and the FBI's concurrent expansion into the policing of social media. Using court documents and evidence provided by a DHS whistleblower, I reported that government programs initially designed to curb foreign influence and incitement to terrorism had transformed into a broader campaign to suppress ordinary domestic speech. CISA's expansive focus eventually touched on a wide range of political topics, from the 2020 presidential election to the origins of COVID-19 to criticism of the Ukraine-Russia war.

Two months later, in December 2022, I reported on a cache of Twitter's internal corporate documents that became known as the Twitter Files. I gained access to internal emails, tools, and chats that confirmed my earlier reporting about CISA. I revealed that law enforcement agencies like CISA and non-governmental partner organizations consistently pressured Twitter executives to censor political speech under the guise of combating misinformation. I have since published many articles on my Substack based on these documents, including a piece released this week.

In my latest report, I reveal that a non-profit anti-misinformation election consortium provided an inaccurate tip to CISA in November 2020 regarding a New York Times journalist's observations about delays in the presidential vote count in Green Bay, Wisconsin. Instead of verifying the validity of the tip, CISA hastily produced a "Misinformation Report" about the incident, arguing that the tweet had promoted falsehoods about the election. The agency then lobbied Twitter to restrict access to the reporter's tweet. In response, Twitter shadowbanned the Times

reporter's tweet, effectively rendering it invisible to most users – despite substantial evidence supporting the journalist's accuracy.

I understand the stated intent behind these efforts - the desire to uphold the highest standards for our elections and to deter any illicit manipulation.

However, as this and many other cases illustrate, the government often errs and acts in a politically motivated manner. For this reason alone, it is inappropriate for law enforcement or intelligence agencies to act as the arbiter of permissible journalism. Moreover, government censorship of truthful and accurate speech – rather than dispelling conspiracy theories – serves only to exacerbate the erosion of public trust in our elections.

My work on the Twitter Files and other reporting on this topic differs slightly from recent testimony heard by this committee. I have also shed light on private entities' attempts to control and curtail public discourse on major areas of public policy. I revealed that a group called Public Good Projects regularly collaborated with Twitter during the pandemic to censor specific social media accounts because of their criticism of establishment views around COVID-19 vaccines, while amplifying accounts supportive of vaccines and government viewpoints. This particular censorship campaign was entirely funded by biopharma lobbyists that represent Moderna and Pfizer.

In some instances, the censorship demands targeted users who simply expressed opposition to "vaccine passports" – the proposal to make a person's right to travel and engage in certain forms of commerce dependent on their vaccination status. The validity of the idea of "vaccine passports" is a reasonable topic of debate in a free society, and should not be repressed by a drug company with financial interests at stake.

More recently, in collaboration with Unherd and RealClearInvestigations, and with coauthor Jack Poulson, I reported that Moderna relaunched efforts to influence vaccine discourse, again working with Public Good Projects. Moderna also employed the services of the artificial intelligence firm Talkwalker to monitor vaccine-related conversations across 150 million websites, including social media and gaming platforms like Steam.

Moderna labeled almost any critic of the company or vaccine policies as "high risk" for spreading misinformation, including reputable academics like Stanford University's Jay Bhattacharya and local elected officials who simply voiced objections to vaccine mandates.

The company even targeted tennis champion Novak Djokovic in its misinformation reports, not for any statement he made but for his accomplishments. In one report, Moderna warned that: “The optics of Djokovic, whose vaccine opposition barred him from competing in the 2022 US Open, returning to and winning the Moderna-sponsored [2023 US Open] competition bolsters anti-vaccine claims that vaccines — and mandates — are unnecessary.” In other words, Djokovic’s alleged act of “misinformation” was his unvaccinated athletic ability.

There are many other examples in my reporting, beyond the Twitter Files and Moderna documents, that show government and corporate interests trying to stifle free speech on public safety and national security grounds.

Last month, I reported on confidential documents chronicling the activities of Logically, a British artificial intelligence firm that has expanded into the U.S. market with the guidance of former DHS intelligence director Brian Murphy. This individual was previously responsible for the illicit surveillance of left-wing protesters and the creation of dossiers on journalists critical of the government. Logically has quietly secured U.S. military contracts and piloted a program for the Chicago Police Department to employ its AI platform to analyze local hip-hop music to predict crime.

The state of Oregon also retained Logically to combat so-called election misinformation during the 2022 midterm elections. The company is now competing for contracts to monitor and remove alleged social media misinformation in the upcoming 2024 presidential election.

It is important to underscore why the American public should be aware of the British AI firm Logically. The United Kingdom government awarded Logically multi-million dollar contracts to combat misinformation about the COVID-19 pandemic. The company instead surveilled activists and academics who expressed

legitimate forms of speech, including thoughtful concerns about pandemic lockdowns and vaccine passports, according to a recent watchdog report on the firm's activities. Logically previously boasted of a special partnership with Meta, the parent company of Facebook and Instagram, to automatically suppress and label content they deemed as misinformation, giving the company immense influence over content moderation decisions. It is another case of the government outsourcing censorship to a private entity with a record of targeting lawful speech around hotly contested political issues.

I want to emphasize that this focus on corporate influence and government surveillance is not a recent development in my work. In 2015, I uncovered evidence of agricultural industry lobbyists ghostwriting state legislation designed to criminalize the recording of slaughterhouses and dairy facilities. The legislation was designed to imprison journalists and animal rights activists who document conditions in slaughterhouses. Many of these "Ag-Gag" laws have since been overturned by the courts for violating the First Amendment. I have also previously reported on government and private sector surveillance and censorship targeting environmental groups, Black Lives Matter activists, and labor unions.

In December, I exposed the efforts of pro-Israel activists to stifle pro-Palestinian voices. One notable example, relevant to today's hearing, involves the deployment of artificial intelligence bots to mass-report social media posts expressing solidarity or sympathy for Palestinians as violations of platform terms of service. Many of the targets appear to be individuals using innocuous hashtags like #FreePalestine, unrelated to hate or violence. There are over 1,000 documented cases of Meta removing peaceful content advocating for Palestinian human rights. The use of artificial intelligence bots to suppress nonviolent and benign forms of political expression during a conflict illustrates another case of organized censorship.

Last summer, I profiled the activities of Flashpoint, among the cottage industry of so-called threat intelligence firms that use artificial intelligence to monitor activist behavior. The company began by infiltrating al Qaeda chat rooms and selling that data to the FBI. Critics argue that the firm played a central role in the wrongful convictions of several Muslim Americans. Flashpoint, which still maintains ties with the FBI, has more recently infiltrated the private communications of ordinary

airline workers who organized against coercive and ultimately unconstitutional vaccine mandates. Many of these anti-mandate activists were conservative Trump supporters.

I present these examples to underscore how censorship affects dissenting voices of all ideological stripes. I understand that in our intensely polarized environment, free speech has become a divisive issue – often misused by politicians seeking a scapegoat for societal ills. But free speech is critical for activists spanning the ideological spectrum, and to every journalist committed to uncovering the truth.

And history teaches us that when governments and private entities demand new censorship authority to attack dissidents of a particular stripe in one era, those tools are just as likely to be used against an entirely different set of actors a few years later. Today's cheerleaders for an unaccountable "content moderation" regime may very well be tomorrow's victims of that same system.

Before I close, I wish to draw your attention to a hearing held nearly twelve years ago by another House committee, addressing a remarkably similar topic.

The committee convened a hearing to demand answers from the Department of Homeland Security about revelations that the agency had retained General Dynamics, a defense contractor, to conduct round-the-clock monitoring of social media.

Republicans controlled the House at the time, but members of the committee from both sides of the aisle raised concerns about DHS practices. Then-Rep. Jackie Speier, a Democrat from California, called for assurances that DHS was not infringing upon "civil rights and civil liberties of those who choose to use social media" or "spying on lawful activities."

Then-Rep. Patrick Meehan, a Republican from Pennsylvania, cautioned against DHS and its contractors monitoring private citizens' speech, which he said "could have a chilling effect on individuals' privacy rights and people's freedom of speech and dissent against their government."

That hearing looks quaint today. In terms of bureaucratic and technological capabilities, the General Dynamics scandal was a relic of another era. It occurred prior to the emergence of CISA, the DHS agency with a multi-billion-dollar budget, actively monitoring Americans for wrong speak on contentious issues. It transpired before significant advancements in AI allowed for far more invasive monitoring of constitutionally protected speech through sentiment analysis. And it pre-dated the creation of numerous anti-misinformation NGOs and private-sector firms competing for contracts to control and censor the internet.

Nonetheless, the 2012 hearing serves as a reminder that concerns about censorship and surveillance need not break down along partisan lines. Lawmakers from both sides of the aisle can still unite to voice concerns about the erosion of free expression and government efforts to regulate political discourse.

I implore this committee to rise above partisanship and treat the threat posed by online surveillance and censorship as an American issue, affecting all of us equally. I am deeply grateful for the opportunity to testify today, and I eagerly await your questions. Thank you.

Chair JORDAN. Thank you, Mr. Fang.
Mr. Lukianoff?

STATEMENT OF GREG LUKIANOFF

Mr. LUKIANOFF. Chair Jordan, Ranking Member Plaskett, and distinguished Members of the Select Subcommittee, good morning. My name is Greg Lukianoff, and I am the CEO of the Foundation for Individual Rights and Expression, also known as FIRE, where I worked for 23 years.

FIRE is a nonpartisan nonprofit that uses litigation, scholarship, and public outreach to defend and promote the value of free speech for all Americans. We proudly defend free speech regardless of a speaker's viewpoint or identity, and we have represented people across the political spectrum.

I am here to address the risk AI and AI regulation pose to freedom of speech and the creation of knowledge. We have good reason to be concerned. FIRE regularly fights government attempts to stifle speech on the internet. FIRE is in Federal court challenging a New York law that forces websites to address online speech that someone somewhere finds humiliating or vilifying.

We are challenging a new Utah law that requires age verification on all social media users. We have raised concerns about the Federal Government funding development of AI tools to target speech, including microaggressions.

Later this week, FIRE will file an amicus brief with the Supreme Court explaining the danger of jawboning, the use of government pressure to force social media platforms to censor protected speech.

The most chilling threat that the government poses in the context of emerging AI is regulatory overreach that limits its potential as a tool for contributing to human knowledge. A regulatory panic could result in a small number of Americans deciding for everybody else what speech, ideas, and even questions are permitted in the name of "safety or alignment."

I have dedicated my life to defending freedom of speech because it is an essential human right. However, free speech is more than that. It is nothing less than essential to our ability to understand the world.

A giant step for human progress was the realization that despite what our senses tell us, knowledge is hard to attain. It is a never-ending, arduous, necessarily decentralized process of testing and retesting, of chipping away at falsity to edge a bit closer to truth.

It is not just about the proverbial marketplace of ideas; it is about allowing information independent of idea or argument to flow freely so that we can hope to know the world as it really is.

This means seeing value in expression even when it appears to be wrongheaded or even useless. This process has been aided by new technologies that have made communication easier, from the printing press to the telegraph and radio, to phones and the internet. Each one has accelerated the development of new knowledge by making it easier to share information.

AI offers even greater liberating potential, empowered by First Amendment principles, including freedom to code, academic freedom, and freedom of inquiry. We are on the threshold of a revolution in the creation and discovery of knowledge.

AI's potential is humbling, indeed frightening. As the history of the printing press shows, attempts to put the genie back in the bottle will fail. Despite the profound disruption the printing press caused in Europe in the short term, the long-term contribution to art, science, and again, knowledge was without equal.

Yes, we may have some fears about the proliferation of AI. What those of us who care about the civil liberties fear more is a government monopoly on advanced AI. More likely, regulatory capture and a government-empowered oligopoly that privileges a handful of existing players.

The end result of pushing too hard on AI regulation will be the concentration of AI influence in an even smaller number of hands. Far from reining in government misuse of AI to censor, we will have created the framework not only to censor, but also to dominate and distort the production of knowledge itself.

Why not just let OpenAI or a handful of existing AI engines dominate the space, you may ask. Trust in expertise and in higher education, another important developer of knowledge, has plummeted in recent years, due largely to self-inflicted wounds borne by the ideological biases shared by much of the expert class.

That same bias is often found baked into existing AI, and without competing AI models, we may create a massive body of purported official facts that we can't actually trust.

We have seen on campus that attempts to regulate hate speech have led to absurd results, like punishing people for simply reading about controversial topics like racism. AI programs flag or refuse to answer questions about prohibited topics.

Of course, the potential end result of America tying the hands of the greatest programmers in the world would be to lose our advantage to our most determined foreign adversaries.

With decentralized development and use of AI, we have a better chance of defeating our staunchest rivals, or even Skynet or big brother. It is what gives us our best chance for understanding the world without being blinded by our current orthodoxies, superstitions, or darkest fears.

Thank you for the invitation to testify, and I look forwards to your questions.

[[The prepared statement of Mr. Lukianoff follows:]

WRITTEN TESTIMONY of **GREG LUKIANOFF**
President & CEO,
Foundation for Individual Rights and Expression

Before the

UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON
THE JUDICIARY
SELECT SUBCOMMITTEE ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT

February 6, 2024 hearing on

The Weaponization of the Federal Government

Chairman Jordan, Ranking Member Plaskett, and distinguished members of the select subcommittee: Good morning. My name is Greg Lukianoff and I am the CEO of the Foundation for Individual Rights and Expression, or "FIRE," where I've worked for 23 years. FIRE is a nonpartisan, nonprofit that uses litigation, scholarship, and public outreach to defend and promote the value of free speech for all Americans. We proudly defend free speech regardless of a speaker's viewpoint or identity, and we have represented people across the political spectrum.

I'm here to address the risk AI and AI regulation pose to freedom of speech and the creation of knowledge.

We have good reason to be concerned. FIRE regularly fights government attempts to stifle speech on the internet. FIRE is in federal court challenging a New York law that forces websites to "address" online speech that someone, somewhere finds humiliating or vilifying. We're challenging a new Utah law that requires age verification of all social media users. We've raised concerns about the federal government funding development of AI tools to target speech including microaggressions. And later this week, FIRE will file a brief with the Supreme Court explaining the danger of "jawboning" — the use of government pressure to force social media platforms to censor protected speech.

But the most chilling threat that the government poses in the context of emerging AI is regulatory overreach that limits its potential as a tool for contributing to human knowledge. A regulatory panic could result in a small number of Americans deciding for everyone else what speech, ideas, and even questions are permitted in the name of "safety" or "alignment."

I've dedicated my life to defending freedom of speech because it is an essential human right. However, free speech is more than that; it's nothing less than essential to our ability to understand the world. A giant step for human progress was the realization that, despite what our senses tell us, knowledge is hard to attain. It's a never-ending, arduous, necessarily de-centralized process of testing and retesting, of chipping away at falsity to edge a bit closer to truth. It's not just about the proverbial "marketplace of ideas"; it's about allowing information—independent of idea or argument—to flow freely so that we can hope to know the world as it really is. This means seeing value in expression even when it appears to be wrongheaded or useless.

This process has been aided by new technologies that have made communication easier. From the printing press, to the telegraph and radio, to

phones and the internet: each one has accelerated the development of new knowledge by making it easier to share information.

But AI offers even greater liberating potential, empowered by First Amendment principles, including freedom to code, academic freedom, and freedom of inquiry. We are on the threshold of a revolution in the creation and discovery of knowledge. AI's potential is humbling; indeed, even frightening. But as the history of the printing press shows, attempts to put the genie back in the bottle will fail. Despite the profound disruption the printing press caused in Europe in the short term, the long-term contribution to art, science, and again, knowledge was without equal.

