

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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August 12, 2024

The Honorable Jim Jordan
Chairman
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Jordan:

I am writing to request that this Committee take immediate action to investigate political censorship on social media platform X.

Last week, five secretaries of state sounded the alarm that inaccurate information about the upcoming presidential election is being propagated by Grok, an artificial intelligence (AI) chatbot on X.¹ The secretaries wrote, “Within hours of President Joe Biden stepping away from his presidential candidacy on July 21, 2024, false information on ballot deadlines produced by Grok was shared on multiple social media platforms.”² Specifically, Grok incorrectly told users that Vice President Kamala Harris had missed the ballot deadlines in nine states and suggested that she was ineligible to appear on the presidential ballot in the 2024 election.³ In fact, all nine states still allow for changes to the candidates for President and Vice President of the United States and the deadlines have not passed.⁴

This pressing issue deserves the Committee’s immediate attention for several reasons. First, as Members of Congress, we have a sworn obligation to protect and defend the United States Constitution. Protecting American voters from election misinformation propagated in the “town squares” of society squarely falls within this sacred duty.⁵ Regardless of our political disagreements, we can all agree that the next President must be decided by a free and fair

¹ Sarah Ellison & Amy Gardner, *Secretaries of state urge Musk to fix AI chatbot spreading false election info*, WASH. POST (Aug. 4, 2024), <https://www.washingtonpost.com/politics/2024/08/04/secretaries-state-urge-musk-fix-ai-chatbot-spreading-false-election-info/>.

² Letter from Steve Simon, Sec’y of State, Minn., et al., to Elon Musk, X Corp., at 1 (Aug. 5, 2024), <https://www.washingtonpost.com/documents/a9fd8c2b-68bf-4965-933e-a0b337322d92.pdf>.

³ *Id.*

⁴ *Id.*

⁵ Interim Staff Report, *The Censorship-Industrial Complex: how Top Biden White House Officials Coerced Big Tech to Censor Americans, True Information, and Critics of the Biden Administration*, H. COMM. ON THE JUDICIARY & H. SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T, at 1 (May 1, 2024).

election—the most fundamental bedrock of our democracy. I fear that X’s “anti-‘woke’” chatbot may propagate further falsehoods to millions of users in the 2024 election designed to tip the scales in favor of one political party.

Second, I am concerned that X will not take this matter seriously absent this Committee’s attention. Minnesota Secretary of State Steve Simon described X’s response as “the equivalent of a shoulder shrug. Dismissive and detached.”⁶ With less than 90 days remaining until the election, we no longer have the luxury of time to wait for X to do right thing on its own accord. With such little time, we should not be in a position where secretaries of states—who serve on the front lines of our elections—feel that they have no other choice but to beg a recalcitrant company owner to take immediate action vis-à-vis an open letter shared with the press. We know that the Committee continues to be active in its investigation into “Big Tech” platforms, as evidenced by your August 5, 2024, letter to Alphabet CEO Sundar Pichai, accusing the company of potential election interference because Google Search’s Autocomplete feature did not predict and suggest Donald Trump’s attempted assassination as a search query to users.⁷ Therefore, there is no justifiable reason why the Committee should not immediately respond to this clear and imminent threat raised by multiple secretaries of state.

I am additionally concerned about X’s recent record of content moderation that appears to be politically biased. As you are undoubtedly aware, egregious falsehoods and conspiracy theories are becoming commonplace on X. For example, X recently not only allowed, but promoted posts spreading a baseless rumor that President Biden had an undisclosed medical condition and was dying.⁸ For example, the platform reportedly recommended a post from right-wing activist Laura Loomer which baselessly said that a “medical source” said President Biden was “in the terminal stage of his illness,” and the post received over 13 million views.⁹

Elon Musk himself shared a manipulated deepfake video of Vice President Harris on July 26, 2024, without any notation that the video was edited or parody.¹⁰ The video mimicked Vice President Harris’ voice to deceptively misrepresent that she does not “know the first thing about running the country” and that she was the “ultimate diversity hire.”¹¹ By the next day, Mr. Musk’s post had been viewed 98 million times even though it appeared to run afoul of X’s own policies about sharing manipulated media.¹² Mr. Musk vulgarly and dismissively defended his

⁶ Sarah Ellison & Amy Gardner, *Secretaries of state urge Musk to fix AI chatbot spreading false election info*, WASH. POST (Aug. 4, 2024), <https://www.washingtonpost.com/politics/2024/08/04/secretaries-state-urge-musk-fix-ai-chatbot-spreading-false-election-info/>.

