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# United States Senate

WASHINGTON, DC 20510-4404

COMMITTEES:

JUDICIARY

ENERGY AND  
NATURAL RESOURCES

COMMERCE, SCIENCE,  
AND TRANSPORTATION

JOINT ECONOMIC  
COMMITTEE

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Dear Sirs,

On Monday this week, I announced an upcoming hearing of the Antitrust Subcommittee, and expressed my growing concern about how America's largest technology companies have wielded their market power in recent years.

I am specifically concerned about corporations wielding their power unilaterally to silence opinions they dislike, and thus warp the public debates their platforms present to the American people. In recent years, conservative voices like *The Federalist*, PragerU, President Trump, Senator Marsha Blackburn, Senate Majority Leader Mitch McConnell, Donald Trump, Jr., churches, religious schools, Christian groups, and others, have found themselves deplatformed, demonetized, or otherwise penalized for expressing their opinions.

Just this week Facebook, Twitter, and Google's YouTube each censored videos of licensed medical professionals discussing COVID-19. Then yesterday I learned that Squarespace, which hosted a website run by these same doctors, had unilaterally shut down the site, ostensibly for spreading "false information." While I am not in a position to endorse or refute any of the doctors' comments, I believe that we should err on the side of encouraging more speech, not less.

Fortunately, we are not without recourse. While I believe Congress should not dramatically change our light-touch regulatory approach to the internet, it also should not neglect its responsibility to conduct oversight and review our nation's laws to ensure they address modern circumstances. Section 230 of the Communications Decency Act, for instance, is a vital part of today's internet ecosystem, but should not be immune from Congress's careful review, assessment, and modification.

Additionally, as tech companies continue to expand their consumer base, enter into new business markets, and acquire more competitors, Congress must ensure that our antitrust laws are properly enforced. I view your heavy-handed censorship as a sign of exactly the sort of degraded quality one expects from a monopolist. In any other business, you would never dream of treating your customers the way you treat those with views you don't like. That is, unless you know your customers have no other serious options.

These are all serious questions that deserve significant consideration and discussion, and I will work to find a solution to these problems. To start, I am asking you to account for your conduct and to provide transparency over how you police your platforms. Specifically:

1. What content-moderation standards do you employ when you remove content from your platform, where the content does not violate state or federal laws? Specifically, please explain your standards for removing content related to:
  - a. COVID-19;
  - b. violent riots, and how you distinguish them from peaceful protests;
  - c. hate speech;
  - d. protections for the unborn;
  - e. misinformation; and

- f. terrorist influence.
2. How did you formulate standards for the above categories of content? What sources did you look to in forming your content policies?
  3. What are the prerequisites for a content-moderator position at your company? Do you inquire about the political or other beliefs of a candidate before making a hiring decision? Where you use contractors to serve in these roles, how do you ensure that they follow your internal guidelines and standards?
  4. What is the internal process that your content moderators follow to remove content that violates your standards?
  5. How do you ensure that a content-moderation decision is not influenced by the personal beliefs or political views of the moderator?
  6. If your content-moderation standards rely on guidance from a government entity, please explain your policy for allowing on your platform speech that disagrees with the government. If CDC guidance is the basis for removing content regarding COVID-19, how is that standard applied consistently? For example, since the CDC says that it is safe for schools to open,<sup>1</sup> do you remove content from your platform that claims it is unsafe to reopen schools?
  7. Where do you clearly articulate your content-moderation standards? How do you convey your moderation standards to consumers? Do you regularly update your users on changes made to your policies?
  8. Are your users required to provide knowing consent to the standard before giving you their personal information, data, and content, which gives value to your platform?
  9. Do you coordinate your content moderation standards with other online platforms or competitors? Have you ever discussed or reached an agreement regarding these standards—or the removal of content generally—with any other online platform or competitor? If so, please each discussion or agreement, its subject, and the parties thereto.

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<sup>1</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/reopening-schools.html>

10. Do you coordinate the removal of specific content with other online platforms or competitors? If so, please explain the process and what content has been subject to coordinated removal
  
11. Some of you have removed or threatened to remove the ability of third parties to monetize their content through your advertising platform on the basis of content found in the third party's comments section. What is your policy or standard for such demonetization? Do you believe the same standard should be applied to platforms currently protected by Section 230?

Thank you for your timely consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read "Michael S. Lee". The signature is fluid and cursive, with a large loop at the end.

Michael S. Lee  
Senator from Utah