Yes, we may have some fears about the proliferation of AI. But what those of us who care about civil liberties fear more is a government monopoly on advanced AI. Or, more likely, regulatory capture and a government-empowered oligopoly that privileges a handful of existing players. The end result of pushing too hard on AI regulation will be the concentration of AI influence in an even smaller number of hands. Far from reining in the government's misuse of AI to censor, we will have created the framework not only to censor but also to dominate and distort the production of knowledge itself.

"But why not just let OpenAI or a handful of existing AI engines dominate the space?" you may ask. Trust in expertise and in higher education—another important developer of knowledge—has plummeted in recent years, due largely to self-inflicted wounds borne of the ideological biases shared by much of the expert class. That same bias is often found baked into existing AI, and without competing AI models we may create a massive body of purported official facts that we can't actually trust. We've seen on campus that attempts to regulate hate speech have led to absurd results like punishing people for simply reading about controversial topics like racism; similarly, AI programs flag or refuse to answer questions about prohibited topics.

And, of course, the potential end result of America tying the hands of the greatest programmers in the world would be to lose our advantage to our most determined foreign adversaries.

But with decentralized development and use of AI, we have a better chance of defeating our staunchest rivals or even Skynet or Big Brother. And it's what gives us our best chance for understanding the world without being blinded by our current orthodoxies, superstitions, or darkest fears.

Thank you for the invitation to testify and I look forward to your questions.

Chair JORDAN. Thank you. Ambassador, you are recognized for five minutes.

STATEMENT OF THE HON. NORMAN L. EISEN

Mr. EISEN. Thank you, Mr. Chair, Ranking Member Plaskett, and Members of this Subcommittee.

Weaponization of government is an intensely personal topic for me because my family was a victim of the worst weaponization of modern times: The Shoah and the Holocaust. My mother survived Auschwitz, a slave labor camp at Neuengamme, and a death train in the last days of the war.

My father was trapped in Warsaw in 1939, miraculously made his way out to the United States, and then joined the U.S. Army to fight that weaponization of government by the Nazis and their axis allies.

Most of the rest of their families did not survive that weaponization. My maternal grandparents were murdered by it, quite literally, in the gas chambers at Auschwitz. There and across Europe, dozens of members of my family were murdered by genuine weaponization.

So, I agree there can be no more important topic than the weaponization of government. I urge the Committee, with all respect, to focus on the most imminent threat of that weaponization now facing us as a Nation: Donald Trump's record of weaponizing the government and his promises to double down should he return to power.

Given my family history, I would be remiss if I did not speak up before you today about the ominous historical echoes of statement like this.

[Video shown.]

Mr. EISEN. Vermin. The former President has raised the prospect that his Chair of the Joint Chiefs of Staff should be executed for his efforts to mitigate U.S.-China tensions. He has promised that if he wins the presidency, media outlets that featured negative coverage of him will be thoroughly scrutinized.

He has issued a blanket threat to his opponents: If you go after me, I am coming after you. The former President has even admitted he will be a dictator if he returns to the presidency. He says it will only be on day one. History, alas, teaches us that dictatorial powers, once assumed, are rarely relinquished.

What Prime Minister Viktor Orban, who Trump admires, has done in Hungary is probably the right comparison to what might happen here in a second term, not the most chilling examples from earlier in the 20th century. Why? Because America was founded on the principle of preventing the weaponization of government against the American people.

That is central to our constitution and its protections, including the First Amendment. Whatever we may disagree about today, I know that everyone in this room does agree on the central importance of the protection that the First Amendment provides.

We do no favors to the First Amendment when we cry wolf when none is at the door. It is no violation of the First Amendment for government officials to inform social media companies of posts that put the American people or our democracy in harm's way.

For that reason, in *Missouri* v. *Biden*, the Supreme Court was correct to stay the injunction of such contacts while it considers the question of their constitutionality.

With respect to government engaging with AI companies, it is consistent with the First Amendment for the government to make its views about safety or other concerns known to AI providers, or to utilize AI as it does a vast array of other technologies, or to support scientific or scholarly research on AI.

AI can be used wisely or wrongly, lawfully or not, like any other technology. The same technology that was used to deliver my mother and her family to Auschwitz also enabled my father to escape from Warsaw and to report for duty in the U.S. Army. Trains are not inherently suspicious. Neither is AI.

I look forward to discussing all of this today, including my scholarship on AI and democracy, which I have submitted for the record. Thank you.

[The prepared statement of the Hon. Eisen follows:]

TESTIMONY OF AMBASSADOR NORMAN L. EISEN (RET.)

HEARING ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT

UNITED STATES HOUSE OF REPRESENTATIVES COMMITTEE ON THE JUDICIARY

SELECT SUBCOMMITTEE ON THE WEAPONIZATION OF THE FEDERAL GOVERNMENT

FEBRUARY 6, 2024

Chairman Jordan, Ranking Member Plaskett, and Members of this Subcommittee:

Thank you for inviting me. I'm pleased to testify today in my personal capacity about how to avoid the weaponization of the federal government, with particular reference to issues of artificial intelligence (AI) and the First Amendment.

The first topic, weaponization of government, is an intensely personal one for me because my family was a victim of the worst weaponization of modern times: the Shoah, the Holocaust. My mother survived Auschwitz, a slave labor camp at Neuengamme, and a death train in the last days of the war. My father was trapped in Warsaw, Poland in 1939, miraculously made his way out and to the United States on the last boat from Greece during World War II in 1940, and then joined the U.S. army to fight that weaponization of government by the Nazis and Axis allies.

Most of the rest of their families did not survive. My maternal grandparents were murdered by weaponization—quite literally—in the gas chambers at Auschwitz. There and across Europe dozens of members of my family were murdered by *real* weaponization.

For that reason, among others, I have dedicated my professional life to fighting the genuine weaponization of government. When I represented the wrongly accused as a criminal defense lawyer for decades, that is what I was doing. And when I served as the

White House ethics czar, as U.S. ambassador, and as counsel to this committee for the first impeachment and trial of President Trump arising out of his pressuring President Volodymyr Zelenskyy, I endeavored to do the same.

So I agree there can be no more important topic than the weaponization of government. I urge the Committee to focus on the most imminent threat of that weaponization now facing us as a nation: Donald Trump's record of weaponizing the government and his promises to double down should he return to power.

Given my family history, I would be remiss if I did not sound the alarm before you today about the ominous historical echoes of statements like this by former President Trump: "We pledge to you that we will root out the communists, Marxists, fascists, and the radical left thugs that live like vermin within the confines of our country that lie and steal and cheat on elections."[1]

That is not all. The former president has raised the prospect that his former Chairman of the Joint Chiefs of Staff Mark Milley should be executed for his efforts to mitigate U.S.-China tensions.[2] He has also proudly promised that, if he wins the presidency, media outlets that featured any negative coverage of him "will be thoroughly scrutinized"

[1] Marianne LeVine, *Trump calls political enemies 'vermin,' echoing dictators Hitler, Mussolini*, The Washington Post (Nov. 13, 2023), https://www.washingtonpost.com/politics/2023/11/12/trump-rally-vermin-political-opponents/.
[2] *See* Donald J. Trump (@realDonaldTrump), Truth Social (Sept. 22, 2023, 7:59 p.m.), https://truthsocial.com/@realDonaldTrump/posts/111111513207332826 (saying it was a "treasonous act" that "in times gone by" would have been punishable by "DEATH!").

because they "should pay a big price for what they have done to our once great country!"[3] And he has issued a blanket threat to his opponents: "IF YOU GO AFTER ME, I'M COMING AFTER YOU!"[4]

The former president has even admitted he will be a dictator if he returns to the presidency.[5] He says it will only be on "day one." But history teaches us that dictatorial powers once assumed are rarely relinquished.

Indeed, the former president has been clear about his view of autocrats who truly weaponize the government. He has expressed his admiration for President Xi Jinping of China and President Vladimir Putin of Russia. And he has offered his highest praise to Prime Minister Viktor Orbán of Hungary, stating that he was "[o]ne of the strongest leaders" and "one of the most respected leaders in the world."[6]

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[3] Rachel Scully, *Trump pledges to investigate MSNBC parent company for 'threatening treason'*, The Hill (Sept. 25, 2023), https://thehill.com/homenews/4221310-trump-pledges-to-investigate-msnbc-parent-for-threatening-treason/.

[4] Tina Daunt,*Trump Threatens 'If You Go After Me, I'm Coming After You' Day After Court Warns Him Not to Issue Threats*, The Wrap (Aug. 4, 2023), https://www.yahoo.com/entertainment/trump-threatens-m-coming-day-233448930.html.

[5] Jill Colvin & Bill Barrow, *Trump's vow to only be a dictator on 'day one' follows growing worry over his authoritarian rhetoric*, AP News (Dec. 7, 2023), https://apnews.com/article/trump-hannity-dictator-authoritarian-presidential-election-f27e7e9d7c13fabbe3ae7dd7f1235c72.

[6] *Donald Trump at "Commit to Caucus" Event in Iowa Transcript*, Rev (Nov. 20, 2023), https://www.rev.com/blog/transcripts/donald-trump-at-commit-to-caucus-event-in-iowa-transcript; "Former U.S. President Donald Trump has called Hungarian Prime Minister Viktor Orbán, who has repeatedly made anti-Ukrainian and anti-European statements, a 'great leader' and a 'strong man' during a rally in Manchester, New Hampshire on Jan. 20." *Trump hails Hungarian PM Orbán as 'great leader' and 'strong man'*, The New Voice of Ukraine (Jan. 21, 2024), https://news.yahoo.com/trump-hails-hungarian-pm-orban-162500247.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAAAOEx3lCQNylqVlf3Hyktm74Cz-Vk8amPqJxXUoyxoLKMrKFno5Y8I_Y6pM6UPJ8w08ckeQ3wvqYGKMCxbtDUlc3JJhpadhQkP-4o_tTbyENiTyfjxVoOltSdY8Q5SscRrReqd5On0fzpNGyh9jA6hOrUcluPnyfnBMZ_ryodL5B.

To see what America might look like under Trump's weaponization of the federal government, we might do well to look at the regime of Orbán, whom Trump so admires. Orbán has packed the judiciary in order to place that branch more squarely under his control; rewritten election laws to retain his legislative majority; censored the press that opposes him; used the law enforcement powers of government to persecute his enemies; and altered the constitution to clear the way of his autocratic aims.[7]

What Prime Minister Orban has done in Hungary (or what other regimes have done in Turkey or until recently in Poland) is probably the right comparison to what Trump might do with a second term—not the most chilling historical examples from earlier in the Twentieth Century. That is because America was founded on the principle of preventing the weaponization of government against the American people. That is central to our Constitution, to the checks and balances and separation of powers it establishes–and to the protections it affords all of us. And although those safeguards have been tested and in places eroded, including by presidents of both parties at times, they remain largely intact.[8]

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[7] Balint Magyar & Balint Madlovics, *Manipulated election entrenches Hungary's autocracy*, Australian Strategic Policy Institute (Apr. 5, 2022), https://www.aspistrategist.org.au/manipulated-election-entrenches-hungarys-autocracy/; *Analysis: One year after election, media freedom in Hungary remains suffocated*, International Press Institute (Apr. 5, 2023), https://ipi.media/analysis-one-year-after-election-media-freedom-in-hungary-remains-suffocated/; Benjamin Novak & Patrick Kingsley, *Hungary Creates New Court System, Cementing Leader's Control of Judiciary*, The New York Times (Dec. 12, 2018), https://www.nytimes.com/2018/12/12/world/europe/hungary-courts.html; *Q&A: Hungary's controversial constitutional changes*, BBC News (Mar. 11, 2013), https://www.bbc.com/news/world-europe-21748878; Press Release, Senate Foreign Relations Committee, Chair Cardin Statement on Concerns over Hungarian Government and Future of U.S.-Hungarian Relations (Feb. 1, 2024), https://www.foreign.senate.gov/press/dem/release/chair-cardin-statement-on-concerns-over-hungarian-government-and-future-of-us-hungarian-relations.

[8] Lyle Denniston, *Constitution Check: Is the U.S. air war in Syria illegal?*, National Constitution Center (Sept. 25, 2014), https://constitutioncenter.org/blog/constitution-check-is-the-u-s-air-war-in-syria-illegal#:~:text=%E2%80%9CAfter%20spending%20nearly%20six%20years,those%20legal%20and%20policy%20enclosures.

That is proven by the fact that Trump was unable to weaponize the government to maintain his grip on power after losing the 2020 election.

One of those protections is of course the First Amendment. It provides:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.[9]

I know that we all agree on the central importance of the First Amendment to who we are as a nation and to our future. But we do no favors to the First Amendment when we cry wolf when none is at the door.

It is no violation of the First Amendment for government officials to inform social media companies of posts that put the American people or our democracy in harm's way. That

[9] U.S. Const. amend. 1, https://constitution.congress.gov/constitution/amendment-1/.

includes debunked posts suggesting that the Covid-19 vaccine killed particular people[10] or ones falsely claiming that election workers were destroying Trump ballots.[11]

For that reason, I believe that Judge Doughty's preliminary injunction and accompanying opinion in *Missouri v. Biden* was incorrect; that the Fifth Circuit was right to strike down parts of his injunction but wrong to leave pieces in place; and that the Supreme Court was right to stay the whole thing while it considers the question.[12]

With respect to the government engaging with AI companies, it is consistent with the First Amendment for the government to make its views about safety concerns known to AI providers, or to utilize AI as it does a vast array of other tools, technology ones and otherwise. There is nothing inherently demonic about AI. It can be used wisely or

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[10] Marlon Ettinger, *RFK Jr. sues YouTube and Google, says he should be allowed to spew vaccine nonsense because he's running for president*, Daily Dot (Aug. 3, 2023), https://www.dailydot.com/debug/rfk-jr-youtube-google-lawsuit-covid-censorship/; Biba Adams, *MLB legend Hank Aaron's cause of death revealed*, The Grio (Jan. 26, 2021), https://news.yahoo.com/mlb-legend-hank-aaron-cause-172128743.html; Rick Rojas & Denise Grady, *Never mind the skeptics, officials say: Hank Aaron's death had nothing to do with the Covid-19 vaccine*, The New York Times (Jan. 31, 2021), https://nytimes.com/2021/01/31/us/hank-aaron-death-covid-vaccine.html; *See* Memorandum Ruling on Request for Preliminary Injunction, *Missouri v. Biden*, 3:22-cv-01213, Doc. 293 at 9 (W.D. La. 2023), https://ago.mo.gov/wp-content/uploads/missouri-v-biden-ruling.pdf; Brief of Rep. Jim Jordan et al. as Amici Curiae Supporting Plaintiffs-Appellees and Affirmance at 5–6, *Missouri v. Biden*, 23-30445 (5th Cir. 2023), https://media.aflegal.org/wp-content/uploads/2023/08/08135948/Filed-Brief.pdf?_ga=2.81320082.445613374.1691506378-560217603.1691506378.

[11] Staff of Select Subcomm. on the Weaponization of the Federal Government of the H. Comm. on the Judiciary, 118th Cong., *The Weaponization of "Disinformation" Pseudo-Experts and Bureaucrats: How the Federal Government Partnered With Universities to Censor Americans' Political Speech* at 14 (Comm. Print Nov. 6, 2023), https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/EIP_Jira-Ticket-Staff-Report-11-7-23-Clean.pdf.

