

Opening Statements
Chairman Mike Dolye
Subcommittee on Communications and Technology
Chair Jan Schakowsky
Subcommittee on Consumer Protection and Commerce
Committee on Energy and Commerce
Hearing on “A Country in Crisis: How Disinformation Online is Dividing the Nation”
June 24, 2020

Chairman Doyle: Good morning and welcome to today’s joint hearing on disinformation and the crisis it is creating in our country and for our democracy. I’d like to thank our panel of witnesses for joining us virtually today.

While the Committee has held several virtual hearings so far, this is the first one I have chaired, so please bear with us.

The matter before the Committee today is one of pressing importance, the flood of disinformation online - principally distributed by social media companies - and the dangerous and divisive impact it is having on our nation as we endure the COVID-19 epidemic.

More than 120,000 Americans have already lost their lives to this virus, and nearly 2.4 million Americans have been infected. Tens of millions of people are out of work as we attempt to stop the spread of this virus and prevent an even greater disaster.

In the midst of this historic crisis, we are also facing a historic opportunity. Tens of millions of Americans are calling for racial justice and systemic changes to end racism and police brutality in the wake of the horrific murders of George Floyd, Breonna Taylor, and countless other Black Americans at the hands of law enforcement.

The Black Lives Matter movement has resulted in protests around the globe and online, as people are taking to the streets and to social media to express their support for change.

But as we march for progress and grapple with this deadly disease, the divisions in our country are growing. While our nation has long been divided, today we see that much of this division is driven by misinformation distributed and amplified by social media companies – the largest among them being Facebook, YouTube, and Twitter.

These platforms have become central to the daily lives of many around the globe – and to the way that people get their news, interact with each other, and engage in political discourse.

Our nation and the world are facing an unprecedented tsunami of disinformation that threatens to devastate our country and the world. It has been driven by hostile foreign powers seeking to weaken our democracy and divide our people, by those in our country who seek to divide us for their own political gain, and by the social media companies themselves – who have put profits before people as their platforms have become awash in disinformation and their business models have come to depend on the engaging and enraging nature of these false truths.

When Congress enacted Section 230 of the Communications Decency Act in 1996, this provision provided online companies with a sword and a shield to address concerns about content moderation and a website's liability for hosting third party content. And while a number of websites have used 230 for years to remove sexually explicit and overly violent content, they have failed to act to curtail the spread of disinformation. Instead they have built systems to spread it at scale and to monetize the way it confirms our implicit biases.

Everyone likes to hear and to read things that confirm what they think is true, and these companies have made trillions of dollars by feeding people what they want to hear. As a result, these platforms have peddled lies about COVID 19, Black Lives Matter, voting by mail, and much, much more.

When companies have done the right thing and stepped up to take down disinformation, they have been attacked by those who have benefited from it. Recently, Twitter labelled a number of tweets by President Trump as inaccurate, abusive, and glorifying violence. In response, President Trump issued an Executive Order threatening all social media companies. The Department of Justice has issued similarly thuggish proposals as well. The intent of these actions is clear: to bully social media companies into inaction.

Social media companies need to step up to protect our civil rights, our human rights, and human lives – NOT sit on the sidelines as our nation drowns in a sea of disinformation.

Make no mistake, the future of our democracy is at stake and the status quo is unacceptable.

While Section 230 has long provided online companies the flexibility and liability protections they need to innovate and to connect people from around the world, it has become clear that reform is necessary if we want to stem the tide of disinformation rolling over our country.

Chair Schakowsky: Good morning and thank you for being here today. Thank you to our distinguished panel for joining us today.

Last fall Chairman Doyle and I held a joint hearing on Section 230, and subsequently my subcommittee held a hearing on unsafe products and fake reviews found online. At both hearings, industry representatives from Big Tech testified, and we heard that content moderation and consumer protection were really hard, and that industry could always do better. They made

promises and discouraged Congressional action. I think they may have even apologized, as Big Tech typically does when it appears before this committee.

Fast forward 6 months, add a global health crisis and nationwide protests against police brutality and racial inequality. As we will hear today, it's an understatement to say that industry could still be doing better.

The harms associated with misinformation and disinformation continue to fall disproportionately on communities of color, who already suffer worse outcomes from COVID-19.

All the while, the President himself is continually spreading dangerous disinformation that Big Tech is all too eager to profit from.

No matter what the absolutists say, Section 230 is not only about free speech and content moderation. If it were, our conversation today would be different. Instead, Big Tech uses it as a shield to protect itself from liability when it fails to protect consumers or harms public health, and uses it as a sword to intimidate cities and states when they consider legislation, as Airbnb did in 2016 when New York City was considering regulating its online rental market for private homes.

The truth is, Section 230 protects business models that generate profits off scams, fake news, fake reviews, and unsafe, counterfeit, and stolen products. This was never the intent, and since both courts and industry refuse to change, Congress must act.

But we must do so responsibly. The President's recent actions are designed to kneecap platforms that fact check him or engage in what he claims is bias against conservative views. Let me be clear, the President is using his position to chill speech and that is wrong.

We must encourage content moderation that fosters a safer and healthy online world. And don't be fooled by made up claims of bias against conservatives. Today, it seems there is a less of a bias against conservatives and rather a bias for conservatives.

On June 19th, 9 of the 10 top-performing political pages on Facebook were conservative pages, including Donald J. Trump, Donald Trump for President, Ben Shapiro, Breitbart and Sean Hannity.

And as the New York Times reported over the weekend, Facebook in particular seems to enjoy a cozy relationship with the Trump Administration, aided by Facebook's own loyal Trump supporters, Joel Kaplan and Peter Theil. I hope Mr. Kaplan and Mr. Theil will soon make themselves available to Congress to answer questions about what role they play in information dissemination, and how they balance this incredible responsibility with their extreme partisan ties and views.

Regardless, as the testimony today demonstrates, something needs to be done. The American people are dying and suffering as a result of online disinformation. I look forward to working with my colleagues to modernize Section 230 and put platforms on a path that helps all Americans.