



# LAWRENCE & BUNDY

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August 17, 2023

## VIA ELECTRONIC MAIL

The Honorable Jim Jordan  
Chairman  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515-6216

*Re: Center for Countering Digital Hate, Inc.*

Dear Chairman Jordan:

On behalf of my client, the Center for Countering Digital Hate, Inc. (CCDH), I am responding to your August 3, 2023, letter to the organization. That letter states that, as part of its oversight of “how and to what extent the Executive Branch has coerced and colluded with companies and other intermediaries to censor speech,” the House Committee on the Judiciary is “interested in understanding the interactions between [CCDH] and the federal government in particular, as well as between CCDH and social media companies.” This request seems to evince some confusion about the organization, and we provide this response in a good faith effort to aid the Committee’s understanding of CCDH’s role in combatting online hate and disinformation.

As you know Congress’s authority to investigate is subject to constitutional and jurisprudential limits, most fundamentally the requirement that any inquiry be made for a “valid legislative purpose.”<sup>1</sup> While your letter does not expressly provide the legislative purpose for this inquiry, it does state that “a government-approved or -facilitated censorship regime is a grave threat to the First Amendment and Americans’ civil liberties. Accordingly, as part of the Committee’s constitutional oversight obligations, we write to request relevant information and documents.” To this end, your letter enumerates several requests to CCDH for materials dating to January 1, 2015, with a return date to the Committee of August 17, 2023. Included in these requests are the following: “documents and information” relating to communications with the “Executive Branch of the United States Government” and with “any technology company, including social media companies”; a list of and information about “employees, contractors, or agents” who have

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<sup>1</sup> *Trump v. Mazars*, 140 S. Ct. 2019, 2031 (2020) (“a congressional subpoena is valid only if it is ‘related to, and in furtherance of, a legitimate task of the Congress’”) (quoting *Watkins v. United States*, 354 U.S. 178, 187 (1957)).

communicated with the federal government and technology companies; and a list of “all grants, contracts, or funds” received from the federal government.

Given the stated purpose of the letter and its requests for documents and information, we fear that the Committee may not have a clear understanding of CCDH’s mission or work. For example, we are confused by the assertion that “[c]ertain third parties, including organizations like yours, appear to have played a role in the censorship regime by advising the government and social media companies.” Considering the seriousness of this allegation and the underlying concerns regarding online disinformation, we feel compelled to set the record straight.

As stated in CCDH’s report on disinformation cited by the letter, CCDH is a not-for-profit, non-governmental organization “that seeks to disrupt the architecture of online hate and misinformation.”<sup>2</sup> Most fundamentally, as CCDH’s website explains, the organization “works to stop the spread of online hate and disinformation through innovative research, public campaigns and policy advocacy.” As an Internal Revenue Code 501(c)(3) charitable entity, CCDH takes seriously its obligations to remain nonpolitical and nonpartisan. To that end, CCDH has collaborated with governmental officials from both Republican and Democratic administrations. For example, during the Trump administration, the Chief Executive of CCDH, Imran Ahmed, was invited by President Trump’s Special Envoy to Monitor and Combat Anti-Semitism to appear with other speakers, including then-Secretary of State Mike Pompeo—along with other U.S. and foreign officials, including Israeli Prime Minister Benjamin Netanyahu and British Conservative Party politician Michael Gove—in a virtual conference to combat the troubling rise of online antisemitism.

Similarly, CCDH seeks to communicate robustly and candidly with social media companies to identify how their algorithms and poor enforcement of their own community standards might cause harm. Indeed, Mr. Ahmed recently met with Linda Yaccarino, the Chief Executive Officer of X Corp., to discuss its “trust and safety” efforts in a meeting subject to Chatham House rules. In that meeting, held on June 29, 2023, Ms. Yaccarino also invited Mr. Ahmed to meet personally with her—a meeting that has not been scheduled. CCDH has engaged in similar discussions with other platforms over the last few years, including a recent meeting with officials from Meta. CCDH participates in such meetings without fear or favor because the organization neither receives any money from any social media company nor participates in any standing bodies organized by social media companies, for example, a “Trust and Safety Council” or similar groupings.

We must also address the implication raised by the letter’s request for a “list of all grants, contracts, or any funds . . . from the United States Government.” We are definitive on this issue: CCDH is funded entirely by private donors and has never received any grants, entered into any contracts, or received any donations from the United States Government.

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<sup>2</sup> *The Disinformation Dozen: Why platforms must act on twelve leading online anti-vaxxers*, CTR. FOR COUNTERING DIGITAL HATE, <https://counterhate.com/research/the-disinformation-dozen/> (last visited August 15, 2023).

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Regarding contact with social media entities, we must also note that on August 3, 2023, the same day that the Committee sent its letter to CCDH, the Committee issued a press release republishing, in its entirety, an article from the *Washington Examiner*.<sup>3</sup> That article (and the Committee's identical press release)—which each provide a link to the Committee's letter of the same day and quote Chairman Jordan extensively—detail allegations made in a lawsuit filed against CCDH by X Corp., formerly Twitter. While the timing of the lawsuit and the Committee's letter may simply be a coincidence, please be assured that CCDH will not be dissuaded from pursuing its vital mission by litigation, governmental inquiry, or public pressure.

We hope that the above assists the Committee in its understanding of CCDH's role in combatting online hate and disinformation. In providing this response, CCDH reserves all constitutional and other legal rights which may apply to the Committee's inquiry.

Please contact me if you have any questions.

Very truly yours,



Andrew D. Herman

cc: The Honorable Jerrold L. Nadler, Ranking Member

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<sup>3</sup> Gabe Kaminsky, *Jim Jordan launches 'misinformation' investigation to uncover Biden 'censorship scheme'*, WASH. EXAMINER (Aug. 3, 2023), <https://www.washingtonexaminer.com/news/house/jim-jordan-misinformation-investigation-biden-censorship-scheme>; *see also* identically titled House Judiciary Committee Press Release (Aug. 3, 2023), <https://judiciary.house.gov/media/in-the-news/jim-jordan-launches-misinformation-investigation-uncover-biden-censorship-scheme>.