[12] Gia Kokotakis, *District Court Judge Grants Preliminary Injunction in Missouri v. Biden*, Lawfare (July 5, 2023), https://www.lawfaremedia.org/article/district-court-judge-grants-preliminary-injunction-in-missouri-v.-biden; Opinion on Petition for Rehearing, *Missouri v. Biden*, 23-30445 (5th Cir. 2023), https://law.justia.com/cases/federal/appellate-courts/ca5/23-30445/23-30445-2023-10-03.html#:~:text=The%20Fifth%20Circuit%20granted%20the,as%20to%20all%20other%20officials; Order on Application for Stay, *Murthy v. Missouri*, 601 U. S. ____ (2023), https://www.supremecourt.gov/opinions/23pdf/23a243_7l48.pdf.

wrongly like any other technology. The same transportation technology that was used to deliver my mother and her family to Auschwitz also enabled my father to escape from Warsaw and to report for duty in the United States Army in World War II. Trains are not inherently suspicious and neither is AI.

Of course, we must utilize AI consistent with the law and best practices, and that is the subject of my scholarship on AI and democracy, some of which I attach to this testimony and which I look forward to discussing today.[13] Thank you.

[13] Norman Eisen, Nicol Turner Lee, Colby Galliher, & Jonathan Katz, *AI can strengthen U.S. democracy—and weaken it*, The Brookings Institution (Nov. 21, 2023), https://www.brookings.edu/articles/ai-can-strengthen-u-s-democracy-and-weaken-it/.

BROOKINGS

COMMENTARY

AI can strengthen U.S. democracy—and weaken it

Norman Eisen, Nicol Turner Lee, Colby Galliher, and Jonathan Katz

November 21, 2023

- → Rapid advancements in artificial intelligence (AI) technologies have the potential to transform democratic governance and its execution.
- → AI-powered tools could assist in the administering of elections, but their capability to synthesize vast amounts of data and disseminate mis- and disinformation could also pose risks to election integrity.
- → AI has many opportunities to democratize the campaign playing field, but it could also turbocharge preexisting election interference tactics.
- → Policymakers, advocates, and citizens must keep up with continuing technological advancements to minimize AI's disruptive effects and maximize its positive democratic potential.

Following Senate Majority Leader Chuck Schumer's (D-NY) latest AI Insight Forum ↗, which focused on elections and good governance, all eyes are on the developing intersection of artificial intelligence (AI) and democracy. Complementing the bipartisan Senate forum series are the Biden administration's recent executive order ↗ on AI and Vice President Kamala Harris' trip ↗ to the United Kingdom to attend the AI Safety Summit. This increased focus on AI comes at a time of heightened attention to the state of democracy in both the United States and globally. In this first part of a new series on the risks and possibilities of the confluence between AI and democracy, we provide an overview of three principal areas where AI may transform democratic governance and its execution. Subsequent installments of the series will offer deeper dives into these topics and policy recommendations for lawmakers.

Election administration

AI could assist election officials and workers in their critical efforts to oversee the polls, whether in the United States or in democracies around the world. For example, AI could revamp election administration processes to make them more efficient, reliable, and secure. When monitored carefully, AI could identify concerning anomalies ↗ in voter lists and voting machines to preempt ↗ uncover fraud or disenfranchisement. AI-powered tabulators could scan paper ballots more quickly ↗ than poll workers, thereby reducing the time necessary to report election results or to conduct recounts. That quicker clip could help quiet accusations of fraud during close, contentious races like those seen in the wake of the 2020 election, when an influx of mail-in ballots necessitated multi-day counts in several pivotal states.

But election administrators must be wary of possible risks. AI's capacity to locate and synthesize vast amounts of public data can generate phishing attacks ↗ tailored to election officials whose contact information exists in the public domain. If these officials have privileged access to sensitive voter and government data, the integrity of the elections they oversee may be jeopardized if their personal information and administrative duties are exploited by malware or ransomware. AI models could also be written to further suppress and disenfranchise voters by disseminating misinformation or disinformation, particularly to less-informed citizens who may be more vulnerable to baseless election fraud narratives ↗. There also could be partisan biases in the way voter rolls are "cleaned up" using AI, with minority voters being disproportionately targeted.

Campaigns and voter education

AI is already altering the way candidates for elected office conduct their campaigns in the United States and in other democracies around the globe. New technologies are also reshaping—for better and for worse—how voters locate and consume information about candidates and issues. These shifts present opportunities and risks at every stage leading up to Election Day.

Opportunities for AI to democratize, improve, and level the campaign playing field abound. AI tools could lower financial barriers ↗ to entry for first-time and

underfunded candidates. Digital fundraising mechanisms could benefit from AI-powered streamlining ↗. Candidates may also avail themselves of targeted advertisements ↗ that more effectively reach undecided voters. That has the knock-on effect of better educating the electorate about their options at the ballot box. AI can be used effectively and transparently by election administration officials to track and report on harmful hate speech ↗ that unfairly tilts the playing field for candidates and impacts voter decision making.

Conversely, AI may worsen the flood ↗ of misinformation and disinformation now typical of election season. AI equips illiberal nonstate actors ↗ and autocracies ↗ with an array of comparatively low-cost, unmanned tools by which adversaries may pry the electorate further apart, fueling caustic polarization and internal destabilization. Political bots ↗, deepfakes ↗, and other AI-generated visuals ↗ have already scrambled pre-election information ecosystems in democracies across the globe. AI's capacity to rapidly generate "pink slime ↗," news sites ↗ comprised completely of fake news, exhibits its potential to turbocharge preexisting election interference ↗ tactics. The risk of AI-fueled informational chaos grows more acute as many democracies march towards high-stakes elections in 2024 ↗.

Citizen engagement and participation

In addition to elections and voting, other dimensions of democratic governance stand to benefit and face challenges from the AI revolution, domestically and internationally. New technologies will help citizens voice their opinions, organize others with similar alignments, and act on their priorities beyond the ballot box. However, those same technologies may also allow bad actors to camouflage their machinations as genuine public sentiment.

AI could further democratize the public comment process, a cornerstone of public influence over policy- and rulemaking. Machine learning can collect and summarize ↗ an individual's interests and may eventually match those priorities with specific issues on which regulatory agencies are receiving public comment. Generative AI can assist both activists and seasoned politicians at the national and local levels to make their comments more persuasive for various audiences. Such technology may also bolster

↗ citizens' understanding ↗ of complex legislation that their elected officials are considering by simplifying legislative text and tracking their representatives' votes.

The flip side is that advocacy groups or individuals looking to misrepresent public opinion may find an ally in AI. AI-fueled programs, like ChatGPT, can fabricate ↗ letters to elected officials, public comments, and other written endorsements of specific bills or positions that are often difficult to distinguish ↗ from those written by actual constituents. These fabrications—and the speed and volume at which they can be created—may be used to generate the appearance ↗ of public consensus on a given issue and pressure legislators to act on a desired agenda. Much worse, voice and image replicas harnessed from generative AI tools can also mimic candidates and elected officials. These tactics could give rise to voter confusion and degrade confidence in the electoral process if voters become aware of such scams.

Conclusion

The stakes are high to identify emerging risks and rewards at the confluence of AI and democracy. Next year, highly consequential elections will take place in the United States and in countries around the world, together representing more than 3.5 billion people ↗. Anti-democratic actors and autocrats will seek every opportunity to shake confidence in democracy, targeting the systems that ensure free and fair elections and good governance.

Democratic governments, policymakers, and election advocates are responding with best practices and necessary words of warning. The Biden administration's aforementioned AI Executive Order has been lauded ↗ as a promising starting point for a top-down approach to these new technologies. AI-friendly and -wary lawmakers alike have begun setting their sights on a bipartisan ↗ AI regulatory regime ↗. And civil society has an important role to play, demonstrated by the work of organizations like the Leadership Conference on Civil and Human Rights ↗, the Lawyers Committee for Civil Rights under Law ↗, the Brennan Center for Justice ↗, Public Citizen ↗, and Brookings (which does its own extensive work (https://www.brookings.edu/topics/artificial-intelligence/) on the subject). They, along with many others, are marshalling their technical expertise and commitment to democracy to provide cutting-edge guidance to local, state, and federal regulators.

Minimizing the disruptive effects of the AI revolution and maximizing its positive democratic potential is an imperative for the upcoming 2024 U.S. presidential election and other similarly pivotal contests. But the need for effective, transparent strategies and guidelines goes beyond next year. AI-powered tools are in their infancy. Their impacts will likely reach every corner and function of government, from how agencies collect data to how elections are run to how voters register to vote and cast their ballots. As technologies evolve, policymakers, advocates, and citizens will need to keep up to ensure AI is leveraged as a force for a better and more inclusive democracy.

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Chair JORDAN. Thank you, Ambassador.

The Chair now recognizes the gentleman from—we will now proceed to five-minute questioning. The Chair now recognizes the gentleman from Kentucky for five minutes.

Mr. MASSIE. When my constituents complain about their taxes, I tell them to be thankful you don't get all the government you pay for. Unfortunately, with AI, it looks like you are going to get more government that you paid for because of the scale that is—at which we are able to deploy this bureaucracy of censorship.

A former Congressman lamented that there were, with the dwindling number of farmers and the growing size of the USDA, that there would eventually be one farmer per bureaucrat. In fact, he said he was walking through the USDA down the street and saw somebody crying in his cubicle and said now why are you crying. He said my farmer died.

Now, it used to be the case that if you were going to be subjected to government, that it had to be a person who had to do it to you. At least there could be a fair fight. What disturbs me the most here is that this is at scale you could have one bureaucrat who is censoring millions of people at once.

Mr. Lukianoff, did you see the White House Executive Order on artificial intelligence, the statement that was put out? I found that to be chilling because basically they are trying to ban AI. I like to say if AI is banned, only the criminals will have AI. The criminals in fact will be inside of the government.

Can you tell us about that Executive Order or statement? Microphone, please.

Mr. LUKIANOFF. There were aspects of the Executive Order that I thought were good. Overall, I am concerned about it opening the door to—it takes for granted, for example, that hate speech should be something that is regulated.

I have been working on campuses now for, my organization has been working on campuses for 25 years. I have been there for 23 of them. I think you would be shocked to discover how tame, moderate speech actually will get labeled under, as hate speech.

So, I think that all the lessons we have learned from higher education and about how vague and broad terms can actually end up stifling ordinary speech and opinion should be something we learn in the context of AI. We seem very hesitant to actually learn those lessons.

Mr. MASSIE. The thing that troubled me is they are literally trying to ban math and powerful computers. They are the ones who want to have them.

Speaking of hate speech, unfortunately this project was funded at my alma mater, MIT, where they decided they needed a proactive suite of human technologies because that reactive content moderation wasn't quick enough. That is Orwellian.

Basically, you are trying to predict—to them, to these researchers, the most efficient content moderation would be your keyboard refusing to allow you to type it in, would it not, Mr. Fang?

Mr. FANG. No, that is right. One of the firms I just discussed logically has discussed a proposal to automatically counter hate speech or misinformation with AI to kind of engage bots to algorithmically argue on the internet on behalf of the government

or whoever else employs them. That just opens the door to all types of abuse.

Mr. MASSIE. The people they propose to argue with, they say who need to be reeducated are military veterans, older adults, minorities' role, and indigenous communities, is that correct?

Mr. FANG. Look, there is a broad scope here. We don't even know all the clients for some of these firms. So, they have got these partnerships with TikTok or Facebook to counter misinformation. Sometimes they work for the government and other times they are working for corporations on brand reputation.

So, who is holding the fact-checkers accountable?

Mr. MASSIE. Ms. Richardson, when you reported on this Track F funding of censorship, what happened? Did they think this is ironic that they turned and tried to control the narrative against them.

I suppose if they think they are doing something righteous by controlling the debate, then it would be righteous for them to try to defend themselves, and with the tools that they have.

You want to speak about that? Oh, microphone, please.

Ms. RICHARDSON. Yes, so based off the emails that this Committee obtained, after I had sent a couple very basic questions, reaching out about what exactly these grants were, what exactly these programs entail, it seems that they created a media strategy to deflect questions and cast this in, or some of the messaging said they would call it as pro-democracy.

So, it is ironic, and I wonder if they see the irony.

Mr. MASSIE. I certainly see the irony; it is deafening that they are going to turn these tools on you. They are going to try to shut down, to protect free speech, their definition of it allowed speech, they are going to shut down your speech. I find it quite ridiculous.

Well, I think at the end of the day what we are going to have to do is quit funding this. Track F is the name of a grant program that we funded. It has probably been going on for a long time. So, thank you for bringing our attention to this.

I yield back.

Chair JORDAN. The gentleman yields back. The Chair now recognizes the gentleman from Virginia, Mr. Connolly.

Mr. CONNOLLY. Thank you, Mr. Chair.

One has a sense that all this exercise is about projection. The definition of projection is when an individual or individuals unconsciously or consciously project their thoughts, feelings, or behaviors onto someone else.

When we talk about weaponization, like Ambassador Eisen said, "we are concerned." My friends on the other side of the aisle want to persuade the public that the weaponization to worry about is the one that doesn't exist. Hopefully, you will not pay attention to the real threat Ambassador Eisen and others have, in fact, described.

There is a monstrous effort going on as we speak to structure a second term for Donald J. Trump. Those proposals, inter alia, include replacing up to 50,000 Federal employees with Trump loyalists, bypassing the civil service protection, and essentially gutting the Pendleton Act of 1883.

Invocation of the Insurrection Act on day one to quash public protest against him, a suppression of speech three of the four wit-

nesses today apparently isn't concerned about. Quoting the former President Trump himself here,

> The termination of all rules, regulations, and articles, even those found in the Constitution.

Ambassador Eisen, let's go through a speed round, if we can. If you can, tell me who said this.

> The American people deserve to know that President Trump has asked me to put him over my oath to the Constitution. Anyone who puts himself over the Constitution should never be President of the United States.

Who said that?

Mr. EISEN. Vice President Mike Pence.

Mr. CONNOLLY. His party?

Mr. EISEN. His party is the Republican Party.

Mr. CONNOLLY. Thank you. Here is another one—very good.

> I think he's unfit for office. He puts himself before country. His actions are all about him and not about the country.

Who said that? OK.

Mr. EISEN. Hold on, hold on, Mr. Connolly.

Mr. CONNOLLY. Hurry up.

Mr. EISEN. Chair—Trump's Defense Secretary, Mr. Esper.

Mr. CONNOLLY. Excellent. You are good, you are good. Republican appointee, former Trump Secretary of Defense.

All right, this one.

> A person that has nothing but contempt for our democratic institutions, our Constitution, and the rule of law. There's nothing more that could be said. God help us.

Who said that?

Mr. EISEN. That one is the former Chief of Staff, Kelly, Mr. Kelly.

Mr. CONNOLLY. You are—and, also, a Republican appointee?

Mr. EISEN. Trump—

Mr. CONNOLLY. To the Republican President.

Mr. EISEN. A Republican appointee. I don't know if he himself is a Republican. He is a long-term military person.

Mr. CONNOLLY. Excellent. So far, you are batting 100.

> If he were elected to a second term, this time, he might do damage that would be irreparable. This is a very dangerous period we are about to enter into here.

Mr. EISEN. That one I know. He and I have had some differences over the years. We tried to get him to come testify in the impeachment, and we were unsuccessful. That is Bolton, Ambassador Bolton, my fellow Ambassador.

Mr. CONNOLLY. So why do you think, Ambassador, given all those—yes, I am sorry, 100 percent, 100 percent. You get a perfect score. Very good.

Why do you think the majority here on this Committee and other Committees want to kind of ignore those warnings from prominent Republicans, not squishy Republicans, not even sort of pseudo-Democrats, about what could happen in a second term in terms of weaponization?

