

United States Senate

August 22, 2024

Mr. Mark Zuckerberg
Chief Executive Officer
Meta Platforms
1 Hacker Way, Menlo Park
California, United States, 94025

Mr. Sundar Pichai
Chief Executive Officer
Google, L.L.C
1600 Amphitheatre Parkway, Mountain View
California, United States, 94043

Dear Mr. Zuckerberg and Mr. Pichai:

I am writing to express my concern about the increasing attacks on free speech facilitated by your social media platforms. In the past, social media companies have been employed to suppress American citizens' speech, particularly conservative speech.¹ This is alarming because the freedom to speak your mind in the public square—or in the virtual public square—is vital to the health of our republic. Far too many Americans are being told what they can say because of censorship facilitated by your companies. While the powerful have often censored the weak for centuries, in America, we recognize and protect the natural right of all people to speak freely, especially when that speech is unpopular.² The protection of inalienable rights, such as the freedom of speech, is the cornerstone of our Constitution and vital for this great experiment to flourish. The First Amendment must never be abrogated.

Historically, censorship in America pre-dates the Revolutionary War. Before 1700, colonists were oppressed—and prosecuted—by the British through suppression of speech over 1,200 times for what was termed “seditious speech.”³ Leading up to the creation of our constitutional republic, colonists began to stand up for this vital right. Colonial grand juries and citizens would refuse British colonizers indictments for criticizing their oppressive rulers.⁴ These Colonial Era attempts to stop political speech not only helped spark our Revolution but also led our founders

¹ *Missouri v. Biden*, 3:22-cv-01213, Doc. 174-1, at 1 (W.D. La. Jan. 11, 2023); *Missouri v. Biden*, 3:22-cv-01213, Doc. 212-3, ¶¶ 31-211 (W.D. La. Mar. 6, 2023).

² See Jud Campbell, *Natural Rights and the First Amendment*, 127 YALE L. J. 246, 255 (“speech and press freedoms were natural rights that were regulable in promotion of the public good, meaning the good of the society as a whole”); The Declaration of Independence, 1 U.S.C. § XLIII (1776) (“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights”).

³ Larry D. Eldridge, Before Zenger: Truth and Seditious Speech in Colonial America, 1607-1700, 39 AM. J. L. LEGAL HIST. 337, 337 (1995)

⁴ Stephen D. Solomon, REVOLUTIONARY DISSENT: HOW THE FOUNDING GENERATION CREATED THE FREEDOM OF SPEECH (2016); Stephen D. Solomon, The Cost of Criticism, TREND & TRADITION MAGAZINE, Oct. 2, 2020, 7 Richard Cicale, Freedom of Speech: The King vs. John Peter Zenger, HISTORY MAGAZINE, Dec./Jan. 2006, at 15.

to protect against future tyranny in the public square. The First Amendment aimed to protect our rights and create a society where people could debate and discuss ideas, free from oppressive government control. This right remains vital today, and it is troubling to see it under threat by both the Biden Administration and your organizations.

The suppression of free speech in ways was evident during the 2020 election. The Biden campaign, colluding with your organizations, enacted a coordinated campaign to suppress the free speech of millions of Americans.⁵ Since 2020, President Biden, his campaign, and his Administration repeatedly attacked your companies and threatened to revoke Section 230 protections if your companies did not conspire to censor speech opposed to their agenda.⁶ As we approach the 2024 election, it is imperative that this pattern of censorship does not repeat because free and open discourse is essential for a fair and democratic election process.

The government must not commandeer a private entity to suppress the speech of American citizens or journalists in the modern-day public square – this is unconstitutional. As nearly half of Americans get their news from social media, these platforms must remain open to free speech and diverse ideas.⁷ Unelected officials or corporate policies should not control the marketplace of ideas. I defended against the abuse of these rights throughout my time as Attorney General of Missouri and I will continue to stick up for them as a United States Senator.

In the lawsuit I filed as the Attorney General of Missouri, *Missouri v. Biden*, I highlighted how government officials, including President Biden and White House officials, coerced and colluded with social media companies to censor speech under the guise of combatting, “disinformation” and “misinformation.”⁸ I will provide a few examples to show how this shady collusion resulted in the censorship of truthful information. This “censorship industrial complex”—that a federal judge called an Orwellian Ministry of Truth⁹—suppressed truthful information on mask efficacy, the COVID-19 lab leak theory, and the Hunter Biden laptop story.

Like our Founding Fathers, I believe in the self-evident truth that all Americans are entitled to the same rights, not only those who toe the party line. The public square, including the virtual public square, must remain free and open, including on the internet. However, these examples of the government and social media companies forcing American citizens to consume only specific information is dangerously Orwellian and anti-American.

