

**Testimony of Chairman Marsha Blackburn
Before House Judiciary Committee
“Filtering Practices of Social Media Platforms”
April 26, 2018**

Thank you, Mr. Chairman and to my colleagues here at the Judiciary Committee, for inviting me to testify at this hearing. I’m honored to have the opportunity to share my thoughts regarding online censorship.

There are growing concerns about how and why Big Tech companies are making decisions to ban, deprioritize, or otherwise filter completely legal speech online. When Mark Zuckerberg testified earlier this month, every time someone asked about censoring conservatives, he said that Facebook takes down bad content like terrorism. When he gave me that answer, I responded that Diamond and Silk are not terrorism. But this problem is more far reaching than Diamond and Silk.

Last October, Twitter blocked my campaign launch video from its ads platform, due to my pro-life message. This ban threatened the fundamental freedom to engage in political speech.

For example, broadcasters are forbidden under Section 315 of the Communications Act from censoring the ad of a political candidate, even if it has disturbing content or language. Like social media platforms, broadcasters clearly are private entities with their own First Amendment rights, but even so, we recognize that some speech is so important that we must protect its access to an important platform.

Twitter reversed its decision in my case, but the bans keep coming. Just a few days ago, Google banned a large Lutheran denomination from its ads platform. YouTube banned the entire channel of Spike’s Tactical, a well-known firearm manufacturer. When bans get reversed we are told that “mistakes were made,” but why is it that the mistakes always seem to run in one direction?

To make matters worse, many of these decisions are made within the black box of an algorithm. Facebook recently tweaked its algorithm to prioritize content that is “trustworthy, informative, and local.” No one knows exactly what that means, but we do know that since then, there has been a significant reduction in traffic from Facebook to some of the most prominent conservative news sites.

As Chair of the Communications & Technology Subcommittee, we held a hearing in November on algorithms. Our findings show that Big Tech platforms are the new public square, and their executives, as the gatekeepers, are the new governors. But these governments do not have a First Amendment.

Free speech, as a value, is endangered even here in America, and is nonexistent in most of the world. We need to recognize that the global reach of these companies creates overwhelming pressure against free speech, and we need to do a much better job counteracting that pressure.

But Section 230 of the Communications Act gives online platforms broad immunity from liability for user generated content, except for a responsibility to take down certain things like child sex trafficking, theft of intellectual property, or terrorism. This should translate into more freedom, not

less, for their users, but instead we are seeing more and more content censored by the new governors on some very flimsy pretenses. As such, perhaps it is time to review some of our fundamental assumptions.

I had the ability to fight back. Diamond and Silk had the ability to fight back. But what about the thousands of others being thrown out of our new public squares for no good reason? We are here today to speak up for them, and we are here today to speak up for free speech.

I thank the Committee again for your attention to this important subject, and look forward to the discussion.