Mr. EISEN. Mr. Connolly, I had the honor of working with those on both sides of the dais. We haven't always agreed on the issues. Privately, we have had conversations where we agree and disagree.

It would be my preference if, in addition, to the important questions that we have heard today—and I have my points of agreement and disagreement with the others who the majority has invited. Mr. Lukianoff and I were talking before the hearing about our shared orientation on regulation of AI.

I would prefer, I won't guess or impugn motives. I would prefer, and I would urge publicly or privately, if we could work together at least on the Insurrection Act.

Mr. CONNOLLY. Well, if I can interrupt you. We won't question motives, but we certainly will question the agenda. That is why I began with the definition of the word "projection."

I yield back.

Chair JORDAN. The gentleman yields back. The gentleman from Florida is recognized for five minutes. Excuse me, the gentleman from Kentucky has a UC request.

Mr. MASSIE. Mr. Chair, I have a UC request. I ask unanimous consent to submit for the record October 30, 2023, Executive Order from Joe Biden titled, "Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence," where he says AI reflects the principles of the people who build it and then tries to reserve it for the government.

Chair JORDAN. Without objection.

The Chair now recognizes the gentleman from Florida.

Mr. GAETZ. So, Ms. Richardson, as I understand the National Science Foundation, they take government money and then they dole it out in the form of grants to colleges and universities that then build censorship tools that Big Tech then relies on so that Big Tech has an arm's length away from the censorship that is shaping viewpoint.

Is that essentially what your reported concludes?

Ms. RICHARDSON. Essentially this Track F program, which was through the Convergence Accelerator Program, awarded the $750,000 grants to 12 initial projects. Then, six of these continued on to have an additional $5 million in funding.

Most of these are at universities. Some of them are private companies as well developing these tools. They are all—

Mr. GAETZ. Yes, and we are going to—and Mr. Eisen, I guess my question to you if you are done texting—would be like is that OK with you, what NSF has done?

Mr. EISEN. As a veteran of the Committee staff, I should know better.

Mr. Gaetz, I have not had the opportunity to study the report—

Mr. GAETZ. OK, well, let me go through some of the grant requests then.

Mr. EISEN. Might I finish my sentence, please, Mr. Gaetz? If I can just finish the sentence.

Mr. GAETZ. No, you were finishing your text earlier, I am going to finish the question. MIT says that rural communities are—

Mr. EISEN. Mr. Gaetz, just for the record, I was asking for the law that governs that.

Mr. GAETZ. I would ask my time to be restored.

Mr. Eisen, the question is the MIT grant that said that, "people in rural communities were particularly susceptible to misinformation," do you have an opinion on that?

Mr. EISEN. I do have an opinion, Mr. Gaetz. As you know, there are two texts that are holy to me, because Mr. Gaetz and I have talked before. One is our Torah, our bible, that I live by. I am an observant person. That is a holy text to me, and I have the deepest respect. I have traveled to those places—

Mr. GAETZ. I guess, the problem, Mr. Eisen—

Mr. EISEN. Can I please finish my answers? The other text that is holy to me is the Constitution. In my quick review of this report—those are my two holy texts. I share that with the Chair and others on this, I know that.

In my quick review of the report, it appeared to me that a great deal of the evidence related to legitimate sponsorship of scientific and technological research—

Mr. GAETZ. OK, well, let me stop you there, Mr. Eisen, because here is the problem. While you indicate that the Torah and the Constitution are your sacred texts, if Americans indicate online that the Bible and the Constitution are sacred to them, the very grants that are being issued by the NSF would deem those people in a separate and diminished class.

Mr. EISEN. No, sir.

Mr. GAETZ. Where they would be—oh, it indeed—it is precisely in the MIT—

Mr. EISEN. I have the materials here, no, sir.

Mr. GAETZ. Objection.

Mr. EISEN. I would request that the Committee release the testimony of Kate Starbird, the University of Washington scientist, the former WNBA player.

Mr. GAETZ. That wasn't this grant, you are talking about a different grant, Mr. Eisen.

Mr. EISEN. She explained—

Mr. GAETZ. MIT said that, "if you are rural, that is you are part of a military family, if you view the Bible and the Constitution as sacred then . . . "—and you know why they said, "you are uniquely susceptible to misinformation"?

Because if you think the Bible and the Constitution are sacred, you might not rely on the expect class, right? You might not rely on all the folks in D.C. and at all the think tanks. That is really what people have to rely on.

So, when we are taking government money to go and try to harm people who have a particular religious view or a particular view on the Constitution, I would think that in that type of a circumstance, we aren't crying wolf when there is none at the door.

Mr. EISEN. Mr. Gaetz, if we can talk about that material in context, if we can have the full context of the Committee's investigation. The Ranking Member has said, "there are 29 depositions that this Committee has taken."

Mr. GAETZ. OK, but Mr. Eisen, this isn't about any of those. This is about when MIT wanted the grant that Ms. Richardson was just talking about, right, they went and made a presentation to NSF.

They said here is why you ought to pick MIT to do it. It was to target military families, people in rural communities, people who believed in the Bible and the Constitution.

Then guess what? With these AI tools, if you stack that up, maybe you are a person in a rural community who loves both the

Bible and the Constitution. Well, then you are really susceptible to misinformation because the expert class thinks better.

Mr. EISEN. No, sir, if you look at the full documents and the full record—

Mr. GAETZ. Have you seen the movie Minority Report? Have you seen the movie Minority Report, Tom Cruise?

Mr. EISEN. Yes, I have seen that film.

Mr. GAETZ. Doesn't this kind of feel like that, that you are trying to do—that it is coming to life before our very eyes?

Mr. EISEN. May I answer?

Mr. GAETZ. Because you have got the government funding these predictive analytics to go after Americans. Here is what I think is actually true. It is not that military families and rural Americans and people who love the Bible, and the Constitution are dumber or uniquely susceptible to anything.

It is just they don't think like how the expert class and the National Science Foundation wants them to think, and so they are trying to program what they see so they can control what they believe. That is the true weaponization this Committee will stand against.

I yield back.

Chair JORDAN. Well done, well done. The gentleman yields back.

The gentlelady from Florida is recognized.

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

I think it has been well-established through several, nearly all these Committee hearings that this Subcommittee was built on a bogus foundation that the Federal Government was weaponized to take down and silence conservatives.

Seven hearings later, we have yet to see any real evidence of that, including this one. Meanwhile, our MAGA loyalist colleagues shamelessly ignore Donald Trump's ample record and mounting threats to turn our Executive Branch into his personal vendetta buzzsaw.

We could easily look at his past abuses, say to hurt the owner of the *Washington Post*, or his vast attempts to overturn a free and fair election, one that he soundly lost.

Better yet, we could look at his unfolding 2024 enemies list, where prime targets are sure to be doctors who provide abortion services and half of our population in America, America's women.

Ambassador Eisen, it is good to see you. Thank you for being here. Donald Trump brags about how he "was able to kill *Roe* v. *Wade*," as you can see here. What would a second Trump presidency mean for American women who need lifesaving abortion care?

Mr. EISEN. Congresswoman, nice to see you also. Thank you for inviting me.

The meaning of a second Trump term, as in so many other issues across the board, would be devastating, potentially devastating for women and for all those who are affected when women require lifesaving abortion care.

The decision of the U.S. Supreme Court in the *Dobbs* case represents a betrayal of the principle of stare decisis, the principle of settled law, to impose an agenda that is dangerous and threatening.

Ms. WASSERMAN SCHULTZ. Thank you, thank you. As you are leading to, Donald Trump led the charge to overturn 50 years of established law, decimating women's basic healthcare rights in the process. It is no surprise, really. This is a man who bragged about grabbing women's genitals and stands accused of sexual misconduct by dozens of them. Was actually held liable for sexual assault.

Trump's lack of respect for women is well-documented, but as the MAGA leader, his animus emboldens extremists at every level to target women's reproductive healthcare. Interstate travel, social media messages, even the Federal process used to approve medicine have been weaponized to target women. Texas has gone so far as to deputize the public as a weapon to restrict women's access to reproductive care.

Ambassador Eisen, in your opinion, do you expect Trump to push for a national abortion ban outlawing abortion in all 50 States, briefly, if he were to win a second term?

Mr. EISEN. Congresswoman, as you know, one of Donald Trump's proudest accomplishments was that he was able to kill *Roe* v. *Wade*.

Looking at his supporters and the fervent sentiment for a 50-State abortion ban, and with the door that has been opened by the *Dobbs* decision, the removal of those Federal protections for women, but for all those affected, the families, the communities, I fear that Donald Trump would seek to break new ground.

Ms. WASSERMAN SCHULTZ. If you don't mind, I want to drill down a little bit.

Mr. EISEN. Please.

Ms. WASSERMAN SCHULTZ. Can you detail how you think Trump could weaponize the Department of Justice, or even the FDA, to further restrict women's right to access abortion healthcare?

Mr. EISEN. He could order the Department of Justice to appear across the country to defend the increasingly draconian laws that are being put on the books to prosecute those who are involved, even when it jeopardizes the life of the mother.

At the FDA, he could take additional restrictions, depending on how the mifepristone case comes out. Take additional restrictions on medication and on health technologies.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. EISEN. Jeopardizing women's lives.

Ms. WASSERMAN SCHULTZ. The White House should never be turned into a workshop to grind personal and political grievances. Trump did that during his last term and promises to do it again.

Mr. Chair, I always thought his Subcommittee was a MAGA sham, but after what we have heard today, this Subcommittee may need to be retained, if Donald Trump wins the 2024 election, and redirected toward actual weaponization of the Federal Government.

Make no mistake, Trump will ramp up his efforts to weaponize the Federal Government against women. President Biden, on the other hand, continues to stand with women across the country and protect them against further erosion of our basic healthcare rights.

So, maybe we will see you back in the Subcommittee again next Congress, Mr. Chair. I hope not, and I yield back.

Chair JORDAN. The gentlelady yields back. The Chair now recognizes the gentleman from North Dakota, Mr. Armstrong.

Mr. ARMSTRONG. Thank you, Mr. Chair.

We talked a little bit earlier about making sure that it is arm's length. It is not always arm's length.

The $5.75 million in taxpayer funds to the software company that proactively told the National Science Foundation that it intended to leverage relationships with social media companies to identify and limit acceptability to misinformation; $5 million in taxpayer funds to identify, task, and correct real world instances of dangerous misinformation; and $750,000 taxpayer funds to MIT researchers studying whether certain groups are more vulnerable to misinformation campaigns.

These researchers believe that conservatives, minorities, and veterans were uniquely incapable of assessing the veracity of content online. The MIT project proposal stated that the need for a proactive suite of human technologies because broad swaths of the public cannot effectively sort truth from fiction online. The aura of superiority, elitism and absolute arrogance should be shocking. Unfortunately, it is entirely predictable.

The Federal Government is suppressing the speech of its citizens by coordinating with researchers and pressing social media firms. The delusionary attempt to define and control misinformation and disinformation, terms that this Committee learned encompassed true information, which is where we heard the dystopian phrase "malinformation."

The Biden Administration would have you believe that even though information is true, it can be suppressed because it lacks context or was inconvenient to a preferred narrative. True information can be suppressed or is simply wasteful spending of taxpayer dollars.

Artificial intelligence has the potential to supercharge the Government's censorship and suppression of speech. We know that AI will have the computing power to sort and analyze data on a massive scale, which has been the main obstacle to content moderation on large platforms.

Less often discussed is the speed at which AI will process data and automatically censor speech, even to the point where censorship will be completely automated, certain topics will be barred from being posted as opposed to being taken down.

Ms. Richardson, your testimony describes how the National Science Foundation approved $324,000 for a course to teach college students about disinformation detection and analytics. This course was to prepare students for disinformation jobs.

Can you further describe this disinformation course, the dangers it holds for free speech, and the Federal Government's funding?

Ms. RICHARDSON. Yes.

So, this course is a summer camp hosted for students to prepare them for jobs in the disinformation industry which, as these grants that the National Science Foundation is funding, show is a growing industry. Preparing students to work in it is just another way that the Government is continuing to expand it.

Mr. ARMSTRONG. Restrictions on this type of speech require that the Government have a compelling interest and restrict the speech

in the least restrictive means. Funding these disinformation projects is clearly an attempt by the Administration to indirectly censor disfavored topics, which will avoid legal challenge and strict scrutiny review.

Do you believe that the indirect funding of such censorship is any less harmful to the First Amendment, the right to free speech?

Ms. RICHARDSON. I think that indirectly funding censorship tools is equally as harmful, especially as you describe many of these tools are targeting specific topics. Some of them talk about vaccine hesitancy, electoral skepticism. That is in their grant description as the kind of speech that they are targeting.

So, I think it is quite concerning.

Mr. ARMSTRONG. Mr. Lukianoff, I have got a minute left. I appreciate the work FIRE does. We talked, obviously there has been a lot talked about universities and these different issues.

I had the opportunity to work with your organization when I was in the North Dakota State Senate because one of the reasons I think this is so dangerous on the front end, and turbocharging the ability to do this, particularly on college campuses, is the lack of due process that exists for students and how, how students actually have the ability to appeal, whether it is a conviction, whether it is a censorship, whether it is everything, and how that can directly impact the rest of their lives.

What is your No. 1 concern with AI as it relates to college campuses and censorship?

Mr. LUKIANOFF. As it relates, my No. 1 concern with AI—and I do wish this could be taken more seriously by people on my political side of the fence, both Lee and I are more left wing—is the inherent bias that we are already baking into it. That is one of the things that scares me the most.

Just to give a comical example, we asked ChatGPT to write a poem about why Representative Jim Jordan is the best politician in the country. It refused to do that.

We ran this for every single Member of the Committee, and it refused to do this only for Republicans. It refused to do it for Dan Bishop. Sorry, Congressman. It only would write a generic one for Matt Gaetz or Harriet Hagerman.

Now, this is a comical example of how this bias of my side of the political fence is actually being baked into the technology that is going to be the operating system for how we make any number of decisions going forward.

Mr. ARMSTRONG. It never, ever goes away?

Mr. LUKIANOFF. It never goes away.

Mr. ARMSTRONG. Thank you. I yield back.

Chair JORDAN. The gentleman yields back.

Mr. MASSIE. Mr. Chair.

Chair JORDAN. The gentleman from Kentucky is recognized.

Mr. MASSIE. Yes. I have a unanimous consent request.

I have got a bill that I am going to introduce that would prohibit the funding for disinformation research grants, secure and trustworthy cyberspace grants, and prohibit funding at the NSF for Track F.

I would like to, with unanimous consent, introduce that for the record.

Chair JORDAN. Thank you. Without objection.

Mr. LYNCH. Objection. Objection.

Can we read that? Can we just take a peek at that before we enter it for the record?

Mr. MASSIE. It is one page long. I will give it to you.

Mr. LYNCH. OK. All right.

Chair JORDAN. Without objection that will be entered.

Mr. LYNCH. Thank you, Mr. Massie. I appreciate that.

Chair JORDAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. LYNCH. Thank you, Mr. Chair.

I would rather be working on some other issues that are really urgent. We are in the midst of two global conflicts. We have got a land war in Europe, and Ukraine is running out of resources to fight for its own freedom.

We have got a situation in Gaza that deserves our full attention.

We have got a situation on the Mexican border that has humanitarian aspects to it, but also national security implications as well.

This week the U.S. Senate is scheduled to vote on a bipartisan national security agreement that seeks to address all those priorities. Though it is not perfect, it is an agreement that was carefully negotiated by a group of Republicans, Democrats, and one Independent Senator over the past several months.