⁷ Letter from the Hon. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Sundar Pichai, Chief Exec. Off., Alphabet (Aug. 5, 2024), <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2024-08-05%20JDJ%20to%20Pichai%20re%20briefing%20questions.pdf>.

⁸ David Ingram, *Elon Musk’s X boosts conspiracy theories that Biden is dead or dying*, NBC NEWS (Jul. 24, 2024), <https://www.nbcnews.com/tech/internet/joe-biden-dead-dying-covid-vegas-theory-musk-x-elon-rcna163248>.

⁹ *Id.*

¹⁰ Ken Bensinger, *Elon Musk Shares Manipulated Harris Video, in Seeming Violation of X’s Policies*, N.Y. TIMES (Jul. 27, 2024), <https://www.nytimes.com/2024/07/27/us/politics/elon-musk-kamala-harris-deepfake.html>.

¹¹ *Id.*

¹² *Id.*

post, writing “I checked with renowned world authority, Professor Suggon Deeznutz, and he said parody is legal in America.”¹³

In contrast, X does take action against disinformation about Republican officials on its platform. Recently, posts containing fake images that purported to show X’s internal software code falsely claimed that some X users, including Elon Musk, former President Trump, and other conservatives, were exempted from policies against using racial slurs on the platform.¹⁴ According to media reports, an account that posted the fake code images was suspended within hours, and, by the next day, the inauthentic images were tagged with warning labels about manipulated media.¹⁵ X confirmed that multiple accounts were suspended for sharing the false images.¹⁶ These examples raise concern that X’s policies about manipulated media are enforced with partisan bias.

Additionally, X appears to censor accounts for partisan gain. Recent reports have surfaced that X took unwarranted action against the group White Dudes for Harris (@dudes4harris) shortly after they hosted a successful fundraising event where almost 200,000 people donated over \$4 million for Vice President Harris.¹⁷ The X handle @dudes4harris was suspended because of a “user report” for “violating our rules against evading suspension,” though the exact violations or reasons behind the suspension are unclear, and the account was reinstated the next day.¹⁸ According to the group, less than a week after the questionable suspension, the @dudes4harris account was “labeled ... as spam” and “falsely accus[ed] ... of manipulating the platform,” which lead to the account’s reach being limited.¹⁹ In the recent past, prominent journalists with left-leaning accounts have been “accidentally” suspended, raising eyebrows to the platform’s selective enforcement against voices Mr. Musk disagrees with.²⁰ In sum, I lack confidence that Mr. Musk (with his self-proclaimed expansive view on free speech) will take the same swift action against false election information about liberals as he does when it targets conservatives. As *Washington Post* editorial columnist Molly Roberts aptly stated in a

¹³ Rebecca Rommen & Grace Eliza Goodwin, *Elon Musk defends posting a deepfake video of Kamala Harris with vulgar dig*, BUS. INSIDER (Jul. 29, 2024), <https://www.businessinsider.com/elon-musk-reposted-deepfake-kamala-harris-violate-x-policy-2024>.

¹⁴ Will Oremus, *False rumors about Vance, Musk’s X show misinfo cuts both ways*, WASH. POST (Jul. 26, 2024), <https://www.washingtonpost.com/technology/2024/07/26/jd-vance-couch-twitter-whitelist-fake/>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Trisha Thandani, Will Oremus, & Eva Dou, *X suspends “White Dudes for Harris” account after massive fundraiser*, WASH. POST (Jul. 31, 2024), <https://www.washingtonpost.com/technology/2024/07/30/white-dudes-harris-suspended-x-twitter/>.

¹⁸ *Id.*

¹⁹ White Dudes for Harris (@dudes4harris), X (Aug. 6, 2024, 7:50 AM), <https://x.com/dudes4harris/status/1820789495073014175>; Ramishah Maruf, *‘White Dudes for Harris’ said their account was targeted by X for the second time*, CNN (Aug. 6, 2024), <https://www.cnn.com/2024/08/06/business/white-dudes-for-harris-said-their-account-was-targeted-by-x-for-the-second-time/index.html>.

