

Congress of the United States  
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-6074  
<https://oversight.house.gov>

December 14, 2022

Elon Musk  
Owner  
Twitter, Inc.  
1335 Market St #900  
San Francisco, CA 94103

Dear Mr. Musk:

Committee Republicans continue to investigate whether U.S. government officials have participated in suppression and censorship of lawful speech in violation of the U.S. Constitution.<sup>1</sup> Reports continue to surface that social media companies acted on behest of government agencies and officials when removing, restricting, or disclaiming content. The American people and their elected representatives must know the extent to which their government has engaged in prohibited censorship to expose and prevent this unlawful conduct. We request documents and communications from your company to assist our investigation and to uncover any unconstitutional actions by government officials or agents working on their behalf.

The U.S. Constitution prohibits government actors from abridging the freedom of speech.<sup>2</sup> While private companies may choose to independently curate and moderate content based on their own independent policies, government action to pressure or direct a private company to suppress the speech of its citizens crosses a line. Private companies, like Twitter and Facebook, can qualify as state actors in limited circumstances, including “when the government compels the private entity to take a particular action.”<sup>3</sup> The government’s ability to restrict the content of lawful speech is extremely limited, and restrictions on political speech and related opinions must be justified under the highest level of scrutiny.<sup>4</sup> Attempts by government agents

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<sup>1</sup> See e.g. Letter from James Comer, Ranking Member, Comm. on Oversight & Reform to Alejandro Mayorkas, Secretary, U.S. Dept. of Homeland Security (Apr. 29, 2022), available at <https://republicans-oversight.house.gov/wp-content/uploads/2022/04/Letter-to-DHS-re-Disinformation-Governance-Board-04292022.pdf>; Letter from James Comer, Ranking Member, Comm. on Oversight & Reform to Alejandro Mayorkas, Secretary, U.S. Dept. of Homeland Security (Nov. 2, 2022), available at <https://republicans-oversight.house.gov/wp-content/uploads/2022/11/DHS-Censorship-Letter-11022022.pdf>.

<sup>2</sup> See U.S. Const. amend. I (“Congress shall make no law... abridging the freedom of speech, or of the press...”); U.S. Const. amend XIV (“... No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States...”).

<sup>3</sup> *Manhattan Community Access Corp. v. Halleck*, 139 S. Ct. 1921, 1928 (2019).

<sup>4</sup> See *Reed v. Town of Gilbert*, 576 U.S. 155 (2015) (laws restricting speech based on content are subject to strict scrutiny, requiring the government to justify the restriction as the least restrictive means possible to achieve only a compelling government interest).

to require additional disclaimers or other information appended to original content would also be prohibited.<sup>5</sup>

Despite these clear constitutional limits on government action, reports continue to surface that government officials and agencies have conducted censorship campaigns involving social media platforms. Whether working through the Department of Homeland Security,<sup>6</sup> the FBI,<sup>7</sup> or other agencies, government officials should not tip the scale by urging social media platforms to disallow certain speech. A bedrock principle of our democracy is free speech. The government, in concert with social media, should not tell Americans what they can and cannot say online. The Biden Administration's penchant for censorship under the guise of suppressing "misinformation"<sup>8</sup> raises questions as to whether individuals within the Administration compelled companies such as Twitter and Facebook to censor Americans.

To assist Committee Republicans in conducting oversight of allegations that government actors have sought to suppress speech on your platform, please provide the following documents and information no later than December 28, 2022:

1. All documents and communications related to any effort by government officials, whether federal, state, or local, to direct or encourage your company to suppress, restrict, or remove content on your platform, including but not limited to communications from government officials flagging particular content as objectionable;
2. All documents and communications related to the use of your platform in an official capacity by government agencies and/or officials, including but not limited to use of your platform by government agencies and/or officials to provide public or nonpublic forums to conduct public business or other official engagements;
3. All documents and communications related to enforcement of your platform's terms of service with respect to government agencies and/or officials using the platform.

To schedule the delivery of responsive documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

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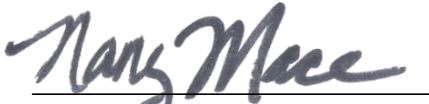
<sup>5</sup> See *National Institute of Family and Life Advocates v. Becerra*, 138 S. Ct. 2361 (2018) (striking down a California law that compelled pregnancy centers to provide certain notices to clients).

<sup>6</sup> Greg Piper & John Solomon, *Outsourced censorship; Feds used private entity to target millions of social posts in 2020*, JUST THE NEWS (Sept. 30, 2022).

<sup>7</sup> David Molloy, *Zuckerberg tells Rogan FBI warning prompted Biden laptop story censorship*, BBC NEWS (Aug. 26, 2022).

<sup>8</sup> Joe Silverstein, *White House slammed for pledging to keep a 'close eye' on 'misinformation' on Twitter: 'Absolutely insane'*, FOX NEWS (Nov. 29, 2022).

Sincerely,



Nancy Mace  
Ranking Member  
Subcommittee on Civil Rights & Civil Liberties



James Comer  
Ranking Member  
Committee on Oversight & Reform



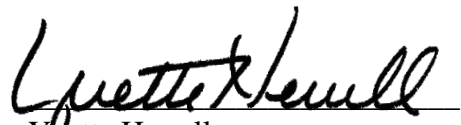
Jody Hice  
Ranking Member  
Subcommittee on Government Operations



Glenn S. Grothman  
Ranking Member  
Subcommittee on National Security



Michael Cloud  
Ranking Member  
Subcommittee on Economic and  
Consumer Policy



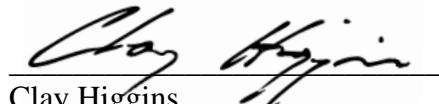
Yvette Herrell  
Ranking Member  
Subcommittee on Environment



Virginia Foxx  
Member of Congress



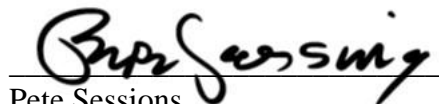
Bob Gibbs  
Member of Congress



Clay Higgins  
Member of Congress



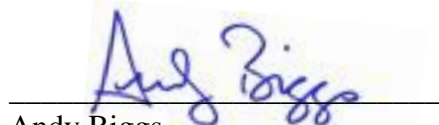
Ralph Norman  
Member of Congress



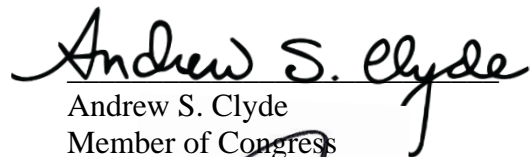
Pete Sessions  
Member of Congress



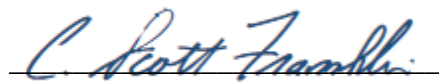
Fred Keller  
Member of Congress



Andy Biggs  
Member of Congress



Andrew S. Clyde  
Member of Congress



C. Scott Franklin  
Member of Congress



Pat Fallon  
Member of Congress

Mr. Elon Musk  
December 14, 2022  
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Byron Donalds  
Member of Congress



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Mike Flood  
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman  
Committee on Oversight & Reform

The Honorable Jamie Raskin, Chairman  
Subcommittee on Civil Rights & Civil Liberties

The Honorable Gerald E. Connolly, Chairman  
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman  
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman  
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman  
Subcommittee on Environment