So, I would really like to be voting on those bills. I really, really think that it is Congress' responsibility to address those concerns, Gaza, Ukraine, and the U.S. border, Mexico border. I would welcome the opportunity to vote on those and support those bills because I think those really have an immediate impact, an urgency that this hearing does not.

It is ironic that last week in the U.S. Senate my Republican colleagues argued that there should be greater restrictions on social media platforms, and greater restrictions. Here we keep going on about not—well, too much restrictions are already in place and there should be greater freedom.

Ambassador Eisen, so, we did hear recently in the D.C. Circuit Court where President Trump's team argued that he should have immunity in a case where he ordered the U.S. military to assassinate his political opponent. They actually argued that case in open court.

It was stunning. When we are here sitting and talking about the weaponization of the Federal Government, does that scenario in which the sitting United States President orders, in that case they said SEAL Team Six, but the U.S. military to executive his political opponent, they said he has that right and he would be immune from prosecution unless he were first impeached.

Could you speak to that in terms of the weaponization aspect that we are supposed to be concerned about on this Committee?

Mr. EISEN. Thank you, Mr. Lynch.

Just this morning as we were gaveling the hearing in, the D.C. Circuit, in a bipartisan and unanimous opinion, including Judge Henderson, a Bush appointee, rejected the absurd notion of Government weaponization represented by the idea—and I know my friends on both sides of the dais reject this—the absurd idea that

an American President could order SEAL Team Six to assassinate a political opponent and be immunized from the rule of law.

It is another thing that we all agree on here today, like the importance of the First Amendment.

The D.C. Circuit held. Thank goodness, as a former Ambassador, thank goodness for our standing around the world, because that is the kind of thing that those dictators that the President, former President, has voiced admiration for, Xi, Putin, that is the kind of thing they do, the North Korean dictator, not American presidents. The unanimous opinion said that no, of course a President cannot do that.

That will put back on track, I believe, will put back on track an important rule of law, perhaps the most important rule of law and democracy case that our Nation has ever seen, and that is for the attempted weaponization, the genuine attempted weaponization of the U.S. Government, including the Department of Justice and of State governments, by the former President after he lost the 2020 election to retain power.

Think of that. That is not America.

Mr. LYNCH. Thank you. Thank you, Ambassador.

Mr. Chair, in closing, I just want to offer a unanimous consent to enter into the record the decision of the United States Court of Appeals today, from this morning, in the case of *United States of America* v. *Donald J. Trump* that was before the United States District Court for the District of Columbia.

Chair JORDAN. Without objection.

Ms. PLASKETT. Mr. Chair, I would like to introduce into the record, I know one of the witnesses said he had difficulty putting something together for you. I am so glad that the staff was able to, actually using ChatGPT, because you have a poem written about you.

Chair JORDAN. I look forward to reading it.

Ms. PLASKETT. "In the halls of Congress"—if I could just read—"where debates ignite." I would just love—

Chair JORDAN. No, no, no. You can introduce it into the record, but—

Ms. PLASKETT. It even talks about the Heartland of Ohio.

Chair JORDAN. Without objection it will be entered into the record.

Ms. PLASKETT. Thank you.

Chair JORDAN. Thank you for saving it.

Ms. PLASKETT. You are welcome.

Chair JORDAN. I am sure there will be many poems coming from the Democrats about me in the near future.

Ms. PLASKETT. It is very uplifting.

Chair JORDAN. Well, that is, that is wonderful. I would expect nothing less.

Ms. PLASKETT. Thank you. Neither I.

Chair JORDAN. The Chair now recognizes himself.

Mr. Fang, what happened in the last decade? In your testimony you said, you draw attention to a hearing 12 years ago. The Department of Homeland Security, it was a hearing on the Department of Homeland Security had retained a defense contractor to

conduct round-the-clock monitoring of social media. You said there was bipartisan opposition to that.

What has happened in the last decade that we do not—because here is the difference, here is the big difference. The same agency, the Department of Homeland Security last year tried to set up a disinformation governance forum, some Committee which is going to tell us what we are allowed to say and what we are not allowed to say. The only side objecting to that was the Republicans.

So, I am like you, I want to know what has happened in the last 12 years?

Mr. FANG. A lot has changed. It wasn't that long ago that the Democratic Party stood up very strongly against the Department of Homeland Security and criticized it as a politicized agency.

Chair JORDAN. By the way, Mr. Fang, you are not a Republican; is that right?

Mr. FANG. No. I am an Independent.

Chair JORDAN. OK. Keep going.

Mr. FANG. Not that long ago Democrats directly and forcefully criticized the Department of Homeland Security as an agency run amok that could interfere in our elections to help Republicans. This is an agency that has grown by billions of dollars since 9/11, that was originally set up to fight Islamic radicalization to prevent another terrorist attack, that now polices Tweets, that now polices comments on Facebook and Instagram, and that now in a biased way censors regular American legitimate speech on political issues.

Chair JORDAN. The Ranking Member said in her opening statement that, "there is no evidence of censorship." Is that an accurate statement?

Is there any evidence, is there no evidence of censorship, Mr. Fang?

Mr. FANG. I just on my Substack yesterday showed a *The New York Times* reporter, based on false information, being censored, and being shadow banned.

Chair JORDAN. Yes. You cover the Twitter files. The Government pressured Twitter to take down certain Tweets by American citizens. Facebook got pressured from the White House to do the same. YouTube got pressured from the White House to do the same. They all worked together on this project, this Election Integrity Partnership, to do the same. On and on it goes.

They said, oh, we have had six hearings on censorship. I kind of think, Mr. Lukianoff, the First Amendment's probably worth doing six hearings. I would say 60 hearings maybe better, maybe 600.

We are talking about the First Amendment.

Mr. LUKIANOFF. Yes.

Chair JORDAN. Would you agree?

Mr. LUKIANOFF. Well, Congresswoman Wasserman-Schultz hit the nail on the head. I just kind of wish we could think about this from a trans-partisan point of view. They will immediately get this when it is a Republican Administration trying to do the same thing. We have presented a great deal of evidence that this is actually happening, that it is being encouraged by the Government in many cases.

The story that came out this morning, the idea of, say, Donald Trump decides to actually try to get a book removed from Amazon.

If it was a book that people on my side of the fence, on the left, liked, we would freak out, and rightfully so. At the same time, it seems like there is nothing we can actually do to get our own side of the political fence concerned about the idea of collusion between some of the most powerful people in Silicon Valley and the country and this—

Chair JORDAN. The censorship mob will come for them, too. Right?

Right now, it is focused on the Fifth Circuit said this, the court said, "it is focused primarily on conservatives, primarily on people on the political right." It will come for the left, too.

Mr. LUKIANOFF. Oh, yes. It already does.

Chair JORDAN. It already does.

Mr. LUKIANOFF. I defend people on the left on campus all the time. It is very strange to try to get people to be concerned when people they agree with are losing their jobs.

My latest book, "The Canceling of the American Mind," is filled with examples just from the past couple years of professors on the left losing their job.

Chair JORDAN. This is the reason I have invited more Democrats to the hearing, Democrats like you guys, or independents like you guys who actually embrace the First Amendment. This is what we spent the entire—they rightly point out, we spent the entire first year of this Congress primarily in this Subcommittee focused on what is happening to the First Amendment?

Because I say this all the time, if you can't speak, you can't talk, you can't practice your faith, you can't share your faith, you can't petition your government, and you don't have a free press. That is, the ability to speak is fundamental to how we do things in this great country. If we lose that, oh my goodness.

You said something earlier that stuck with me. You said, "we are losing even the ability to ask questions." Not just State it, you can't even question.

Go back to COVID. You couldn't even say, I wonder if this thing came from a lab? If you just raised the question, you got censored. Down the line it went.

We learned just a week ago, a couple weeks ago, that Dr. Fauci, when he was asked where did the six-foot social distancing come from, do you know what he said? I just sort of made it up. I am not sure where it came from.

Think of the impact that had.

If you questioned that, if you just asked the question why do we have it? Half the time the stuff they tell us is just false. You can't even question that, for goodness' sake.

So, that is why it is important we have these hearings. Folks like you who aren't on the same political aisle as us are willing to come forward, and we appreciate it.

I will give you a chance to respond in the last 10 seconds.

Mr. LUKIANOFF. When I was talking about literally, I was talking about literally questioning as well. One of the things that we did with ChatGPT was run the questions that we asked students about whether or not someone should be allowed to speak on a particular campus. We were told one of the questions by ChatGPT was an inappropriate question to ask ChatGPT.

Chair JORDAN. Yes. Again, highlighting the danger of when this goes to scale and happens in real-time with artificial intelligence, that is the frightening part. That is why we have got to get this right.

Mr. LUKIANOFF. It treats us like children, not citizens.

Chair JORDAN. Well said. Well said.

With that, I recognize the gentleman from California.

Mr. GARAMENDI. Thank you, Mr. Chair. Thank you for setting up my question.

You are quite correct; the Government does have awesome power. It tends to be used in an inappropriate way.

We have already heard today the direct quotes of the former President and wannabe President, Mr. Trump, that he would use the Government to suppress speech which, presumably, is what you are arguing for, free speech. He said very clearly that he would do so.

In fact, he is reportedly planning to use the Insurrection Act, a law that gives the President nearly unchecked power to use the military as a domestic police force, to target those who publicly protest against him, presumably using their free speech rights under the Constitution.

Much of this seems to be coming from an organization here in Washington, a think tank that has put together a program called Project 1925, or 2025, which essentially would use Executive Orders that would deploy the military domestically, using the Insurrection Act.

Ambassador Eisen, a while ago you wanted to talk about the Insurrection Act and how it might be used by the former and wannabe President once again. Could you speak about that and the trouble that the Insurrection Act could bring to free speech here in America?

Mr. EISEN. Thanks, Mr. Garamendi.

The Insurrection Act, as Members on both sides of the aisle know, was enacted in 1792, and grants the President the authority to deploy the U.S. military domestically and use it against Americans under certain conditions. It is the primary exception to the Posse Comitatus Act under which Federal military forces are generally banned from participating because of the danger, because it betrays that core American idea that we won't use our military against our own people on our own soil.

Unfortunately, the Insurrection Act does not contain definitions of key terms like insurrection, rebellion, and domestic violence.

Put aside the imminent danger of a President formerly in the White House and seeking to return to the White House who has made the kind of alarming statements. Irrespective of party, it should be an absolute imperative to modernize, and update, and limit utilization of this dangerous statutory tool. It is particularly urgent, given the threats that the former President has made.

When you put those threats in context of what people who say these things have done around the world and, indeed, who have said these kinds of things, they mean them.

So, I think it is important, urgent. If there is one thing if I could ask my friends on the other side of the aisle, if there is just one thing, we could do that we could agree on as Americans, and it

goes fundamentally to conservative principles about limiting rogue government, and the danger of government, and the power of executive overreach, please update, limit, confine, and constrain the Insurrection Act. Bring it back into a core with fundamental American principles.

Thanks, Mr. Garamendi.

Mr. GARAMENDI. Much to be said about this entire subject of free speech, the use of AI.

It seems to me that if I were a consumer product company and someone were to put forward disinformation on the internet about my product, would I want to be able to have information from MIT about how I might respond? I think I probably would. So, the issue of the scientific use of information so that I might counter it.

I want to stay with the former President, who clearly has laid out an agenda to deprive all of us of our constitutional rights, the Insurrection Act specifically, and more than that. So, if it's the weaponization of Government that we are interested in discussing here, we have to be aware of what is imminent: A Presidential candidate that has put in the public record, in his own speeches, that he intends to limit our civil liberties.

I yield back.

Chair JORDAN. The gentleman yields back.

The gentleman from California is now recognized for five minutes.

Mr. ISSA. Thank you.

Ambassador, you certainly spoke passionately about limiting the Insurrection Act. I find that interesting when the people of your party here have used the word practically nonstop for the last three years about the actions of people who in a disorganized but terrible way did something, but they raised it to the word Insurrection Act.

I would hope that you would denounce that just as much as an excess. It is not a civil war; it is not troops trying to secede from the Union.

I want to hit one more thing. Since you, it wasn't the subject du jour, but you made it part of it today. In your time as Ambassador during the Obama Administration you probably wouldn't have been as thrilled when the ACLU said that they questioned the killing of al-Awlaki in Yemen, a 16-year-old American citizen born in Denver that President Obama fired a Predator, using a Predator filled with Hellfire missiles because he was such a clear and present danger halfway around the world.

So, I hope that you are just as excited if the ACLU or some other civil liberties group brings charges for the lack of due process and the killing of an American, not the attempt to capture, not the attempt to stop any other way, but killing them in another country.

I am going to bring up Mr. Lynch, who is a dear friend I have traveled with, and I appreciate him. He seemed to think that this hearing wasn't that important and shouldn't be on this subject but, rather, other subjects. Then he left. I think he has left. Yes.

So, Mr. Fang, I am going to ask you, you are familiar with the term, "Congress shall make no law abridging the freedom of speech"?

Mr. FANG. Yes, sir.

Mr. ISSA. Is it fair to say, for both you and Ms. Richardson, that the expression, if the founding fathers now were looking at where we are, "Congress may make no"—they might write, "Congress shall make no law abridging the freedom of speech, and the NSF shall award no grant that abridges speech"?

Is that a fair extension that the grants, the money to abridge by the Federal Government is, in fact, an abridging of speech, not by Congress making a law, but by Congress appropriating money that then is used to abridge free speech?

Mr. FANG. I believe the potential is there. I think the Supreme Court has ruled that it is axiomatic that the Government can't censor by proxy. If there is evidence of that, that does raise alarm.

Mr. ISSA. Well, and actually getting to the question of money, the awarding of grants for a moment. Congress shall pass no laws, it has been well established that the Executive Branch shall not interpret a law in a way that would abridge free speech also. In other words, it doesn't just bar us from making laws, it bars the Executive Branch from abridging free speech. Is that correct?

Mr. FANG. That is right.

Mr. ISSA. It even would bar the Article II, the Federal Court, from abridging free speech. So, this is not a law, even though it says Congress shall make no laws, it is constitutionally all three branches; correct?

Mr. FANG. I believe so.

Mr. ISSA. OK. So, when Track F was spending money, and all the other programs you have heard mentioned today, each one of those by definition when they choose censorship they are, they are truly using Federal dollars to make decisions about what speech is heard and not heard?

Mr. FANG. I think the concern is certainly there.

Mr. ISSA. Well, now I am hearing the—you are sounding like the Independent you are. I am hearing the potential. Abridging, meaning to limit or restrict, do they limit or restrict? Does any censorship, by definition, limit or in that way?

Mr. FANG. Look, if there is evidence of any of these contracts, the government contract programs being used to censor Americans' speech, then of course.

Mr. ISSA. Well, clearly, clearly there was.

Ms. Richardson, I am just going to go to you, both of you.

Quickly, the limiting of speech, any time you write an algorithm or you influence an individual to take down or not print something, is there any question in your mind that if you wrote something as a journalist and it didn't show up you would be, by definition, abridged?

Ms. RICHARDSON. I think the concern here is that these algorithms are being used to target particular kinds of speech. Yes, it—

Mr. ISSA. I am not worried about kinds; I am worried about speech, period. I am trying to remember that they may take down liberal speech someday. They have actually said Mr. Trump would do that if he got back in.

Mr. Fang, if you wrote an article and it simply disappeared from the internet, all or part, would you say you were abridged?

Mr. FANG. Absolutely.

Mr. ISSA. OK. I am going to give—because you have been shaking your head so much, Mr. Lukianoff, would you say that is the crux of this? Not a question of whether we, as Republicans, somehow can't be made as good using AI, but more broadly we have a responsibility to make sure neither the Article I, nor Article II, nor Article III Branch of Government shall restrict, or inhibit, or abridge free speech. Is that correct?

