ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States House of Representatives

COMMITTEE ON THE JUDICIARY

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April 17, 2024

The Honorable Uzra Zeya
Under Secretary for Civilian Security,
Democracy, and Human Rights
U.S. Department of State
Washington, DC 20451

The Honorable Eileen Donahoe Special Envoy and Coordinator for Digital Freedom U.S. Department of State Washington, DC 20451

Dear Under Secretary Zeya and Dr. Donahoe:

The Committee on the Judiciary and the Select Subcommittee on the Weaponization of the Federal Government are conducting oversight of how and to what extent the Executive Branch has coerced or colluded with companies and other intermediaries to censor lawful speech. In furtherance of our oversight, the Select Subcommittee has examined how other countries' governments, including Brazil's, have sought to censor speech online. According to recent reports, the Brazilian government is attempting to coerce X Corp. (X) to block certain accounts on its social media platform that the Brazilian government deems to be spreading disinformation. After X stood in support of free speech online, a Brazilian judge opened an inquiry into X and its owner, Elon Musk, for refusing to give in to Brazil's censorship demands. X has indicated that X is being "forced by court decisions to block certain popular accounts in

¹ See Ryan Tracy, Facebook Bowed to White House Pressure, Removed Covid Posts, WALL St. J. (July 28, 2023).

² See, e.g., Hearing on the Weaponization of the Federal Government: Hearing Before the Select Subcomm. on the Weaponization of the Fed. Gov't of the H. Comm. on the Judiciary, 118th Cong. (Nov. 30, 2023) (submitted written statement of Rupa Subramanya) ("Across the world right now, governments, in the name of the good, are considering or adopting measures like we have in Canada. In Dublin, they're about to enact a draconian hate-crime bill that poses a dire threat to free speech. In Paris, President Emanuel Macron has called for censoring online speech. In Brussels, the EU's Internal Market Commissioner is calling for a crackdown on "illegal content." In Brasilia, they're fighting "fake news" and "disinformation" by clamping down on legitimate online speech. To say nothing of Russia and China and Iran. America is so exceptional—indispensable really. Please do not succumb to the same illiberal, the same authoritarianism. Please keep fighting for what you know is right. Canada is watching. The whole world is watching.") (bolded emphasis added; italicized emphasis in original).

³ Anthony Boadle, Brazil judge opens inquiry into Musk after refusal to block accounts on X, REUTERS (Apr. 7, 2024).

⁴ Alex Hern and Tom Phillips, Elon Musk faces Brazil inquiry after defying X court order, GUARDIAN (April 8, 2024).

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Brazil" or else face serious consequences, including large fines, the arrest of X employees, and causing X to shut down in Brazil.⁵

The Committee and Select Subcommittee have learned from documents obtained pursuant to subpoena that the Superior Electoral Court in Brazil and the Supreme Federal Court have ordered X to suspend or remove over 100 accounts on the popular social media platform since 2022. These censorship demands were targeted toward critics of the Brazilian government and include former Brazilian President Jair Bolsonaro, conservative members of the federal legislature, journalists, members of the judiciary, and even a gospel singer and a pop radio station. The Brazilian court justified the censorship on the basis that "it is necessary, appropriate[,] and urgent to stop the possible spread of hate speech, subversion of order[,] and encouragement to break institutional and democratic normality by blocking accounts on social networks." The court often only allowed the social media companies two hours to comply with the censorship demands. A copy of the Committee and Select Subcommittee's interim staff report detailing these findings is enclosed for your convenience.

The mission of the Office of the Under Secretary for Civilian Security, Democracy, and Human Rights is to "advance the security of the American people by assisting countries around the world to build more democratic, secure, stable, and just societies." The Special Envoy and Coordinator for Digital Freedom is responsible for "advanc[ing] U.S. priorities around online freedoms, digital inclusion, and information integrity." Free speech, including free speech on digital platforms, is a fundamental and necessary part of democratic and just societies. Therefore, to understand what the State Department is doing to promote online free speech in Brazil and to protect against tyrannical censorship abroad, we ask that you produce the following information:

- All documents and communications between or among employees of the State
 Department, including but not limited to the U.S. Embassy and Consulates in Brazil,
 referring or relating to orders, demands, or mandates from the Superior Electoral
 Court in Brazil and the Supreme Federal Court concerning the suspension or removal
 of accounts on X or any other social media platform; and
- 2. All documents and communications between or among the State Department and the government of Brazil referring or relating to orders, demands, or mandates from the

⁵ X Global Government Affairs (@GlobalAffairs), X (Apr. 6, 2024, 5:52 PM), https://twitter.com/GlobalAffairs/status/1776729732970594483; Elon Musk (@elonmusk), X (Apr. 6, 2024, 6:31 PM), https://twitter.com/elonmusk/status/1776739518240170254.

⁶ H. COMM. ON THE JUDICIARY, SELECT SUBCOMM. ON THE WEAPONIZATION OF THE FED. GOV., THE ATTACK ON FREE SPEECH ABROAD AND THE BIDEN ADMINISTRATION'S SILENCE: THE CASE OF BRAZIL, at 4 (Apr. 17, 2024).
⁷ See id. at 4-7.

⁸ Id. at 4.

⁹ Id.

¹⁰ Our Mission, Under Secretary for Civilian Security, Democracy, and Human Rights, U.S. Dep't of State (last accessed Apr. 16, 2024).

¹¹ Press Release, Appointment of Eileen C. Donahoe as Special Envoy and Coordinator for Digital Freedom, U.S. Dep't of State (Sept. 11, 2023).

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Superior Electoral Court in Brazil and the Supreme Federal Court concerning the suspension or removal of accounts on X or any other social media platform.

In addition, the Committee requests that you arrange for a briefing with subject matter experts about how the State Department intends to respond to these attacks on free speech in Brazil. Please provide these documents and arrange for this briefing as soon as possible but no later than 5:00 p.m. on April 30, 2024. If you have any questions about this matter, please contact Committee staff at (202) 225-6906.

Thank you for your prompt attention to this matter.

Sincerely,

Jim Jorda

cc: The Honorable Jerrold L. Nadler, Ranking Member

Enclosure