

ONE HUNDRED SEVENTEENTH CONGRESS

Congress of the United States  
House of Representatives

COMMITTEE ON THE JUDICIARY

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June 21, 2021

Mr. Brad Smith  
President  
Microsoft, Inc.  
One Microsoft Way  
Redmond, WA 98052

Dear Mr. Smith:

Big Tech, including Microsoft, Inc., is out to get conservatives. Despite Microsoft's size and market dominance, House Democrats curiously did not significantly examine Microsoft's conduct during their investigation of competition in digital markets. Democrats also seem to have excluded Microsoft from scrutiny in their large package of bills to radically rewrite American antitrust law. We write to request more information about these matters.

Over the last three decades, Microsoft has acquired over 200 companies.<sup>1</sup> At almost \$2 trillion, Microsoft's current market valuation is second only to Apple, Inc. among American companies.<sup>2</sup> Microsoft has a commanding position in various markets. Among the office suite market, for instance, Microsoft has captured an estimated 87.5 percent of the market.<sup>3</sup> As Democrats have excluded Microsoft from antitrust scrutiny, commentators have noted how Microsoft has taken advantage of the circumstances to pursue an aggressive acquisition strategy.<sup>4</sup>

Microsoft has also taken increasingly aggressive editorial control over content on its platforms. On behalf of the Chinese Communist Party, Microsoft has censored Bing search engine results of Tank Man on the anniversary of the Tiananmen Square protests—including results for users in the United States—and has muzzled the voices of China critics on LinkedIn.<sup>5</sup>

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<sup>1</sup> See generally Acquisition History, MICROSOFT.COM (last accessed May 3, 2021), <https://www.microsoft.com/en-us/Investor/acquisition-history.aspx>.

<sup>2</sup> *How Big Tech Got Even Bigger*, WALL ST. J. (Feb. 6, 2021), <https://www.wsj.com/articles/how-big-tech-got-even-bigger-11612587632>.

<sup>3</sup> Samantha Schwartz, *Microsoft created the office suite status quo. Can Google grow?*, CIO DIVE (Feb. 11, 2020), <https://www.ciodive.com/news/Google-Microsoft-Office-collaboration/571740/>.

<sup>4</sup> Cf. Alex Sherman, *Microsoft takes advantage of antitrust spotlight on rivals to go hunting for large acquisitions*, CNBC (Apr. 12, 2021), <https://www.cnbc.com/2021/04/12/microsoft-hunts-for-big-acquisitions-as-antitrust-spotlight-on-rivals.html>.

<sup>5</sup> See e.g., Joseph Cox, *Bing Censors Image Search for 'Tank Man' Even in US*, VICE (Jun. 4, 2021), <https://www.vice.com/en/article/qj8v9m/bing-censors-tank-man>; Ryan Gallagher, *Microsoft's LinkedIn Accused by Noted China Critic of Censorship*, BLOOMBERG (May 11, 2021), <https://www.bloomberg.com/news/articles/2021-05-12/microsoft-s-linkedin-accused-by-noted-china-critic-of-censorship>; Tom Simonite, *US Companies Help Censor the Internet in China, Too*, WIRED (Jun. 3, 2019), <https://www.wired.com/story/us-companies-help-censor->

Microsoft has similarly censored conservative speech on LinkedIn in the United States. For example:

- Multiple LinkedIn users have reported Microsoft’s censorship of posts related to Hunter Biden, son of President Joe Biden. In one case, LinkedIn removed a post about an official U.S. Senate committee report concerning Hunter Biden.<sup>6</sup> In another case, LinkedIn censored a post by the former general counsel of the National Security Agency about Big Tech’s suppression of the Hunter Biden laptop scandal.<sup>7</sup>
- LinkedIn also censored a post by an opinion editor at the *Washington Times* about Democrats’ abuse of executive orders<sup>8</sup> and removed a post that linked to a study challenging prevailing liberal views on climate change.<sup>9</sup>
- LinkedIn has restricted accounts for posts related to COVID-19. Citing its “misinformation” policy, LinkedIn censored posts that the coronavirus originated from a dangerous laboratory in Wuhan, China, as well as posts that criticized government-mandated mask requirements.<sup>10</sup>

Additionally, Microsoft is exerting editorial control over user-generated content in its word processing program, Microsoft Word. For example, Microsoft Word’s “Ideas in Word” tool urges users to avoid language that Microsoft dislikes and instead to adopt language Microsoft considers to be appropriate and “gender neutral.”<sup>11</sup> Not only is this censorship Orwellian, but given Microsoft Word’s vague terms of service—which prohibit any “hate speech” or “offensive language” as defined by Microsoft<sup>12</sup>—this censorship creates the potential for Microsoft to prevent users from generating certain content on Microsoft Word altogether.