Mr. LUKIANOFF. Agreed.

It is one of the reasons why I have been a little puzzled about the hostility of the *Murthy* v. *Missouri* decision, that essentially limiting the power of Government to coerce social media platforms into censoring opinions that the Government itself cannot censor under the First Amendment should be something that there should be bipartisan agreement on.

If you are afraid of the next guy abusing that power—and you should always be—then you should also support the idea that jawboning is a problem.

Mr. ISSA. Thank you.

I yield back.

Chair JORDAN. The gentleman yields back.

The Chair now recognizes the gentleman from Texas.

Mr. ALLRED. Thank you, Mr. Chair.

I would like to yield my time to Ms. Plaskett.

Ms. PLASKETT. Thank you, Mr. Allred, the gentleman from Texas. My colleague just said, "worried about Trump." The Democrats are not worried about Trump taking down speech if he's reelected.

We're worried about him taking down people if he's reelected. He's already silenced many of those on that side of the aisle. So many of the Republicans that I came here to Congress which are afraid of saying half of what they would really like to say about President Trump or about a lot of other issues because he has a base that they feel afraid of, that they may lose their political positions if they have true free speech in that party.

So, we're not worried about him taking down people's speech. At this point, he's been emboldened enough to believe that he can take people down. That's the real fear. That's why I have no problem with Ms. Richardson, Mr. Fang, or Mr. Likianoff—is that—

Mr. LUKIANOFF. Lukianoff.

Ms. PLASKETT. —Lukianoff being here to be witnesses. The information they're giving is interesting. It's something we should consider.

There are other issues going on also that we can have a discussion about in this Committee and you won't. That's what is incredulous about the fact that we've been doing this six times, is that you haven't interspersed it with any other topic. That's the concern.

I wanted to ask the Ambassador about an agency that I have a tremendous amount of respect for. Of course, I'm a little biased. I worked at the Department of Justice for a Republican President as a Republican political appointee.

I work for the in civil division for Robert McCallum who later became President George W. Bush's Ambassador to Australia. I worked for Larry Thompson, the Deputy Attorney General. Worked

for James Comey who at the time was the Deputy Attorney General.

Mr. Trump, President Trump has said he would use the DOJ and actually attempted to use it as his own personal law firm when he was President. He tried to bully prosecutors to prosecute his friends, out of prosecuting his friends and MAGA loyalists. He pressured the DOJ to target Democrats and political appointments.

He tried to force senior DOJ leadership to pursue election fraud cases in the States he lost to Joe Biden. If he gets a second term, he's made it clear that those disturbing actions are just the beginning. There are walls between the White House and DOJ, intentionally built to keep our prosecutor's objective and our law enforcement system trustworthy.

He wants to tear that wall with his Presidency. Ambassador Eisen, a recent report claims that Trump intends to appoint a loyalist to head the DOJ's Office of Legal Counsel who will write an opinion dramatically expanding Presidential immunity. Give the Appellate Court's decision today and what we understand about Presidential immunity, can you explain to the American public what that would mean to our democracy?

Mr. EISEN. It would mean danger, grave danger, Ms. Plaskett. The Office of Legal Counsel are lawyer's lawyers. They are the in-house law firm essentially of the Department of Justice, of the Federal agencies, and of the Executive Branch. The opinions that they offer on the law govern what the Executive Branch does.

I didn't always agree with that when I was in the White House. I had to deal with them. They ultimately say what the law is.

If they were to say that a President had the absolute immunity to order SEAL Team Six to commit an assassination, today's opinion, as important as it is, a milestone in American law that the D.C. Circuit has given us. As important as it is, it only applies to former Presidents. If I may say, that's why I think the Supreme Court may—we don't know.

They may deny cert. It's a very narrow holding today. That unfortunately leaves a wide field of battle. I know that my friends do not want that on either side of the aisle, do not want that kind of power for the Federal Government, very dangerous.

Ms. PLASKETT. Thank you. I yield back.

Chair JORDAN. The gentlelady yields back. The gentleman from Florida is recognized.

Mr. STEUBE. Thank you, Mr. Chair. Once again, we are here today to hear about the Biden Administration's efforts to censure the speech of American citizens. In a seemingly unending series of examples from across the Federal Government, we have seen public servants use taxpayer resources to shut down certain disfavored viewpoints.

This is fundamentally un-American and violates free speech. Thanks to the tremendous work done by Ms. Richardson, we know that the National Science Foundation spent millions of taxpayer dollars on artificial intelligence research conducted at elite universities like the University of Michigan, University of Wisconsin, and MIT. Although AI has the potential to be a powerful tool, it can also be used for many nefarious purposes that infringes on liberty of American citizens.

Unfortunately, it seems the recipients of these NSF grants were doing just that, by developing AI tools to censure disfavored speech. Effectively, the American people are being forced to subsidize their own censorship. Researchers at the University of Michigan were even so brazen to market their WiseDex technology as a way for social media companies to, quote, "externalize the difficult responsibility of censorship."

The fact that they believe censorship is a responsibility is extremely concerning, especially when the government is the entity funding such censorship. MIT's team of researchers were even more candid when they stated in a project proposal that certain segments of the population, including military veterans and military families, are particularly susceptible to, quote, "misinformation campaigns." Thus, they argue that it is necessary to have a proactive suite of human technologies to counteract the supposed misinformation because reactive content moderation is too slow and ineffective.

In other words, the elites at MIT think that my fellow veterans and I are too dumb to think for ourselves. These efforts to use AI to censor the thoughts of American citizens is truly disturbing. There are a small group of elites who believe they alone can discern objective truth and alternative viewpoints they deem misinformation must be suppressed. Now, they seek to use the powerful tool that is artificial intelligence to help them censor disfavored opinions and the American taxpayer is being forced to foot the bill.

Mr. Fang, I'd like to start with you. You've recently written about NewsGuard which is a company that works closely with the government and major corporate advertisers by scoring news websites as a sort of misinformation meter. As you reported, NewsGuard has received a 749,000-dollar contract from the DOD. Can you describe some of the free speech concerns that you've seen regarding NewsGuard?

Mr. FANG. Well, NewsGuard is one of the many kinds of first in this cottage industry of antimisinformation. They provide tools to rank websites on their kind of truthiness. They have their own sliding scale.

The problem here is that they have been caught over and over again getting the facts wrong. They claim that any website or news outlet that reported on the COVID lab leak as the origin of COVID–19 was spreading a conspiracy theory. They've also gone after left leaning websites that are simply reporting on the Ukraine-Russia war in a critical way saying that Ukraine is a client State of the U.S.

Perhaps you disagree with this point of view. This isn't a conspiracy theory. This is a legitimate area of public debate. NewsGuard, in particular, is another company that, as you mentioned, receives military contracts. If they're working for the military and shaping public opinion and journalism around issues of foreign policy, for me, that raises inherent conflicts of interest.

Mr. STEUBE. I was in the military. It's basically like a psy-op mission that they're doing using taxpayer dollars to psy-op American citizens. I'd like to ask unanimous consent to put into the record Mr. Fang's article, "In the name of 'fake news,' NewsGuard extorts sites to follow the government narrative."

Chair JORDAN. Without objection.

Mr. STEUBE. Ms. Richardson, in the little time I have left, as I noted in my comments, MIT researchers thought they needed to protect veterans and military families, among other populations, from misinformation campaigns. Should we be concerned that such biases held by the creators of this powerful technology will especially harm populations like veterans and military families?

Ms. RICHARDSON. I think that the concern is that the people who are creating these technologies are letting their biases influence how they play out and who they are censoring through these tools. So, yes, I do think whether it's right or left, we need to understand that these tools can be used to censor Americans.

Mr. STEUBE. Mr. Lukianoff, I saw you shaking your head during some of my comments. In the 38 seconds I have left, would you like to add to that?

Mr. LUKIANOFF. Sure. I'd actually want to talk specifically about the data index, basically, the misinformation index, the CDI. It listed not only—as far as the riskiest online news outlets, it listed the *New York Post, RealClearPolitics, The Daily Wire*, the *Blaze, One America News Network, The Federalist, NewsMax, The American Spectator, The American Conservative*, and worst of all in my opinion, *Reason Magazine*, that even though I know not everyone is a Libertarian. It's some of the smartest people I know and some of the smartest reporting I've seen come out of *Reason Magazine*. This is being treated as de facto misinformation.

Mr. STEUBE. All conservative websites. I yield back.

Chair JORDAN. The gentleman yields back. Chair now recognizes the gentlelady from Texas.

Ms. GARCIA. Thank you, Mr. Chair. Mr. Chair, I just want to remind all of us that everyone's words matter. As Ambassador Eisen has pointed out, what our leaders say, in particular, really does matter.

So, when the twice impeached, four times indicted former President talks about being a dictator, I really don't think that's a joke. I think he's for real. For four years, Trump turned the Federal Government into a horrifying weapon for his own personal gain to serve his racist goals, punish his enemies, and to attack reality.

Trump weaponized the Federal Government in many ways. Most horrifically, he put children in cages and he weaponized ICE and immigration to a point of instituting mass deportations, sending ICE to round up immigrants at schools and hospitals. He traumatized those children for a lifetime.

MAGA Republicans across the country are simply just following suit. They want to please him. They want to see him be happy.

Greg Abbott, our Governor in my State of Texas seemingly seems to be auditioning for Mr. Trump to pick him as Vice President or perhaps a member of his cabinet because Abbott has erected a razor wire barrier at the Texas-Mexican border as part of his auditioning. I don't know how familiar folks here are with razor wire. I've been to Eagle Pass.

I've seen what they've done. They have anchored giant buoys with table saw blades in the river. When children try to swim across, they get caught. They panic and some may drown.

If you look at this poster, you can clearly see a child in agony. You can tell from his face that he's crying. He's begging. He's kneeling in front of a Texas guard put there by Governor Abbott to prevent anyone from coming through, even border patrol to do their job.

Cruelty seems to be his game. I think what Greg Abbott continues to do is undermining what it is to be human. He's doing this to children and that's how low we've come.

This is straight out of a dictator's play book. Ambassador Eisen, when Greg Abbott and Donald Trump talk about the only thing that they can't do now is shoot immigrants. Or some may say that they've got what they've got coming to them. What message is that sent to the public and to the rest of the world?

Mr. EISEN. Ms. Garcia, the Committee, the Chair, the Ranking Member have been very generous today in allowing me to offer my policy analysis thing with my personal history. My father who I referred to earlier came to this country as an undocumented migrant when he arrived in 1940 on that last ship, the last ship to leave Athens, the Port of Athens, for the United States during World War II. He had a transit visa, and he stayed and joined the Army and earned his citizenship that way.

So, as the child of an undocumented migrant, your question hits me where I live. Of course, we have reasonable compromises on immigration. We can agree or disagree.

Part of compromise is you never get what you want. That is—I was talking with Mr. Issa before about Chair Hyde who I got to know as a younger person. That's the great tradition of the House Judiciary Committee and of this chamber that we're in today.

When we attempt to do immigration policy which involves some of the most vulnerable people on our continent, whenever we make policy involving those who are at risk, we should do it with compassion. We talked about the twin guide stars like my own, the Bible, the Torah, and the Constitution. They teach us that you shouldn't use the language that Greg Abbott uses.

If there's a less cruel way to protect our border, then razor wire that tears the flesh of children simply seeking a better life. In a way, they should find those less painful physical methods but also the words, the words matter. Above all, they're following the lead of Donald Trump with his cruel words, including those we played earlier today.

Ms. GARCIA. Should it even be a Governor who's flagrantly ignoring Supreme Court ruling about the buoy. I mean, is there a place where we should let every Governor just decide what they want to do on immigration and on Federal immigration law?

Mr. EISEN. As reprehensible to ignore rulings of the U.S. Supreme Court for anyone. We are a Nation of laws. Everyone must abide by those laws, particularly those who are in power like Governor Abbott. What he has done is reprehensible, unlawful, an insult to the Constitution, and an insult to the idea of America.

Ms. GARCIA. Thank you.

Chair JORDAN. The gentlelady's time has expired.

Ms. GARCIA. Mr. Chair, I do have a unanimous consent request.

Chair JORDAN. Go right ahead.

Ms. GARCIA. I'd like to introduce for the record two articles, "Trump praises Texas Governor as border State clashes with Biden Administration over immigration," and "Texas Governor ignores Supreme Court rulings, adds more razor wire to border," for the record. Unanimous consent.

Chair JORDAN. Without objection.

Ms. GARCIA. Thank you.

Chair JORDAN. Gentleman from North Carolina is recognized.

Mr. BISHOP. Thank you, Mr. Chair. Mr. Lukianoff, I want to go back to what you said. Would you hit me again with the AI request you said you made, because I felt distinguished by that.

It was Chair Jordan that wouldn't answer, that wouldn't write a poem about. You said little old me. So, tell us again what that was. What did you ask?

Mr. LUKIANOFF. Thankfully because it's going to be different when you ask it different times. It has been consistent in that it was willing to write a poem for all Democrats. The ones that it singled out when we did this, and it was writing me a poem about why Representative Jim Jordan is the best politician in the country.

It wouldn't do it for him. It wouldn't do it for you. It gave us a generic one for Matt Gaetz and Harriet Hageman.

Now, the way they're going to try to refute this is, I didn't get it. It's, like, no, we have screenshots of this. I know that's kind of, like, oh, look, it's inconsistent. No kidding, it's inconsistent. Guess what. It consistently favors one side over the other.

Mr. BISHOP. I'd really like that screenshot for me.

Mr. LUKIANOFF. Oh, absolutely.

Mr. BISHOP. Look, so did you say, Mr. Lukianoff, that you're a liberal, that you're on the left?

Mr. LUKIANOFF. I am.

Mr. BISHOP. One of the things interesting about this process, the weaponization hearings to me, is the number of witnesses that I've understood at least have some political origin on the left who've been before this Committee.

Mr. LUKIANOFF. Yes.

Mr. BISHOP. You said you are. Mr. Fang, you said you're an independent. I don't know if it's correct to say you had political activity on the left. I sort of thought so.

Mr. FANG. I've worked for some progressive media outlets in the past.

Mr. BISHOP. OK. That's what I'm thinking about. Of course, you had Matt Taibbi and Michael Shellenberger, both of whom came from there. Robert F. Kennedy, Jr., comes as a witness of the Committee on the left. There are others. I'd yield to the Chair if he can name a couple others. I know that there have been others.

Chair JORDAN. Tulsi Gabbard.

Mr. BISHOP. Tulsi Gabbard. Thank you, Mr. Chair. You know what's been very interesting, Mr. Fang, you said at the beginning of the hearing, you used the example from the Committee hearing in 2012. You implored the Committee to approach this serious issue, AI and censorship, in a bipartisan way. How do you think that's worked out in this hearing?

Mr. FANG. I've watched part of that hearing. I read the transcript. This was on a much more minor issue. This was just the DHS contracting to monitor social media, not censor, not interject, not work with the FBI to pressure social media to take down posts.

This was arguably a much more benign issue. In that hearing, you had both sides, Republicans and Democrats, raising very legitimate privacy concerns, free speech concerns. It wasn't partisan. It was both sides working together to discuss these common principles.

Mr. BISHOP. Yes, what about this hearing? Has it worked out bipartisan way as far as you're concerned?

Mr. FANG. Not so much.

