

NATIONAL
ASSOCIATION
of SCHOLARS

August 26, 2019

Senator Josh Hawley
212 Russell Senate Office Building
Washington DC 20510

Dear Senator Hawley,

You have spoken out admirably about the dangers of digital media companies misusing their power. Your proposed Ending Support for Internet Censorship Act would be an excellent step toward addressing that danger.¹ I write to bring to your attention a new threat—an effort by activists to persuade the digital media oligarchs to censor dissent from climate change orthodoxy. The U.S. government should ensure this does not happen.

I write as President of the National Association of Scholars (NAS). NAS is a network of scholars and citizens united by our commitment to academic freedom, disinterested scholarship, and excellence in higher education. As part of our mission, we support intellectual freedom throughout America. We have thirty years of experience in providing support for the principles of intellectual freedom.

The prominent journal *Nature Communications* published an article on August 13 that called for such action. The article, “Discrepancy in scientific authority and media visibility of climate change scientists and contrarians,” by Alexander Michael Petersen, Emmanuel M. Vincent, and Anthony LeRoy Westerling, has already gained considerable notice in the United States and abroad.² As first published, the article included a list of 386 “prominent contrarians,” along with a strong argument that responsible journalists should refrain from publishing the views of these particular people and others like them. After a furor, the “blacklist” was subsequently removed by the publisher (Springer), but it remains in wide circulation.

¹ Ending Support for Internet Censorship Act, <https://www.hawley.senate.gov/sites/default/files/2019-06/Ending-Support-Internet-Censorship-Act-Bill-Text.pdf>.

² Alexander Michael Petersen, Emmanuel M. Vincent, and Anthony LeRoy Westerling, “Discrepancy in scientific authority and media visibility of climate change scientists and contrarians,” *Nature Communications* 10, 3502 (2019), <https://www.nature.com/articles/s41467-019-09959-4#article-info>.

Some of these “contrarians” are scientists; many represent other professions; and some are past or present members of the Federal government, including Senator James Inhofe, Congressman Tom McClintock, acting White House Chief of Staff Mick Mulvaney, Vice President Mike Pence, Secretary of Energy Rick Perry, former Congressman Dana Rohrabacher, Congressman Jim Sensenbrenner, former Congressman Lamar Smith, former White House Chief of Staff John H. Sununu, and former Secretary of State Rex Tillerson.

Two of the article’s authors, Mr. Westerling and Mr. Peterson, added to their arguments in a press release issued by their home institution, the University of California, Merced.³ The press release says in part:

“It’s time to stop giving these people visibility, which can be easily spun into false authority,” Professor Alex Petersen said. “By tracking the digital traces of specific individuals in vast troves of publicly available media data, we developed methods to hold people and media outlets accountable for their roles in the climate-change-denialism movement, which has given rise to climate change misinformation at scale.”

This is a flat-out call for censoring views that the authors disagree with. Petersen, Vincent, and Westerling present no arguments against the substance of the views they would suppress, or any evidence that those views are mistaken. They simply assert that disagreeing with their views on climate change is irresponsible and should be stopped. The tactic they prefer is public pressure on “media outlets.”

The National Association of Scholars has no position on climate change as such, but we strongly support the importance of the open expression of dissonant, heterodox, and non-conforming ideas in important intellectual debates. The effort to suppress “contrarian” views in climate science is an outstanding example of the problem. Writers such as Petersen, Vincent, and Westerling claim to address a problem of “false balance” in reporting of the debate on climate science. By “false balance” they mean that those who hold views they disagree with are currently accorded the opportunity to present those views in the public press. Petersen, Vincent, and Westerling favor restricting the press to the dissemination of views they agree with. They don’t expect this new regime of censorship to be enforced by law, but by the concerted efforts of digital media giants.

The scientific debate is fierce and neither side has established its views as provably accurate. Only one side, however, is eager to take a shortcut to victory by attempting to stigmatize the views of the other as not deserving to be heard.

The NAS fears that this list, or a similar algorithm, will be used by digital media companies, such as Google, Facebook, and Twitter, as a map for how to erase climate change contrarians

³ Lorena Anderson, “Media Creates False Balance on Climate Science, Study Shows,” University of California, Merced, August 13, 2019, <https://news.ucmerced.edu/news/2019/media-creates-false-balance-climate-science-study-shows>.

from public visibility. Recent examples give many people pause over whether digital media companies will stand back and let the battle of competing scientific hypotheses work itself out with rigorous empirical testing. We fear that these companies will succumb to the invitation to censor climate change skepticism.

Indeed, we fear that digital media companies will use such lists to censor dissenters from progressive orthodoxy on other issues including government spending, race, “gender expression,” and immigration. The digital media companies’ dominance of the public square allows them unprecedented means to suppress intellectual freedom by removing dissenters from progressive orthodoxy from public view. They also have the ability to exert pressure on media publishers by threatening to delist entire websites who host even one dissenting article.

We know that growing numbers of Americans in both parties support increased regulation of digital media companies, to prevent them from enforcing intellectual orthodoxy. Both your Ending Support for Internet Censorship Act and the Algorithmic Accountability Act, introduced by Senators Ron Wyden (D-OR), Cory Booker (D-NJ) and Representative Yvette Clarke (D-NY),⁴ seek to achieve this aim. We hope that elected officials from both parties will be able to work together on this vital issue. The NAS is aware that the Federal government should not act rashly, but we believe that in this circumstance it has a duty to act. We suggest the following carefully limited steps, drawing upon the language and intent of both the Ending Support for Internet Censorship Act and the Algorithmic Accountability Act, to help guarantee intellectual freedom and freedom of speech.

- 1) We suggest that the House and the Senate annually summon digital media executives to Congress, and ask them to testify, on the record and at risk of perjury, that they have not in any way adjusted the content visible to their users to reduce the visibility of, or otherwise censor, climate change skeptics, or other dissenters from progressive orthodoxy.
- 2) We suggest that the House and Senate pass legislation embodying the best elements of the Ending Support for Internet Censorship Act and the Algorithmic Accountability Act. Any such act, however, should take account of the following issues:
 - a. The Act should address as a priority bias in favor of progressive orthodoxy.
 - b. The Act should not allow the government to impose its own algorithmic biases on digital media companies.
 - c. The Act should define words such as *fairness*, *bias*, and *discrimination* so as to make sure they are not used to require progressive orthodoxy from algorithms.

⁴ Algorithmic Accountability Act of 2019, <https://www.wyden.senate.gov/imo/media/doc/Algorithmic%20Accountability%20Act%20of%202019%20Bill%20Text.pdf>.

- d. The Act should consider whether a “neutral” algorithm is possible, and what it would consist of, so as to determine whether an existing algorithm is biased.
 - e. The Act should make digital media companies liable for the use to adjust their content of potentially biased data sources, compiled by independent providers, of categories such as “climate deniers,” “hate speech,” and “fake news.”
 - f. The Act should impose regulatory costs lightly on digital media companies.
- 3) We suggest that the House and Senate continue to inform themselves about incidents of digital media blacklisting and other forms of censorship in favor of progressive orthodoxy. If digital media companies continue to engage in such censorship, we recommend that the House and Senate consider stronger regulatory action to guarantee intellectual freedom.

Digital media companies ought to foster intellectual openness, not undermine it. We urge you to marshal the powers of the Federal government to ensure that digital media companies do not become enforcers of intellectual orthodoxy, with regard to climate change or any other issue. We urge you to act as cautiously as possible, so as not to grant the Federal government excessive, intrusive powers. But you should not shrink from defending the American people from censorship by algorithm.

Respectfully yours,



Peter Wood, President

National Association of Scholars