

U.S. Senator Maria Cantwell

Opening Statement at Senate Commerce Committee Hearing Entitled “Does Section 230’s Sweeping Immunity Enable Big Tech Bad Behavior?”

Witnesses: Mr. Jack Dorsey, Chief Executive Officer, Twitter

Mr. Sundar Pichai, Chief Executive Officer, Alphabet Inc., Google

Mr. Mark Zuckerberg, Chief Executive Officer, Facebook

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Cantwell: [no audio]...beautiful state of Washington, in my Senate office here in Washington DC that shows the various ecosystems of the state of Washington which we very much appreciate.

I bring that up because just recently, the Seattle area was named the number one STEM economy in the United States, that is, the most STEM workforce in the United States of America. So these issues about how we harness the information age to work for us, and not against us, is something that we deal with every day of the week, and we want to have discussion and discourse. I believe that discussion and discourse today should be broader than just 230. There are issues of privacy that our committee has addressed and issues of how to make sure there is a free and competitive news market.

I noticed today we're not calling in the NAB or the Publishers Association asking them why they haven't printed or reprinted information that you alluded to in your testimony that you wish was more broadly distributed. To have the competition in the news market is to have a diversity of voices and diversity of opinion, and in my report, just recently released, we show that true competition really does help perfect information, both for our economy, and for the health of our democracy. So I do look forward to discussing these issues today. What I do not want today's hearing to be is a chilling effect on the very important aspects of making sure that hate speech or misinformation related to health and public safety, are allowed to remain on the internet.

We all know what happened in 2016, and we had reports from the FBI, our intelligence agencies, and a bipartisan Senate committee that concluded in 2016, that Russian operatives did, masquerading as Americans, use targeted advertisements, intentionally falsified news articles, self generated content and social media platform tools to interact and attempt to deceive tens of millions of social media users in the United States. Director of National Intelligence, then Republican Senator--former Senator--Dan Coats said in July 2018, “The warning lights are blinking red that the digital infrastructure that serves our country is literally under attack.”

So I take this issue very seriously and have had for many years, that is, making sure, as the Mueller--Special Counsel Mueller indicated, 12 Russian intelligence officers hacked the DNC, and various information detailing phishing attacks into our state election boards, online personas, and stealing documents. So, when we subcommittee hearing and former Bush Homeland Security Director Michael Chertoff testified, I asked him point blank, because there were some of our colleagues who were saying, “you know what? Everybody does election interference.” So I asked him if election interference was

something that we did, or should be encouraging? He responded that he agreed: "Interfering with infrastructure or elections is completely off limits and unacceptable."

That is why I believe that we should be working aggressively internationally to sanction anybody that interferes in our elections. So I hope today that we will get a report from the witnesses on exactly what they have been doing to clamp down on election interference. I hope that they will tell us what kind of hate speech and misinformation that they have taken off the books. It is no secret that there are various state actors who are doing all they can to take a whack at democracy, to try to say that our way of government, that our way of life, that our way of freedom of speech and information, is somehow not as good as we have made it being the beacon of democracy around the globe.

I am not going to let or tolerate people to continue to whack at our election process, our vote by mail system, or the ability of tech platforms, security companies, our law enforcement entities, and the collective community to speak against misinformation and hate speech. We have to show that the United States of America stands behind our principles and that our principles do also transfer to the responsibility of communication online. As my colleagues will note, we've all been through this in the past. That is why you, Mr. Chairman, and I, and Senators Rosen and Thune sponsored the Hack Act that is to help increase the security and cyber security of our nation and create a workforce that can fight against that. That is why I joined with Van Hollen and Rubio on the Deter Act, especially in establishing sanctions against Russian election interference, and to continue to make sure that we build the infrastructure of tomorrow.

So I know that some people think that these issues are out of sight and out of mind. I guarantee you, they're not. There are actors who have been at this for a long time. They wanted to destabilize Eastern Europe, and we became the second act when they tried to destabilize our democracy here by sewing disinformation. I want to show them that we in the United States do have fair elections. We do have a fair process. We are going to be that beacon of democracy. So I hope that as we talk about 230 today and we hear from the witnesses on the progress that they have made in making sure that disinformation is not allowed online, that we will also consider ways to help build and strengthen that. That is to say, as some of those who are testifying today, what can we do on transparency, on reporting, on analysis, and yes, I think you're going to hear a lot about algorithms today, and, and the kinds of oversight that we all want to make sure that we can continue to have the diversity of voices in the United States of America, both online and offline.