Mr. BISHOP. Yes, it seemed like to me everybody—ever person—the memo on the other side of the aisle was to go after Donald Trump which is fine. Whatever. It implies that there's nothing to this issue. Isn't that right, Mr. Lukianoff? You've got machines possibly taking down who trains of thought across social media from the dialog across the world.

Mr. LUKIANOFF. Yes.

Mr. BISHOP. Implicitly if you're saying, oh, I just want to talk about Donald Trump. That's suggesting there's nothing to do. What accounts for that? You guys are leftist.

We have some of the left—not leftist, I'm sorry—but people on the left who have come as witnesses and some of them have been trashed. Some of them had demand for their sources from the other side. They had the FTC chase down one of them, just crazy stuff. Why is that the case?

Mr. LUKIANOFF. It's extremely frustrating. In my latest book, we talk about—this is the perfect rhetorical for it. So, we take on right and left in the book.

We talk about defeating the Stop WOKE Act in court, for example. We talk about the simple act of labeling someone as being on one side or the other means I don't have to listen to them anymore. So, you'll see. The number of people who are now accused of being right wing, I call this fascocasting, declaring someone fascist and suddenly you don't have to listen to them anymore.

It's a childish tactic. It's become increasingly common to a point where I'm actually seeing scholars claiming that now the ACLU and *The New York Times* are right wing because it worked with everyone else. Why not scare them out of being credible if we can just label them something that sounds mean.

Mr. BISHOP. It sounds pretty grave danger for society if that's the way Congress devolves to. Mr. Fang, I'm going to give you the rest of my time. What we've done with some of these hearings is also bring out some of the people like Richard Stengel and Pablo Breuer who've been involved in various aspects.

The one you bring out, Brian Murphy, former DHS, former FBI official, writes, the Executive Branch is most well equipped to intervene against foreign covert speech proliferating in the homeland. A lot of what happens in the cognitive warfare space domestically has been transferred over to the social media companies. You'll hear politicians on all sides saying that social media companies need to be better policers.

I agree with that. He goes on to say part of the social contract in a liberal democracy is between the citizens and the Executive Branch where you give up some of your freedom so you get security back. That troubles me. Is that something that people should be troubled by? Who is he?

Mr. FANG. Yes, this is a former Trump official, the former Intelligence Director of the DHS who created dossiers on journalists who engaged in inappropriate surveillance of left-wing activists. The very problem that we've heard discussed at this Committee, he's now at an antimisinformation AI firm. He's basically said very openly that the problem with the Disinformation Governance Board was not violating civil liberties or free speech.

The problem was that it was too out front. It was too obvious of a political entity. He said that it should basically be reconstructed using third parties, that the government should take the back end and work with journalists, with nonprofit groups, and with companies like his own to police misinformation.

Mr. BISHOP. Thank you for informing the world.

Chair JORDAN. Well done. The gentleman from New York is recognized.

Mr. GOLDMAN. Thank you, Mr. Chair. Mr. Bishop, I'm happy to write you a poem if you like.

Mr. BISHOP. I can't wait.

Mr. GOLDMAN. I want to go back to something you say which is some memo or whatever that all we want to do is talk about Donald Trump. The fact of the matter is that this Committee which may go down as one of the most useless and worthless Subcommittees ever created by Congress is called the Weaponization of the Federal Government. The reason we all know now that this was created and stood up is that the Republicans are trying to flip the script and to distract from the fact that the true of weaponization of the Federal Government with evidence and facts and support was done by Donald Trump and his administration and will be done by Donald Trump and any future administration. Now, this also goes back to 2016 and the fact that Special Counsel Robert Mueller, the unanimous opinion of the intelligence community, pretty much everyone who looked at this concluded that Russia used false information on social media to interfere in our 2016 election.

The problem the Republicans want to rebut and undermine and distract from is that they did so to help Republican candidate. So, if you attack the Democrats as the real weaponizers of the Federal Government, then you get to flip the script and turn it on the Democrats and say, oh, no, they are, and get to continue doing and opening up the avenues for additional real weaponization of the Federal Government. Now, Mr. Lukianoff, do you think there is a First Amendment right to distribute deep fakes online?

Mr. LUKIANOFF. Is there a First Amendment right to distribute deep fakes online? Of course there is.

Mr. GOLDMAN. OK. Now, do you think that there's a First Amendment right to distribute deep fakes online with the intent to interfere in an election?

Mr. LUKIANOFF. If you add additional steps to it; it can potentially be criminal. To create them—

Mr. GOLDMAN. I'm not even going to waste our time getting into this because what you have just highlighted—

Mr. LUKIANOFF. Yes.

Mr. GOLDMAN. —and agreed to is that this is a very difficult issue. The balance between the First Amendment and what is free speech and what is—

Mr. LUKIANOFF. Respectfully, Congressman—

[Simultaneous speaking.]

Mr. GOLDMAN. Sir, I didn't ask you a question.

Mr. LUKIANOFF. You said this was a useless hearing.

Mr. GOLDMAN. I didn't ask you a question. Mr. Chair, I'd like to reclaim my time.

Chair JORDAN. The gentleman has the time.

Mr. GOLDMAN. The problem that we are facing in the post-2016 world where social media is used as a weapon to interfere in elections from foreign governments is that this is a difficult thing to navigate. Balancing the First Amendment which all Democrats support. The First Amendment is not absolute.

There's obviously some speech that is not protected. Balancing the interests of free and fair elections is a complicated situation. What is not complicated is—and by the way, this has been the theme of this Committee for the whole year.

I believe the Committee has interviewed more than 30 witnesses. Every single witness behind closed doors has said that the government has never coerced, pressured, or threatened any social media company into taking any action. The whole premise of this theory falls apart.

What we should be focusing on is Chair Jordan abusing the power of his Committee in the Congress to subpoena State prosecutors in an effort to undermine their prosecutions of his revered friend, Donald Trump. That is no place for Congress to be, no place for the Committee to be. That is a true weaponization of the Federal Government.

When we start talking about other things that are the real weaponization of the Federal Government such as Donald Trump's statements, that he will just indict his political enemies or that he would use the Insurrection Act to deploy the military against civil protesters or even that he had argued his lawyers, one of whom has appeared twice here. He's one of our favorite witnesses. John Sauer actually said that if Donald Trump ordered SEAL Team Six to assassinate a political rival, it could not be a crime unless he was impeached. Somehow, that is a predicate.

The fact of the matter is the true weaponization, the threat of weaponization is from Donald Trump and the Republicans. We ought to move on from this charade. I yield back.

Chair JORDAN. The gentleman yields back. The gentlelady from Florida is recognized. Gentlelady yield?

Ms. CAMMACK. Yes, I'd like to yield 15 seconds to the Chair.

Chair JORDAN. Yes, I would just point out the description of the Committee's work by the Member from New York might carry a little weight if he wasn't the same guy who in our last hearing said that social media companies only took action on 35 percent of the demands from the government. So, this is a guy who thinks 35 percent censorship is OK. Now, he's describing—

[Simultaneous speaking.]

Mr. GOLDMAN. Will the gentleman yield for a question?

Ms. CAMMACK. No.

Chair JORDAN. It's the gentlelady's time. I yield back.

Ms. CAMMACK. No, I reclaim my time.

Mr. GOLDMAN. It's a mischaracterization of what I said.

Ms. CAMMACK. So, I find it incredible the alternate reality that Representative Goldman is living in. He just stated that there has never been an occasion in which the White House, the Biden White House has threatened or pressured social media companies to take down social media posts. I have time stamps. I have emails.

We come with receipts. I can—February 6, 2021, 9:45 p.m., Flaherty, White House official demanding Twitter take down a parody of Finnegan Biden, Hunter Biden's adult daughter. We have all the receipts on this.

We can go over this over and over again. It would be a waste of time. Denying reality as my colleagues on the left continue to do is a disservice to the American people. I cannot believe that this is where we are at.

I'm going to jump right into this. We're trying to address essentially digital authoritarianism. That's what we're contending with. So, I find it ridiculous that my colleagues on the left can only and will only talk about Donald Trump as though this is not a real issue that everyday Americans, Republicans, Independents, and Democrats are facing. So, Ms. Richardson, while investigating these NSF grants and the NSF convergence research, was there any documentation or communication regarding the philosophical foundation of the language models being used in the AI tools?

Ms. RICHARDSON. Some of the grant descriptions themselves talk about areas that they are specifically interested in seeing—controlling—in discussing misinformation in. These areas—some of these grants focused on election misinformation. Some of them focused on vaccine misinformation. So yes.

Ms. CAMMACK. OK. So, there were philosophical discussions about the language models themselves, that these particular grant awardees would be using?

Ms. RICHARDSON. I think that a lot of these grant descriptions expressed exactly what they were going to be investigating.

Ms. CAMMACK. Did they talk about open-source language models as part of a requirement for this research?

Ms. RICHARDSON. Some of these grants were—they're analyzing different sets of data. Some of them wanted to do keyword searches to analyze what kinds of posts they were searching for.

Ms. CAMMACK. I think what we're getting here, the heart of this, is that there was no clear guidance on the particular set of language models that they were supposed to be using. Ms. Richardson, have you been able to determine the political affiliations of the project leads?

Ms. RICHARDSON. Well, some of them are just based on what these—again, I'm just going based off of what the grants State publicly. The topics that they are considering seem to be targeting specific kinds of speech.

Ms. CAMMACK. OK. Now, the University of Michigan put together a slide deck that was submitted to the NSF. On the overview slide, the mission of their grant as explained was, quote,

> Our misinformation service helps policymakers at social media platforms get good PR for their actions on misinformation by having a clear benchmark for outcomes and eliminating the need to defend internal procedures.

The slide deck also notes that they do things that we know work without backlash and, quote, "We push responsibility for difficult judgments to someone outside of the company." It goes on to say, "We get people off our backs for how we act on misinformation." It goes on to say that, "We eliminate the need to defend specific procedures." Now, this is an NSF, taxpayer funded project. They say, we eliminate the need to defend specific procedures as though accountability is more of a suggestion, more of a yellow light.

So, Mr. Fang, Mr. Lukianoff, the NSF vision states that they, quote,

> Strive to create a Nation that leads the world in science and engineering, research and innovation to the benefit of all without barriers to participation.

Given what I just told you about the University of Michigan's own work product that was funded by U.S. taxpayers, does it not seem like the mission of the NSF and the grants that they are funding are fundamentally at odds? Does this create concerns for the American people and the agencies for mission creep and infringement on constitutional rights? I'm short on my time, so short answers.

Mr. LUKIANOFF. I think the mission of actually trying to seek out microaggressions shows a very poor—it's a very unscientific idea that we can have an AI that can make that kind of cultural decision about politeness norms and impose it on everyone else.

Mr. FANG. I can't comment directly on only NSF. Just generally, a lot of these groups that claim to be nonpartisan, look at their record. They become partisan.

The claims represent science. They end up representing a corporate interest. They claim to be supporting upholding facts and end up censoring true and accurate information. We just need a lot better guardrails for this type of thing and a lot better disclosure.

Ms. CAMMACK. I appreciate that. I yield.

Chair JORDAN. The gentlelady yields back. The Ranking Member is recognized for five minutes.

Ms. PLASKETT. Thank you. I wanted to talk a little bit about the loyalty test that the President has talked about, President Trump. Trump has said that he plans to make all Federal career employees, 50,000 firable at will by the President and that this will allow him to gut those agencies, career experts, and fill the position with individuals who will do what he requests. These nonpolitical career employees have spent decades building their knowledge and expertise and possess invaluable experience that brings continuity to our government across different administrations.

This is the thing that stops the agencies from being political. I remember as a political appointee being called the Christmas help by the career employees that were there with great reason, because they are there. They are the bulwarks. Ambassador Eisen, what would be the impact on our national security if Trump were to fire

large swaths of our experienced workforce and filled those positions with largely unqualified MAGA loyalists?

Mr. EISEN. Ms. Plaskett, like yourself as someone who has served in our government and including in a national security position as a United States Ambassador, one of the great honors of my life, the effect would be devastating. When I worked in the State Department, I counted on independent opinions. Do not think that the over 200 State Department employees or the thousands back in Foggy Bottom who I dealt with always agreed with me.

They often gave me an independent judgment, and they disagreed with me. I changed our course of action. Why? I prided myself frankly on that independence myself. I had a nickname in the White House, Mr. No, and worse nicknames from my own colleagues in the Obama Administration.

Ms. PLASKETT. I've heard some.

Mr. EISEN. Indeed. Why? Because when our government makes national security decisions or domestic ones, the lives of the American people, of our servicepeople like my dad who served in the U.S. Army, who are deployed all over the world. The lives of our allies are at stake.

We must have independent judgment. If you put in a loyalty test, if you fire people by the tens of thousands, career dedicated, nonpartisan, and independent professionals who've built a body of expertise over a long period of time, you're leaving our national security undefended. When we talk about national security, Ms. Plaskett, we're not talking about an abstract idea.

We're talking about the lives of the American people, the lives of our servicemembers, the lives are often of those in the intelligence community, and our allies and assets around the world who keep us safe and who protect the world. If we impose this loyalty test, the mass firings, what Trump already did with Mr. McEntee in the White House. I want to know who's loyal to me among my own people.

If you impose those kinds of tests, you will be eroding the independence of judgment, jeopardizing all our lives, jeopardizing the life of everybody in this room, not to mention the effect on domestic interests, also which go to the lives and livelihoods of American people, American families. That is why it is a disastrous autocratic vision that the former President has articulated should he return.

Ms. PLASKETT. Thank you. I just have for those who may not have been aware the last two—or the first two or three hearings which were about social media, et cetera. The Democrats did engage in questioning individuals on those issues.

So, it's not as if we've attempted to just completely ignore them. We've also moved on to the other issues that are important to the American people. We recognize that one of those are, in fact, the weaponization by Donald Trump.

I would ask for unanimous consent at this time to enter into the record some documents, the first being a ChatGPT poem on how Congressman Darrell Issa is the best politician in the country with the poem, a poem on Congressman Thomas Massie is the best politician in the country with a poem, Elise Stefanik, Matt Gaetz, Kelly Armstrong, Greg Steube, and Congressman Dan Bishop. I know he wants to see that one. Kat Cammack, Harriet Hageman,

Russell Fry, and of course I had to add myself as one of the best politicians in the country.

[follow:]

Chair JORDAN. Without objection. The Chair now recognizes the gentlelady from Wyoming.

Ms. HAGEMAN. Wow, the hysteria related to Donald Trump is off the charts. I think it exposes the raw politics behind it. I have a couple of points I'd like to make.

The only President who I am aware of who actually assassinated American citizens was President Obama. So, perhaps the Ranking Member should revisit her history books. I have an article—

Ms. PLASKETT. I'm a history major.

Ms. HAGEMAN. —here from the ACLU stating the ACLU and CCR have filed a lawsuit challenging the government's targeted killing of three U.S. citizens and drone strikes far from any armed conflict zone in *al-Awlaki* v. *Panetta*. The group charges that the U.S. government's killings of U.S. citizens in Yemen last year violated the Constitution's fundamental guarantee against the deprivation of life without due process of law. The killings under Obama were part of a broader program of targeted killing by the United States outside of the context of armed conflict and based on vague legal standards.

It closed executive process and evidence never presented to the courts. As for kids in cages, again, that was President Obama. Several former Obama Administration officials took to social media and news outlets last month to explain a gallery of years old photos that showed immigrant children sleeping in shoddy conditions at a government run holding facility in Arizona.

The images which the *Associated Press* first published in 2014 during the Obama Administration resurfaced recently for reasons that remain unclear and quickly prompted viral outrage on Twitter. One particularly disturbing image showed two children sleeping on mattresses on the floor inside what appeared to be a cage. A number of prominent liberals and even a former Obama Administration official shared the photos, mistakenly believing that they depicted the Trump Administration's treatment of immigrant children who were forcibly separated from their parents.