²⁰ Kat Tenbarge, *X’s fresh temporary ban of several prominent journalists raises alarm*, NBC NEWS (Jan. 9, 2024), <https://www.nbcnews.com/tech/social-media/x-temporary-ban-journalist-accounts-raises-alarm-rcna133084>.

recent opinion piece: “Sometimes it’s easy to forget that Twitter isn’t Twitter anymore. Until Elon Musk, or his invisible hand, comes along and reminds us.”²¹

Your chairmanship of this Committee has made your views crystal clear that *any* content moderation is egregious censorship that is “devastating” to the American people. You believe, for example, that “much needless pain and suffering could have been avoided” had social media companies not moderated harmful conspiracy theories and falsehoods surrounding COVID-19 and vaccines.²² You have also investigated and attacked government agencies, such as the FBI, for simply sharing information with social media platforms about foreign malign actors, such as Russia, when they deliberately meddle with elections.²³ It appears that in your expansive view, the American public is better served if it receives every conceivable piece of information—regardless of whether content is deceptive or harmful to a platform’s users or democratic elections at large.

While we may have significant disagreement over the degree and extent of content moderation, I hope that we can at least agree that enforcement on a major platform like X should be fair to both sides. At a basic level, a platform’s policies should be applied in an even-handed manner free from political bias. The “modern town squares”²⁴ of American discourse are not well served if a platform throttles or suspends liberal points of view yet allows right-wing disinformation to run rampant. If you truly believe that platforms should allow for the unfettered free and fair exchange of ideas, I urge you to join me in ensuring that X does not pay lip service to principles that it does not follow in practice. In this vein, the Committee should immediately launch an investigation and request at a minimum the following information from X:

1. A specific explanation for why X’s AI chatbot Grok provided misinformation regarding the ability for Vice President Harris to appear on the ballots in nine states for the upcoming 2024 election.
2. What steps X has taken to ensure that Grok’s incorrect answers regarding Vice President Harris’ candidacy has been corrected as well as all of X’s plans to prevent further election misinformation on the chatbot leading up to the 2024 election.
3. Whether X will grant the requests by the five secretaries of state that Grok direct users to the nonpartisan website CanIVote.org operated by the National Association of Secretaries of State if questions are asked about the election.

²¹ Molly Roberts, *Why “White Dudes for Harris” got suspended*, WASH. POST (Aug. 2, 2024), <https://www.washingtonpost.com/opinions/2024/08/02/white-men-kamala-harris-x-twitter/>.

²² Interim Staff Report, *The Censorship-Industrial Complex: How Top Biden White House Officials Coerced Big Tech to Censor Americans, True Information, and Critics of the Biden Administration*, H. COMM. ON THE JUDICIARY & H. SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T, at 89 (May 1, 2024).

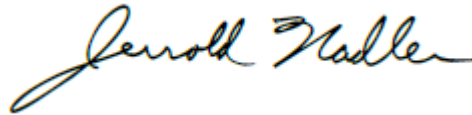
²³ See e.g., Henry Rodgers, *Exclusive: Jim Jordan Demands Docs, Communications Between Big Tech and FBI*, DAILY CALLER (Apr. 9, 2024), <https://dailycaller.com/2024/04/09/exclusive-jim-jordan-demands-docs-communications-between-big-tech-and-fbi/>.

²⁴ Interim Staff Report, *The Censorship-Industrial Complex: how Top Biden White House Officials Coerced Big Tech to Censor Americans, True Information, and Critics of the Biden Administration*, H. COMM. ON THE JUDICIARY & H. SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV’T, at 1 (May 1, 2024).

4. What are X's current misinformation policies, and how does X ensure that they are enforced in a manner that is free from political bias, including what policies X has in place to prevent egregious and baseless disinformation from becoming amplified and promoted to millions of viewers across its platform.
5. An explanation for any enforcement actions taken against handle @dudes4harris, including the total amount of time that the account was locked and/or suspended, the reasons for locking or suspending the account, and the total number of users affected.
6. Whether Elon Musk was permitted under X's guidelines to share a deepfake video of Vice President Kamala Harris without disclosing to followers that the content had been manipulated.
7. Specific information on how at least eight prominent journalists were suspended in early January 2024 as reported in the media.

Again, it is my hope that we can put partisan differences aside and find common ground during the remainder of this Congress. If you are sincere in your vision of unfettered free speech on platforms, let us at least ensure that free speech is free for everybody, including those who may disagree with certain viewpoints. I look forward to working with you on this important issue.

Sincerely,

A handwritten signature in black ink that reads "Jerrold Nadler". The signature is written in a cursive, flowing style.

Jerrold Nadler
Ranking Member
House Committee on the Judiciary