Statement
November 30, 2023

Exactly one year ago today I had my first look at the documents that came to be known as the Twitter Files. One of the first things Michael, Bari Weiss and I found was this image – showing that Stanford's Dr. Jay Bhattacharya had been placed on a "trends blacklist."

This was not because he was suspected of terrorism or incitement or of being a Russian spy or a bad citizen in any way. Dr. Bhattacharya's crime was doing a peer-reviewed study that became the 55th-most read scientific paper of all time, which showed the WHO initially overstated Covid-19 infection fatality rates by a factor of 17. This was legitimate scientific opinion and should have been an important part of the public debate, but Bhattacharya and several of his colleagues instead became some of the most suppressed people in America in 2020 and 2021. That's because by then, even true speech that undermined confidence in government policies had begun to be considered a form of disinformation – precisely the situation the First Amendment was designed to avoid.

When Michael and I testified before the good people of this Committee in March we mentioned this classically Orwellian concept of "malinformation" – material that is somehow both true and wrong – as one of many reasons everyone should be concerned about these digital censorship programs.

But there's a more subtle reason people across the spectrum should care about this issue.

Former Executive Director of the ACLU Ira Glasser once explained to a group of students why he didn't support hate speech codes on campuses. The problem, he said, was "who gets to decide what's hateful… who gets to decide what to ban," because "most of the time, it ain't you."

The story that came out in the Twitter Files, and for which more evidence surfaced in both the *Missouri v. Biden* lawsuit and this Committee's Facebook Files releases, speaks directly to Glasser's concerns.

There's been a dramatic shift in attitudes about speech, and many politicians now clearly believe the bulk of Americans can't be trusted to digest information. This mindset imagines that if we see one clip from RT we'll stop being patriots, that once exposed to hate speech we'll become bigots ourselves, that if we read even one Donald Trump tweet we'll become insurrectionists. Having come to this conclusion, the kind of people who do "anti-disinformation" work have taken upon themselves the paternalistic responsibility to sort out what is and is not safe. While they see great danger in allowing anyone else to read controversial material, it's taken for granted that they'll be immune to the dangers of speech.

This leads to the one inescapable question about new "anti-disinformation" programs that is never discussed, but must be: who does this work? Stanford's Election Integrity Project

helpfully made a graphic showing the “external stakeholders” in their content review operation. It showed four columns: government, civil society, platforms, media.

One group is conspicuously absent from that list: ordinary people. Whether America continues the informal *sub rosa* censorship system seen in the Twitter Files or formally adopts something like Europe’s draconian new Digital Services Act, it’s already clear who *won t* be involved. There’ll be no dockworkers doing content flagging, no poor people from inner city neighborhoods, no single moms pulling multiple waitressing jobs, no immigrant store owners or Uber drivers, etc. These programs will always feature a tiny, rarefied sliver of affluent professional-class America censoring a huge and ever-expanding pool of everyone else.

Take away the high-fallutin ’talk about “countering hate” and “reducing harm” and “anti-disinformation” is just a bluntly elitist gatekeeping exercise. If you perfer to think in progressive terms, it’s class war. The math is simple. If one small demographic over here has broad control over the speech landscape, and a great big one over there does not, it follows that one group will end up with more political power than the other. Which one is the winner? To paraphrase Glasser, it probably ain’t you.

It isn’t just one side or the other that will lose if these programs are allowed to continue. It’s pretty much everyone, which is why these programs must be defunded before it’s too late.