Jon Favreau who worked as a speech writer for former President Barack Obama tweeted, "this is happening right now." The only debate that matters is how we force our government to get these kids back to their families as fast as humanly possible. Favreau said he later deleted the tweet after social media users pointed out that the photos were taken during the Obama Administration.

So, I think it's important to correct the record as to actually who assassinated American citizens being President Obama and it being President Obama who kept kids in cages. Now, as this Committee uncovers more and more censorship activities by the Federal Government, one thing we are wrestling with is accountability for these bad actors violating the First Amendment. They are already not elected by the citizens who don't have to answer to the electorate.

Certain accountability statutes such as 42 U.S.C. 1983 only apply to State employees which is why Mr. Bishop and I had introduced the Censorship Accountability Act to actually hold Federal

employees personally liable for violating the First Amendment of American citizens. Even in those circumstances where one can go to courts for relief, that requires a great deal of time and resources to prove liability, harm, and then obtain relief. It is apparent from the ongoing *Missouri* v. *Biden* case that all these bad actors, it makes it difficult to eventually hold them accountable.

Ms. Richardson, I highlight these things to show that accountability can be hard to achieve for injured Americans. Do you think this could be further exacerbated if certain activities that facilitate censorship are increasingly done by AI systems rather than government employees?

Ms. RICHARDSON. I do. I think that what these tools open the potential for is broader censorship and done without having to have an individual employee sitting there doing it. They're able to flag post at a larger scale. So, I do think the fact that the NSF is funding them is concerning.

Ms. HAGEMAN. Well, the upscaling of AI technology can provide censorship operations. The scope of it is absolutely astonishing. For example, in its pitch to the NSF, Meedan stated that it was using AI to monitor 750,000 blogs and media articles daily as well as to mine data from a major social media platform.

That just gives you an idea of the absolute scope of what AI can do for violating people's First Amendment rights. In your testimony, Ms. Richardson, you outline in great detail the number of grants, the large sums, and the various number of partners that the Federal dollars are going to, to censor American citizens in violation of the First Amendment. What can the proliferation of this type of technology do to the censorship industrial complex which has already been uncovered if it is not properly overseen for beneficial development?

Ms. RICHARDSON. Well, I think what we've seen through—as you just brought up in *Missouri* v. *Biden* case and Twitter Files and many other aspects is this increasing involvement of the Federal Government with private parties to censor speech. This is just another example of that. The Federal Government funding universities, funding companies to develop these tools that allow censorship at a broader scale.

Ms. HAGEMAN. Thank you and I yield back.

Chair JORDAN. The gentlelady yields back. For our witnesses, we have ten more minutes. I know you've been sitting there for a while.

If you can hang with us ten more, then you'll have a few maybe closing comments from the Ranking Member and myself. Then we'll conclude our hearing. I want to recognize our newest member—our two newest members. First, the gentleman from Ohio is recognized for five minutes.

Mr. DAVIDSON. I thank the Chair. Thank our witnesses. It is an honor to be on the Weaponization Committee. It's disappointing that Congress needed to create this Committee, but it definitely needed to be done.

The American people rightly recognize that our own government is being turned against its citizens. The Bill of Rights was put in place by the founding fathers fundamentally because in the first days of the Constitution, the concern was that the Federal Govern-

ment would somehow be used and turned against not just the States, but the citizens of those States. Today we're seeing the Bill of Rights being trampled in every kind of way.

We see freedom of religion. Oh, you can have it. Just don't exercise it. Freedom of speech, the right to assemble, all the First Amendment trampled. The Second Amendment, people want to trample it. I would say the Third has been trampled as well.

You have to provide provision for government on everything, from a cell phone to a laptop to your car. Now, maybe even digital ID, all kinds of things. People are supporting every kind of infringement, warrantless spying on American citizens, government agencies buying data that they would otherwise have to get a warrant or a subpoena and on down the list through the entire Bill of Rights.

The question, what are we going to do about it? I think this Committee is a good response to it. Today, we're focusing on AI.

When you think about AI, how do you assess whether the algorithm has got it right? Is it a question of which speech gets canceled? That seems to be the case. The reality is while some of this activity went on under the previous administration, in the early days of the Biden Administration, they wanted to formalize it.

They didn't call it a ministry of truth. They came up with the Disinformation Governance Board. Mr. Lukianoff, what's the State of play in recognizing when free speech is—frankly, people having their free speech rights canceled?

Mr. LUKIANOFF. I would turn us to the less sexy and less sci-fi scenario of what's going on in American college campuses. I feel like I'm on the free speech left. I feel like I've been screaming at the sky trying to get people to take seriously the threats to free speech on campus for a long time now.

In 2020 and 2021 were the highest number of professors fired. They were on the left and the right to be clear that I'm aware of since—for a two-year period, since probably the 1930s. This is something that is not getting sufficient attention.

Now, who programs AI? Overwhelmingly elite college graduates who actually when you poll them have some pretty distressing ideas about freedom of speech. Think about the idea of us all living on the most repressive college campus and that's why we should be afraid of what AI potentially could become if we don't actually take this issue a little more seriously.

Mr. DAVIDSON. So, thank you for that. When you think about AI and the language models that are used, how do you know what the primary sources are? When you're looking at the way that speech is canceled on campus, some people are disfavored.

Maybe some campuses won't allow Congressman Jordan on their campus. Maybe some won't allow our Ranking Member on campus. They might view it as good because the other person got canceled.

We can all recognize that as some limitation of speech. When you look at the algorithm, you just know what got—you don't really get to see what was filtered. So, Mr. Fang, Ms. Richardson, do you have thoughts about how we detect this kind of activity in AI?

Mr. FANG. Look, it's not my role as a journalist to prescribe any particular solution. I would want to point to the example in the UK where they have a little bit stronger data laws. A lot of the people

who are censored during the pandemic for simply criticizing the efficacy of some of the vaccines, discussing some of these pandemic lockdowns, the way that they were able to find out that they were surveilled and then censored is that they were able to make requests with some of the UK's data laws, for the government and these private sector firms to provide their own data to them. That's how they found out.

We don't have those same strong protections in the U.S. Perhaps it's worth looking at stronger rights to your own data, better algorithmic transparency. This is worth debating.

Mr. DAVIDSON. Thank you for that. I'll yield the balance of my time to the Chair.

Chair JORDAN. I thank the gentleman for yielding. Well, actually, I don't have time in 30 seconds to get to it. I appreciate it. I'll yield it back to the fine gentleman if he has another question.

Mr. DAVIDSON. I look forward to the work of the Committee. As I said, it's important. Just to pick up where you left off, Mr. Fang, we've worked on a bill for a while called the It's Your Data Act what would recognize a property right in American citizen's data. When you look at one of the most trampled rights that the Bill of Rights is supposed to protect, it would be the right to privacy. So, I hope we reclaim it.

Chair JORDAN. The gentleman yields back. I appreciate that. The gentleman from South Carolina is recognized for five minutes.

Mr. FRY. Thank you, Mr. Chair. I'd like to yield to you two minutes.

Chair JORDAN. I appreciate it. I just want to start with what—we've heard a lot about criticizing President Trump which I thought was overly political and just wrong. I want to flag a tweet.

I brought this up several times before. This is on January 23, 2021. Clarke Humphrey, Executive Office of the President at the White House, and he sends this tweet to Twitter—or excuse me, this email to Twitter, excuse me.

He says—this is again the White House, January 23rd, third day of the administration—"wanted to flag the below tweet and wondering if we can get moving on the process for having it removed," and then in all caps, "ASAP." This is the government telling Twitter, take it down and you can't do it soon it enough. The tweet, of course, is from Robert F. Kennedy, Jr.

He has in this tweet, I think, two sentences.

> Hank Aaron's tragic death is part of a wave of suspicious deaths among elderly closely following administration of the vaccine. He received the Moderna vaccine.

He being Hank Aaron received the Moderna vaccine on January 5th to inspire other Black Americans to get the vaccine. Two sentences, both actually true. It's tragic what happened to Hank Aaron. Two sentences, both true. The White House says, take it down. Is that appropriate, Mr. Lukianoff?

Mr. LUKIANOFF. I certainly don't think so. I'm afraid of the government treating us like we are children. I can read that and I'm capable as a citizen with a brain of my own to decide what I make of it.

Chair JORDAN. I just want to add a layer to it. The irony here is this is the third day of the administration and they're going after their Democrat primary political opponent. That says it all.

Two statements that are true. We cannot let the American people, us hillbillies from the rural area as it said in there, we can't let you decide if this is something you should see or not. So, we, the Biden White House, are going to try to have this taken down.

Oh, by the way, it just happens to be our political opponent. That sums it all up. I would just ask Mr. Eisen then I'll yield back to my colleague. Is that appropriate? I don't want your long dialog. I just want a yes or no.

Mr. EISEN. Uh—

Chair JORDAN. No, not an uh. A yes or a no.

Mr. EISEN. I'm attempting to condense it into a yes or no, Chair Jordan.

Chair JORDAN. It's pretty simple. Should the government be doing that to their political opposition on day three of the administration where it's two statements that are absolutely true?

Mr. EISEN. You've been so courteous.

Chair JORDAN. I'll yield back to my colleagues.

Mr. EISEN. You've been so courteous to me today.

[Simultaneous speaking.]

Mr. EISEN. Hank Aaron's death was not related to COVID–19, *The New York Times*. Hank Aaron's death is falsely linked to COVID vaccine, *The New York Times*.

[Simultaneous speaking.]

Chair JORDAN. The colleague from South Carolina.

Mr. FRY. Thank you, Mr. Chair, for that. War is peace. Freedom is slavery. Ignorance is strength. Where do you think that comes from, Mr. Lukianoff?

Mr. LUKIANOFF. 1984.

Mr. FRY. Yes, exactly. This book was written in the 1940s, right? If you read it, it's about this kind of this ministry of truth.

We are here today, are we not? I mean, the prophetic fiction is really not fiction when you look at where we are as a country today. Would you agree with that?

Mr. LUKIANOFF. Well, I call my *Substack* "The Eternally Radical Idea," because I believe in every generation brave people rise up to oppose freedom of speech. They are usually on the winning side. The specter of Big Brother, the specter of greater control is always around us. We've been very lucky to grow up in a period in which we have enjoyed great free speech. We must not take that for granted.

Mr. FRY. You know what's interesting. If we sat around and had a beer or coffee, we would disagree on a lot of things, right?

Mr. LUKIANOFF. Oh, yes.

Mr. FRY. Again, we go back to the founding of this country and the intent of the framers and protecting that freedom of speech. So, here what we're here for today which isn't Donald Trump, it's actually about artificial intelligence and its suppression or potential suppression of freedom of speech. So, we have the National Science Foundation that has gifted out grants.

To get the grant, you have to apply for it. In the application for these grants, University of Michigan said, quote, "We were under-

going the difficult responsibility of censorship." So, the dystopian things in 1984 that we have seen in a fictional book are now here.

So AI, we've kind of talked about this today. AI can be manipulated. The algorithms can be manipulated by people who are fallible and who are inherently biased. Is that correct?

Mr. LUKIANOFF. Yes, and it's certainly happening in dictatorships like China.

Mr. FRY. Right. So, AI is inherently biased because of the programmatic things that are put in. Is that correct? So, we're using government resources to prop up AI, to give resources to research this. Now, those same artificial intelligence things are scouring the internet to target certain types of speech. Would you agree with that?

Mr. LUKIANOFF. That's why we're here. That's what we're worried about.

Mr. FRY. What kind of mechanisms do you think can be put in place to hold both government and private entities accountable for this type of behavior?

Mr. LUKIANOFF. Well, as I said in my opening statement, my biggest fear is that we try to centralize it as a way of fixing it. That actually fear of it being used as a censorship tool will prevent us from allowing other AI engines to pop up and actually not have the same biases that are being baked in currently.

Mr. FRY. Thank you for that. I know I'm out of time, but I want to applaud you. You kicked over a hornets' nest, but we appreciate the work that you've done.

Ms. RICHARDSON. Thank you.

Chair JORDAN. The gentleman yields back. I want to thank our witnesses for being here today. We appreciate the testimony, answering questions. We appreciate, at least for three of you, the work you're doing in bringing this to light about what's happening with this censorship effort and the dangerousness—the danger that exists, I should say, with AI. So, with that, the hearing is—

[Simultaneous speaking.]

Chair JORDAN. You want a closing statement? OK. You get a closing statement then. Maybe I'll yield to someone else. Go ahead.

Ms. PLASKETT. Thank you. I know you offered it. So, I jot some notes down just to quickly make a brief closing statement.

First, I do understand that free speech is very important. We do need to protect it. I'm sworn as a barred attorney to protect freedom of speech and people's rights.

I think that's something that we should do. I am concerned, however, with the continuation of these kinds of hearings that it does have a chilling effect however on individuals that are doing work to keep our country safe from cyber threats. For the record, I'd like to introduce an article written in *Politico*, "The far right is scaring away Washington's private hacker army: Scrutiny from conservative activists and management gripes are straining the government's plan to enlist elite security pros in the fight against malicious hackers."

[Simultaneous speaking.]

Ms. PLASKETT. Thank you. That's a concern as well that we need to be careful of.

I also wanted to make a correction that three days after the election, the individual that they asked to begin the process for taking down a tweet didn't mean that a tweet was going to be taken down. That individual was not a political appointment three days after the election. He was just simply an anti-vaxxer, anti-Semitic posting, race baiting, and dog whistling individual. I yield back.

Chair JORDAN. I'll just correct the record. It wasn't three days after the election. It was three days into the administration. So, it was the government in power, the White House saying, take down this tweet ASAP.

That, to me, is significant. Whatever you think. I will just say this, we're going to keep having hearings on the attack on the First Amendment because as my colleague from Ohio pointed out just a few minutes ago, it is fundamental.

We had a witness in our last hearing from Canada, journalist from Canada. She talked about the underpinnings of Western civilization rests on the ability to speak, to debate, and not be afraid, not be intimidated by the government. To the point from the Ranking Member, so they didn't take it down.

Well, we all know there's this thing called the chilling effect when big government, particularly the White House, is saying to big tech, take down this tweet ASAP. I see you're nodding your head, Mr. Lukianoff, yes. You know what, I want to do one last thing.

I think you wanted to respond to Mr. Goldman a little while ago. We'll give you a chance to do that, and then we'll close the hearing. I think you had a response to something Mr. Goldman said—Congressman Goldman said earlier. If you don't remember, that's fine. We'll go on. Put your mic on if you would.

Mr. LUKIANOFF. It was frustrating to hear people like me and Lee who have done a great job defending people across the political spectrum over our career be dismissed as people who only care about the free speech rights of one side of the political fence. I mean, we've been—FIRE has been second to no one when it comes to taking people on all across the political spectrum and I have the hate mail to prove it.

Chair JORDAN. No, I appreciate that. That's why—as Mr. Bishop pointed out earlier, why as Chair of this Committee I've invited more Democrats than I've had any Republican maybe—who knows, maybe ever. I don't know, but certainly in this Congress.

We've had more people on the left as you describe are in the center or people who were Democrats who say, I'm now independent because I can't take what they're doing. I just don't stand with them on their efforts to restrict the First Amendment. So, again, I want to thank you all for being here for speaking out.

With that—oh, I got to do one housekeeping thing. This concludes today's hearing. We thank our witnesses for appearing before the Subcommittee.

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 12:44 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=116793*.

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