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internet-china/; cf. Paul Mozur & Karen Weise, *China Appears to Block Microsoft’s Bing as Censorship Intensifies*, N.Y. TIMES (Jan. 23, 2019), <https://www.nytimes.com/2019/01/23/business/china-microsoft-bing.html>.

<sup>6</sup> Paul Crespo, *Why is Big Tech Giant ‘LinkedIn’ Aggressively Censoring Any Criticism of China?*, AMERICAN DEFENSE NEWS (May 12, 2021), <https://americandefensenews.com/2021/05/12/why-is-big-tech-giant-linkedin-aggressively-censoring-any-criticism-of-china/>.

<sup>7</sup> Stewart Baker, *What I learned when LinkedIn suppressed my post*, REASON (Apr. 19, 2021), <https://reason.com/volokh/2021/04/19/what-i-learned-when-linkedin-suppressed-my-post/>.

<sup>8</sup> Craig Shirley, *LinkedIn Targets Conservative Journalist With Infantile Censorship*, CNS NEWS (Jun. 11, 2020), <https://www.cnsnews.com/commentary/craig-shirley/linkedin-targets-conservative-journalist-infantile-censorship>.

<sup>9</sup> Gregory Wrightstone, *LinkedIn Joins Its Big Brothers With Social Media Censorship*, THE HEARTLAND INSTITUTE (Dec. 15, 2020), <https://www.heartland.org/news-opinion/news/linkedin-joins-its-big-brothers-with-social-media-censorship>.

<sup>10</sup> Crespo *supra* note 6.

<sup>11</sup> Tammy Bruce, *Microsoft uses artificial intelligence to push what liberals think you should write*, WASH. TIMES (May 16, 2019), <https://www.washingtontimes.com/news/2019/may/15/microsoft-uses-artificial-intelligence-to-bind-use/>; Prabhjote Gill, *Microsoft’s new AI writing tool can spot your unconscious biases*, BUSINESS INSIDER (May 9, 2019) (“More importantly, for marketers and publishers, Ideas is also supposed to promote inclusive writing, which essentially means being more gender neutral. So, if Ideas spots a certain bias against a particular group, it will flag the phrase for you to make the necessary changes.”)

<sup>12</sup> Microsoft Service Agreement, MICROSOFT.COM (Aug. 1, 2020), <https://www.microsoft.com/en-us/servicesagreement>.

It is unclear why Microsoft has avoided significant attention from House Democrats. The Democrats' investigation excluded Microsoft from significant oversight and the Democrats' recently introduced bills include a definition of a "covered platform" that could be read to exclude Microsoft. In fact, Rep. David Cicilline, the lead Democrat drafter of these bills, told *Bloomberg* that "it would be up to the Justice Department and the Federal Trade Commission to make that determination."<sup>13</sup>

As Congress continues to examine and debate antitrust scrutiny of the size, role, and competitiveness of Big Tech companies, we write to request the following information:

1. Does Microsoft consider itself to be a "covered platform" as defined in the antitrust legislation introduced by House Democrats?
2. If the antitrust legislation introduced by House Democrats becomes law, will Microsoft stop exerting editorial control over user content on its platforms?
3. Please explain Microsoft's basis for censoring user content about Hunter Biden.
4. Please explain Microsoft's basis for censoring user content about the origins of COVID-19.
5. Please provide an accounting of all content moderation decisions made by LinkedIn over the last two years for users located within the United States or China, including which LinkedIn rule or policy the user allegedly violated and the content of the moderated post.

Please provide this information immediately. If you have any questions about this request, please contact Committee staff at (202) 225-6906.

Thank you for your prompt attention to this matter.

Sincerely,



Jim Jordan  
Ranking Member

cc: The Honorable Jerrold Nadler, Chairman

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<sup>13</sup> Rebecca Kern, *Apple can't block pre-installed app removal under the bill*, BLOOMBERG (Jun. 16, 2021).