

Prepared Remarks
Senate Judiciary Committee
Hearing on “Breaking the News: Censorship, Suppression, and the 2020 Election”
November 17, 2020

U.S. Senator Richard Blumenthal

Thank you, Mr. Chairman. We meet at an unprecedented and precarious moment in American history. Daily, the President shocks our conscience and shakes the very foundations of our democracy using a powerful megaphone – social media.

The President has used this megaphone to spread vicious falsehoods in an apparent attempt to overturn the will of the voters. Every day, he posts new threats and conspiracy theories about mail-in ballots and voting machines – lies that contradict his own election security officials and his lawyers. He uses it to potentially block a peaceful transition of power.

Mr. Zuckerberg and Mr. Dorsey, you have built terrifying tools of persuasion and manipulation – with power far exceeding the robber barons of the last Gilded Age. You have made a huge amount of money by strip-mining data about our private lives and promoting hate speech and voter suppression. You have an immense civic and moral responsibility to ensure these instruments of influence do not irreparably harm our country.

I recognize the steps – really, baby steps – you have taken so far. But destructive, violence-inciting misinformation is still a scourge on both your platforms. You must do much more.

Given a pass from appearing today, Google has been rewarded by this Committee for its timidity – doing even less to live up to its responsibilities.

The recent actions you have taken to fact-check vote-suppressing and incendiary malicious misinformation and slow its insidious spread are not censorship – they are what civic and moral trust requires.

A series of serious hearings on Big Tech is long overdue on antitrust issues, privacy concerns, and Section 230. I have urged:

- a break up of tech giants, because they’ve misused their bigness and power;
- rigorous privacy protections, because consumers should have control over their own data; and
- Section 230 reform, meaningful reform, because their immunity is way too broad.

But, this hearing is not a serious one. It is a political sideshow – a public tar and feathering.

My colleagues seem to want you to ignore foreign disinformation campaigns intended to interfere in our democracy and calls for the murder of the FBI Director and Dr. Fauci. They excuse fighting words that inflame violence and send poll workers into hiding. They want you to turn a blind eye to destructive misinformation about a pandemic that has killed 240,000 Americans. They want you to idly harbor fringe conspiracy theorists that terrorize the victims of schools shootings – my constituents.

You need to take responsibility and protect our democracy.

The fact is that the purpose of today's hearing is to bully and browbeat you from taking even more responsible action by threatening cuts to Section 230. Contrary to the title of this hearing, no one has been censored. In fact, conservative media dominates on Facebook. What you have done is fact-check and label misinformation, and avoided amplifying dangerous falsehoods. These are prudent steps – not silencing speech.

Similarly, the President's Executive Order on Section 230 is not reform, it's intimidation. Like this hearing, it is meant to punish you for standing up to President Trump's attacks against our democracy and misinformation about a pandemic. To berate you for doing what my colleagues will not do: calling out the President's lies.

I have fought for reform of Section 230 for 16 years, from my time as Connecticut's Attorney General, when I took on the scourge of registered sex offenders grooming children on Facebook and MySpace. With Senator Portman, I have passed the only successful revision to Section 230, the Stop Enabling Sex Traffickers Act (SESTA). And Chairman Graham and I have authored the only bill to reform 230 that has moved out of a Committee this session, the EARN IT Act, which passed this committee unanimously.

Change is going to come; I intend to bring aggressive and targeted reform to Section 230. But I am not, nor should we be, interested in being a member of the speech police.

This hearing is a betrayal of the *real victims* of the *real harms* caused by Big Tech. You have repeatedly and catastrophically failed the American public.

Your neglect of past malign election interference has emboldened our fiercest foreign adversaries and our worst domestic demons. Your platforms have been embraced, abused, and weaponized by child predators, violent white supremacists, and human traffickers. I have heard countless, heart-wrenching stories of irreparable and life-changing damage to our most vulnerable because your companies did not seem to care.

Your business practices – what some call ‘surveillance capitalism’ – have set back precious privacy rights. Your platforms have set back civil rights protections for Muslim Americans who live in fear of armed militias organized in private online groups; for communities of color who face pernicious redlining and discrimination from ad tools. Big Tech’s predatory, anticompetitive practices have set back consumers and competition – making antitrust action, including breaking up off Instagram and WhatsApp from Facebook, long overdue.

The American public deserves and demands real reform and accountability – national consumer privacy rules, antitrust principles that curb predatory power, and reforms to Section 230 that stops shutting the door to courts on victims.

Despite today’s political charade, we have a historic opportunity for an ambitious and bipartisan agenda in the next Congress. And you have an opportunity to be a voice for change. You can be real leaders. You need to meet this moment and put your power and money on the right side of history.