In 2019, Mr. Zuckerberg, you, ironically, gave a speech about protecting free expression to Georgetown University. Throughout the speech, you harped that the ability to speak freely is

⁵ Jessica Guynn, *Biden administration coerced social media giants into possible free speech violations: court*, USA TODAY, (September 9, 2023), <https://www.usatoday.com/story/money/2023/09/08/biden-administration-coerced-facebook-court-rules/70800723007/>.

⁶ Rebecca Kern, *White House renews call to ‘remove’ Section 230 liability shield*, POLITICO (September 8, 2022), <https://www.politico.com/news/2022/09/08/white-house-renews-call-to-remove-section-230-liability-shield-00055771>.

⁷ Mason Walker and Katerina Eva Masta, *News Consumption Across Social Media in 2021*, PEW RESEARCH CENTER (September 20, 2021). <https://www.pewresearch.org/journalism/2021/09/20/news-consumption-across-social-media-in-2021/>.

⁸ See *Murthy v. Missouri*, 144 S.Ct. 1972, 1994 (2024).

⁹ See *Missouri v. Biden*, 680 F.Supp.3d 630, 729 (W.D.La., 2023).

vital for democracies and that “[you] don’t think it’s right for a private company to censor politicians or the news in a democracy.”¹⁰ However, your company has done just that. And, it continues to suppress speech. Following the assassination attempt against former President Trump, Facebook “wrongly censored the Trump ‘assassinated assassination photo.’”¹¹ This suppression at your company must end, Mr. Zuckerberg.

Similarly, Mr. Pichai, one of your subsidiaries, YouTube, claims to be a platform for free expression but has consistently removed speech it disagrees with or deems “misinformation.”¹² Another one of your subsidiaries, Google, has been found to also have suppressed and censored information regarding the assassination attempt against former President Trump.¹³ A spokesperson of Google stated that the company did not take any actions on its search engine that omitted the reference “Trump assassination attempt.”¹⁴ Yet, users were censored from being able to access information regarding this event on your search engine. This suppression must end.

The Founding Fathers enshrined the First Amendment after witnessing the costly effects of speech suppression. This is why, for over 230 years, debate and criticism have been bedrock principles in America. As an elected official of Missouri, I will fight for Missourians’ and Americans’ individual freedoms against the threats to free speech from both the Biden Administration and your companies.

To better understand the practices and intentions of your platform as it relates to free speech, I ask for your response to the following questions no later than September 5th, 2024:

1. What are your current policies and practices regarding content moderation, specifically in relation to political speech?
2. What is your response to the claims that your platforms were used to suppress free speech during the 2020 election?
3. Can you provide specific examples of how your company has handled cases of alleged censorship?
4. How do you respond to allegations that your platforms colluded with government officials to censor certain types of speech?
5. What measures are in place to prevent undue influence from government entities on your content moderation policies?

¹⁰ *Mark Zuckerberg Stands for Voice and Free Expression*, META, (October 17, 2019), <https://about.fb.com/news/2019/10/mark-zuckerberg-stands-for-voice-and-free-expression/#:~:text=I%20worked%20hard%20to%20make,free%20expression%20around%20the%20world>.

¹¹ Timothy Nerozzi, *Trump Blasts Meta and Google After Users Claim Companies Censored Assassination Attempt Searches*, FOX BUSINESS (July 30, 2024), <https://www.foxbusiness.com/politics/trump-blasts-meta-google-after-users-claim-companies-censored-assassination-attempt-searches>.

¹² *Missouri v. Biden*, 3:22-cv-01213, Doc. 174-1, at 1 (W.D. La. Jan. 11, 2023); *Missouri v. Biden*, 3:22-cv-01213, Doc. 212-3, ¶¶ 31-211 (W.D. La. Mar. 6, 2023).

¹³ *Id.*

¹⁴ Timothy Nerozzi, *Trump Blasts Meta and Google After Users Claim Companies Censored Assassination Attempt Searches*, FOX BUSINESS (July 30, 2024), <https://www.foxbusiness.com/politics/trump-blasts-meta-google-after-users-claim-companies-censored-assassination-attempt-searches>.

6. What steps are you taking to increase transparency around your content moderation decisions?
7. How do you plan to safeguard free speech on your platforms as we approach the 2024 election?
8. What changes, if any, are you considering to address the concerns raised about the suppression of free speech?
9. Why did your company suppress information related to the assassination attempt of former President Donald Trump?

Sincerely,

A handwritten signature in blue ink, reading "Eric S. Schmitt", is positioned above a horizontal line.

Eric S. Schmitt
United States Senator