

**OPENING STATEMENT OF SPENCER OVERTON**  
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**Before the**  
**Subcommittee on Communications and Technology**  
**Subcommittee on Consumer Protection and Commerce**  
**U.S. House Committee on Energy and Commerce**

**Hearing on**  
**“A Country in Crisis: How Disinformation Online is Dividing the Nation.”**

**June 24, 2020**

Chairs, Ranking Members, and Members of the Committee—thank you for inviting me to testify.

My name is Spencer Overton. I am the president of the Joint Center for Political and Economic Studies, which was founded in 1970 and is America’s Black Think Tank. I am also a tenured law professor at GW specializing in voting rights, and I recently published academic research on voter suppression through social media.

Disinformation on social media presents a real danger to democracy. Both domestic and foreign actors use disinformation to divide Americans along racial lines. They use data and psychology to play on people’s deepest fears and create an “us vs. them” discourse.

According to a recent Gallup/Knight Foundation survey, 81% of Americans believe that social media companies should never allow intentionally misleading information on elections and political issues. Section 230 clearly gives social media companies authority to remove disinformation, and they should use that authority to do a better job at stopping disinformation.

Some social media companies don’t remove disinformation because they say they want to “protect speech” and be “viewpoint neutral.” But the harms that result are not “neutral” for communities of color.

For example, in 2016, you’ll remember several Facebook, Instagram, Twitter, and YouTube accounts looked like they were African American-operated—but in fact they were operated by the Russian Internet Research Agency. At first, the fake accounts built trust by showcasing Black achievements. Later, they started posting on police violence and other structural inequalities. Then, near election day—after they had built a large following—the fake accounts urged Black voters to protest by boycotting the election. We don’t know how many Black voters stayed home because of this disinformation—but we do know that 2016 marked the most significant decline in Black voter turnout on record.

Even though the Russians also infiltrated different groups—conservative, liberal, Second Amendment, LGBT, Latino, policing, and Muslim American groups—this harm was not “neutral” for Black communities. For example, while Black people make up just 13% of the US population, Black audiences accounted for over 38% of the Facebook ads purchased by the Russians and almost half of the user clicks. Also—the Russian scheme discouraged voting among Black Americans—but not those other groups. It is not “neutral” for our nation’s most valuable companies to profit off of discrimination against historically-marginalized communities.

Recently, President Trump issued an executive order that attempted to increase the legal liability for social media companies that moderated objectionable content by President Trump and his followers. This type of retaliation discourages social media companies from stopping disinformation, and allows for more disinformation that divides Americans.

Although President Trump’s executive order is problematic, the status quo is not working. The types of disinformation and voter suppression schemes we saw in 2016 are continuing in 2020. Facebook has even argued that federal civil rights laws don’t apply to Facebook. Even in the aftermath of the killing of George Floyd, there exists a real question about whether social media companies will address their own systemic shortcomings and fully embrace civil rights principles.

I hope that social media companies will fully adopt these principles and use their existing legal authority to prevent disinformation and voter suppression. If legal reforms are needed, the debates should occur in Congress and should include the voices of communities of color who have been disproportionately harmed by targeted voter suppression and other disinformation campaigns. Thank you, and I look forward to our discussion today.