I do want to say though, Mr. Chairman, I am concerned about the vertical nature of news and information. Today I expect to ask the witnesses about the fact that I believe they create a choke point for local news. The local news media have lost 70% of their revenue over the last decade, and we have lost thousands, thousands of journalistic jobs that are important. It was even amazing to me that the sequence of events yesterday had me being interviewed by someone at a newspaper who was funded by a joint group of the Knight Foundation, and probably Facebook funds, to interview me about the fact that the news media and broadcast has fallen on such a decline because of loss of revenue as they've made the transition to the digital age.

Somehow, somehow, we have to come together to show that the diversity of voices that local news represent need to be dealt with fairly when it comes to the advertising market. And that too much control in the advertising market puts a foot on their ability to continue to move forward and grow in the digital age. Just as other forms of media have made the transition, and yes still making the

transition, we want to have a very healthy and dynamic news media across the United States of America. So I plan to ask the witnesses today about that.

I wish we had time to go into depth on privacy and privacy issues but Mr. Chairman, you know, and so does Senator Thune and other colleagues of the Committee on my side, how important it is that we protect American consumers on privacy issues. That we're not done with this work, that there is much to do to bring consensus in the United States on this important issue. And I hope that as we do have time or in the follow up to these questions, that we can ask the witnesses about that today.

But make no mistake, gentlemen, thank you for joining us, but this is probably one of many, many, many conversations that we will have about all of these issues. But again, let's harness the information age, as you are doing, but let's also make sure that consumers are fairly treated and that we are making it work for all of us to guarantee our privacy, our diversity of voices, and upholding our democratic principles and the fact that we, the United States of America, stand for freedom of information and freedom of the press. Thank you.

Q&A With Witnesses:

Cantwell: Thank you Mr. Chairman, can you hear me?

Wicker: Surely can.

Cantwell: And can you see me this time?

Wicker: We can now see you, yes.

Cantwell: Okay, well thank you, Mr. Chairman. This is such an important hearing, I agree with many of the statements my colleagues have had that this hearing didn't need to take place at this moment, that the important discussion about how we keep a thriving internet economy, and how we continue to make sure that hate speech and misinformation is taken down from the web is something that would probably better been done in January than now. But here we are today. And we've heard some astounding things that I definitely must refute.

First of all, I'm not going to take lightly anybody who tries to undermine mail-in voting. Mail-in voting in the United States of America is safe. The state of Washington, the state of Oregon have been doing it for years. There is nothing wrong with our mail-in system. So I think that there will be Secretaries of State, there will be our law enforcement agencies who've worked hard with state election officials, and others who will be talking about how this process works and how we're going to fight to protect it.

I'm also going to not demean organization just because they happen to be headquartered in the state of Washington, or to have business there. That somebody claims that just because of the geography of a company somehow makes it uber political for one side of the aisle or another, I seriously doubt. I know that because I see many of you coming to the state of Washington for Republican fundraisers with these officials. I know you know darn well that there are plenty of Republicans that work in high tech firms.

So, the notion that somehow these people are crossing the aisle because of something in creating censorship--the notion that free speech is about the ability to say things, and it doesn't take--well maybe we need to have a history lesson from high school again. But yes, free speech means that people can make outrageous statements about their beliefs. So I think that the CEOs are telling us here what their process is for taking down healthcare information that's not true, that is a threat to the public, and information that is a threat to our democracy. That is what they're talking about.

So I want to make it clear that this hearing could have happened at a later date. And I don't appreciate the misinformation that is coming across today that is trying to undermine our election process. It is safe, is the backbone of what distinguishes America from other countries in the world. We do know how to have a safe and fair election. And one of the ways that we're doing that is to have these individuals work with our law enforcement entities. My colleague Gary Peters made it very clear: they successfully

helped stop a threat on the Governor of Michigan, and why? Because they were working with them to make sure that information was passed on.

