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Debunking Republicans’ Misleading Report on the EU’s Digital Services Act (DSA)

On July 25, 2025, the House Judiciary Republicans released their Interim Staff Report, *The Foreign Censorship Threat: How the European Union’s Digital Services Act Compels Global Censorship and Infringes on American Free Speech*. This interim staff report claims that the EU’s Digital Services Act (DSA), which requires companies to remove illegal content online in a manner similar to U.S. laws on child sexual abuse material and copy written material, is a “comprehensive digital censorship law.”

Below we present some of the most misleading distortions and assertions in this Report, as well as the underlying facts debunking these false narratives.

Myth: “European Commission regulators classify political debate, satire, and memes as ‘hate speech.’”

- **Fact:** *There is no evidence that the European Commission classifies political debate as “hate speech,” and the Report does not present a single case substantiating this distortion. House Republicans have reached this overbroad conclusion by failing to accurately identify potential hate speech in their Report and by refusing to communicate the full context of illustrative hypothetical online statements.* In the key example identified, the Report claims that the European Commission’s “workshop labeled a hypothetical social media post stating ‘we need to take back our country’—a common, anodyne political statement—as ‘illegal hate speech.’” But the Report does not convey the full context in which that hypothetical statement occurred, which involved an individual posting a meme (1) of a woman wearing a hijab, (2) with a caption identifying the women as a “Terrorist in disguise,” and (3) then repeatedly sending harassing online messages to a 16-year old girl. That hate speech hypothetical plainly presents a context completely different from the suggestion that the European Commission has made illegal the use of the phrase “*we need to take back our country*.” By willfully misstating and omitting the full context of a single hypothetical scenario, the Republicans misrepresent the DSA’s approach to content moderation and misrepresent its core mission.

Myth: “The DSA is forcing companies to change their global content moderation policies.”

- **Fact:** *This is simply false; the DSA does not force tech companies to change or alter its global moderation policy to align with the DSA’s goals.* While most global tech companies currently use one global content moderation policy, the DSA is not forcing companies to change it. Tech companies have the ability and right to implement a regional content moderation policy to comply with European law. For example, tech companies can ensure that a moderation decision in Finland will not be applied to or impact users in the United States or Japan. More broadly, companies almost always have to adopt region-specific policies based on their worldwide business activities to comply with each nation’s sovereign domestic laws based on their national public policy choices. Although couched in terms of corporate freedom, the Republican Majority’s approach would allow a company like Meta or TikTok to violate German or Spanish law with impunity simply because it imposes a cost on their business.

Myth: “EU member state takedowns show the target is conservative speech” and “censorship is largely one-sided, almost uniformly targeting political conservatives.”

- **Fact:** *Lawful content remains lawful and protected from removal under the DSA’s transparency and reporting requirements.* In arguing that the DSA is being used to censor conservative speech, the Report relies on second-hand reports from a tech company representative, one tech industry workshop hosted by the European Commission, and three isolated examples of individual EU member states flagging content for platforms. Notably, in all but one of the cases cited, *the platforms did not actually take down the content flagged, completely undercutting the claim that “state takedowns show the target is conservative speech.”* For instance, in one case, a Polish entity asked TikTok to remove a post relating to electric vehicles. TikTok, availing itself of the processes available under the DSA, refused, finding “No Violation.” In the only instance where a post seems to have been removed (even as the Report admits it does not know why), a German regulator merely flagged for X that a post, “deport the whole lot of them,” in the context of a story about crime committed by a Syrian immigrant, could be seen as incitement against individuals of Syrian nationality. In other words, the hand-picked examples cited by the Report, far from showing anti-conservative bias, show a serious, deliberative process in which tech companies can engage with posts “flagged” by regulators.

Myth: “The DSA’s mandates are a significant burden on platforms” including its requirements that “all online platforms [] allow individuals and entities to notify them about content the individuals and entities consider illegal” and “provide a complaint handling system allowing individuals and entities to submit complaints if they disagree with platform decisions on how to

handle content and allow individuals and entities to take their dispute to out-of-court settlement bodies for ultimate resolution.”

