

United States Senate

June 17, 2020

Mr. Sundar Pichai
Chief Executive Officer
Google LLC
Mountain View, CA 94043

Dear Mr. Pichai:

The recent actions of Google to “demonetize” a conservative media publisher, *The Federalist*, raise serious concerns that Google is abusing its monopoly power in an effort to censor political speech with which it disagrees.

This is part of a bigger problem. The culture of free speech in this country is under attack, and Google is helping lead the charge. Whereas Americans once understood that the best response to speech was more speech, some Americans, with the help of some of the most powerful companies on the planet, are now pressing to silence and punish those expressing views that do not align with the prevailing and ever-shifting progressive orthodoxy. These individuals demand that people with different views lose their livelihoods if they step out of line. Employers must fire dissenters. Companies like Google must—to use a most Orwellian term—“demonetize” them.

As evidenced by its actions yesterday, Google seems more than happy to play this censorship role by trying to break the financial back of a media publication with which it disagrees. As NBC News reported, *The Federalist*—a conservative media organization and publisher—was banned from generating revenue from any advertisements served by Google Ads. According to the report, Google took this action after NBC News Verification Unit, apparently working at the behest of the so-called Center for Countering Digital Hate notified Google that *The Federalist* had published an article claiming that “the media had been lying about looting and violence during the protests, which were both included in the report sent to Google.”¹

Whether or not one agrees with this characterization, destroying the publisher’s ability to use advertising to reach willing readers should be wholly beyond the pale. The so-called “Center for Countering Digital Hate” is now actively fundraising off its success enlisting Google in its efforts to silence views contrary to its political agenda.

Perhaps knowing that its actions were indefensible, Google appears to have backtracked, saying that the decision to “demonetize” *The Federalist* is not due to the article itself, but instead due to offensive reader comments that allegedly violated Google advertising policies. Google reportedly gave *The Federalist* three days to eliminate the offensive comments, or face immediate “demonetization.” Moreover, Google apparently stated that *The Federalist* could use Google Ads if it simply turned off its comments section. This is no better.

¹ *Google Bans Website ZeroHedge from its Ad Platform over Comments on Protest Articles*, Adele-Momoko Fraser, NBC News, June 16, 2020, available at <https://www.nbcnews.com/tech/tech-news/google-bans-two-websites-its-ad-platform-over-protest-articles-n1231176>

Google’s decision to target *The Federalist* is transparently politically motivated. Numerous “progressive” media outlets allow comments, including, *Huffington Post*, *Mother Jones*, *Daily Kos*, *Talking Points Memo*, *Wonkette*, *Slate*, *Jezebel*, *The Root*, *Salon*, *The Intercept*, *The Young Turks*, and many others. I don’t know what the objectionable comments were that individual users might have posted on *The Federalist*, but any objective review would no doubt demonstrate at least as many profane, racist, or indefensible user comments on these other sites that would equally violate Google’s alleged standards.

But one need not look that far. On any given day, there are thousands of profane, racist, and indefensible comments posted on YouTube, which is a wholly owned subsidiary of Google.

It is also deeply ironic that Google is financially punishing a website for speech that appears on its platform. Google has defended section 230’s grant of immunity to Big Tech by arguing that “the best way to protect online speech—and indeed the internet itself—is to allow platforms to set and enforce standards for appropriate speech on their services, and to do so generally free from . . . the threat of private litigation.”² But while Google demands that it cannot be held financially accountable for unlawful speech on its own platform, it is all too willing to use its market power to hold a conservative media outlet financially responsible for allowing disfavored speech on its platform.

Google’s actions yesterday were antithetical to American values. The Constitution Subcommittee of the Senate Judiciary Committee is charged with protecting the Constitution and the Bill of Rights; Google’s facially discriminatory conduct is contrary to the principles of Free Speech embodied in the First Amendment, and may well violate federal antitrust laws as well.

Within seven days, by June 24, 2020, Google is requested to provide to the Subcommittee the following:

1. All communications in the past year between Google and the NBC News Verification Unit concerning *The Federalist*.
2. All communications in the past year between Google and the Center for Countering Digital Hate concerning *The Federalist*.
3. All internal communications or deliberations in the past year at Google or YouTube concerning *The Federalist*.

Google is also requested to answer, in writing, by June 24, 2020, the following questions:

1. Has Google examined the comments sections of any of the “progressive” organizations listed in this letter and made any assessment whatsoever how they compare to the comments on *The Federalist* that were claimed as a basis for demonetization?

² Brief of Internet Association as *Amicus Curiae* in Support of Petitioner, at 2, *Malwarebytes, Inc. v. Enigma Software Group USA, LLC*, No. 19-1284 (2020), available at https://internetassociation.org/wp-content/uploads/2020/06/IA_Amicus-Brief-of-IA-ISO-Petitioner-Malwarebytes-Section-230_19-1284_06-12-2020_content-moderation.pdf.

2. Will Google apply the same standards to all media organizations, or just those with which it has political disagreements?
3. Does Google believe Section 230 protects *The Federalist*? Why or why not?
4. If any offensive comments appear on YouTube, will Google begin immediately demonetizing its subsidiary? Within three days, the deadline given to *The Federalist*?
5. Is Google's preferential treatment to YouTube, on far more favorable terms than those extended to *The Federalist*, consistent with the Sherman Act? Why or why not?

Thank you for your attention to this matter. I look forward to your response.

Regards,



Ted Cruz
Chairman, Constitution Subcommittee
Senate Judiciary Committee

Cc: William Barr, United States Attorney General
Joseph Simons, Chairman, Federal Trade Commission