So this is what we're talking about. We're talking about whether we're going to be on the side of freedom and information, and whether we're going to put our shoulder to the wheel to continue to make sure that engine is there, or whether we're going to prematurely try to get rid of 230 and squash free speech. And so I want to make sure that we continue to move forward.

So Mr. Zuckerberg, I'd like to turn to you because there was a time where there was great concern about what happened in Myanmar about the government using information against a Muslim minority. And you took action and reformed the system. And just recently in September, Facebook and Twitter announced they had suspended networks accounts linked to various organizations, and for use of techniques laundering Russian-backed websites, accounts, and derisive propaganda. So we associated with state run attempts to interfere in our elections. So could you please, Mr. Zuckerberg, talk about what you are doing to make sure state run entities don't interfere in US elections?

Zuckerberg: Yes, thank you, Senator. Since 2016, we've been building up some very sophisticated systems to make sure that we can stop foreign interference in elections, not just in the US, but all around the world. And a lot of this involves building up AI systems to identify when clusters of accounts aren't behaving the way that a normal person would. They're behaving as fake accounts in some coordinated way. A lot of this is also about forming partnerships. The tech companies here today work more closely together to share signals about what's happening on the different platforms to be able to combat these threats, as well as working more closely with law enforcement and intelligence communities around the world.

And the net result of that is that over the last few years, we've taken down more than 100 networks that were potentially attempting to spread misinformation or interfere. A lot of them were coming from Russia or Iran, a growing number from China as well. And at this point I'm proud that our company as well as the others in the industry I think have built systems that are very effective at this. We can't stop countries like Russia from trying to interfere in an election, only the US government can really push back with the appropriate leverage to do that.

But we have built up systems to make sure that we can identify much faster when they're attempting to do that. And I think that that should give the American people a good amount of confidence leading into this election.

Cantwell: And is it true that those entities are trying to find domestic sources to help with that misinformation?

Zuckerberg: Senator, yes. The tactics of these different governments are certainly evolving, including trying to find people outside of their country and in some cases, we're seeing domestic interference operations as well. And the systems have had to evolve to be able to identify and take those down as well. Of the hundred or so networks that I've just cited that we took down, about half were domestic

operations at this point. And that's in various countries around the world, not primarily in the US. But that this is a global phenomenon that we need to make sure that we continue pushing forward aggressively on.

Cantwell: Thank you. Thank you. Mr. Pichai, I'd like to turn to you for a second because I do want information from Facebook on this point too but I'd like to turn to you.

There's information now from media organizations that it may be as much as 30 to 50% of Google ad revenue—of--that broadcasters and newsprint are losing somewhere between 30 and 50% of their revenue that they could be getting to newspapers and broadcasting, losing it to the formats that Google has as it relates to their platform and ad information. Can you confirm what information you have about this? And do you think that Google is taking ad revenue from these news sources in an unfair way?

Pichai: Senator, it's an important topic, it's a complex topic. I do think journalism, as you rightfully have called attention to it, particularly local journalism, is very important. The internet has been a tremendously disrupting force and the pandemic has exacerbated it. I'm happy today as Google, I would make the case, that we believe in raising news across our products, because we realize the importance of journalism. We send a lot of traffic to news publishers, all the ad technology questions I'm getting asked today, we, in this ad technology, share a majority of revenue back to publishers. We are investing in subscription products. We have committed \$2 billion in new licensing over the next three years to news organizations, we have set up local emergency funds through COVID for local journalistic distributions. I could give plenty of examples, but the underlying forces which are impacting the industry, which is the Internet, and whether it's Google, if not Google--

Cantwell: --I don't have a clock on me so I don't know how much time--

Wicker: You're a minute and a half over.

Cantwell: Okay, well I'll just leave it with this, that Mr. Pichai, you hit on the key word: majority. I don't think that you've turned the majority of the revenue to these broadcast entities. I do think it's a problem. Yes, they've had to make it through the transformation which is a rocky transformation, but we need--the message from today's hearing is the free press needs to live and be supported by all of us, and we look forward to discussing how we can make sure that they get fair return on their value. Thank you, Mr. Chairman.