- **Fact:** *The Report attempts to create the false impression that EU Member states and trusted flaggers have run wild, forcing platforms to consider and remove a high volume of content.* Despite this overheated rhetoric, the European Commission [reports](#), and tech companies do not dispute, that “more than 99 percent of content moderation decisions are in fact taken proactively by online platforms to enforce their own Terms & Conditions” and “content removals based on regulatory authorities’ orders to act against illegal content account for less than 0.001 percent.” In other words, 99.99% of the time, the platform itself is removing illegal content without any request from a regulatory body. This is perhaps best demonstrated by the Republicans’ own Report, which only cites a single possible instance of a social media post being taken down after being flagged by an EU Member State. There may be legitimate concerns that the DSA may encourage platforms to over-remove content in the future, but the fact remains that EU Member States play a minuscule roll in content flagging and removal requests overall. And as an assurance, flaggers and companies are required to create and maintain transparency reports (as even the Report notes), allowing for audit and review of the law’s impact.

Myth: The “DSA imposes additional mandates on [Very Large Online Platforms or VLOPs], which further encourage censorship. European regulators attempt to justify these additional mandates by arguing that VLOPs can strongly influence online safety, public discourse, and public opinion.” However, these “additional requirements are used to burden non-European technology companies with compliance costs.”

- **Fact:** *The Report treats any part of the DSA that requires tech companies to protect consumers as illegitimate simply because it may impose some additional costs on tech companies, failing to recognize that the vast majority of Americans want government and tech companies to take more action to make online spaces private and safe, not less.* As an illustration of this point, the DSA implements a number of provisions to protect user privacy, including that companies must disclose algorithms used to target customers, they must obtain clear consent before processing user data, and platforms can only collect the data strictly necessary for their services. These provisions are not only popular in Europe; *they align with Americans views on how tech companies and government regulation should protect data.* For instance, [one survey](#) found that 91% of Americans want to have more control about what marketers can learn about them online. [Another survey](#) found, by a 72% to 7% margin, that Americans want more regulation to protect their data, not less. The Report appears to conflate any attempt to protect consumers, even those that Americans are clamoring for by a ten to one margin, as illegitimate—simply because these measures might cut into corporate profits, no matter how marginally.

Myth: The DSA was “inspired by narratives of pervasive Russian interference in the 2016 U.S. presidential election and the 2017 French presidential election” which “are unmoored from fact: academic studies have found that Russia’s social media activities ahead of the 2016 U.S. election had little impact on the outcome, and Macron is now in his second term as President of France.”

- **Fact:** *Russian interference in democratic elections is not a “narrative”; it is a fact.* Numerous intelligence assessments have found that the Russian, and even Chinese, governments have used social media disinformation to subvert democratic elections, from the U.K to the United States to Romania. Virtually every U.S. domestic intelligence authority has confirmed this. A 2017 U.S. Intelligence Committee Report, Special Counsel Mueller’s Report, and a bipartisan Senate Intelligence Report (supported by now-Secretary of State Marco Rubio), all determined that Russia used disinformation during the 2016 election to inundate tens of millions of Americans with fake news and Trump-aligned narratives. It is unclear the degree to which this hostile foreign interference affected the results, but this is beside the point. Europe, like the United States, has a clear and compelling interest in preventing significant foreign interference in democratic elections through sensible social media laws.

Myth: The DSA’s mandate that trusted flaggers’ notifications to platforms be addressed “without undue delay,” and that these trusted flaggers “publish reports to EU regulators outlining the notifications given to platforms and the actions platforms took in response,” will lead to increased censorship.

- **Fact:** *Trusted flaggers have been used for years by these platforms to help flag this illegal content and the platform alone determines whether or not to remove content flagged by these individuals.* The trusted flaggers “[don’t have a magic delete button](#).” These individuals merely provide extra resources to platforms that do not have an affirmative duty to search for and remove illegal content by themselves. Moreover, the reporting requirement on trusted flaggers on what is being flagged for these platforms, and the platforms’ subsequent action on those flags increases transparency and accountability to prevent unwarranted content removal.

Myth: “The Digital Services Act requires the world’s largest social media platforms to engage in censorship of core political discourse in Europe, the United States, and around the world.”

- **Fact:** While the DSA has its flaws, it represents a well-considered, innovative, and above all, *democratic* solution to extraordinarily complex problems involving misinformation, hate speech, child protection, and privacy. When free speech advocates in the EU and globally have expressed concerns about the DSA, those concerns have been largely focused on future implementation—and whether social media companies will voluntarily over-comply in an effort to avoid fines for hosting unlawful content—rather than on the law itself or its implementation to date. Broad claims about censorship, as shown by the dearth of actual examples in the Report, are unfounded and overblown.