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U.S. House of Representatives
Washington, DC 20515

january6th.house.gov
(202) 225-7800

One Hundred Seventeenth Congress

Select Committee to Investigate the January 6th Attack on the United States Capitol

August 26, 2021

Mr. Andrew Torba
Chief Executive Officer
Gab
700 N. State Street
Clark Summit, PA 18411

Dear Mr. Torba:

The Select Committee to Investigate the January 6th Attack on the United States Capitol is examining the facts, circumstances, and causes of the attack and relating to the peaceful transfer of power, in order to identify and evaluate lessons learned and to recommend corrective laws, policies, procedures, rules, or regulations.

Pursuant to the purposes and functions set forth in House Resolution 503, the Select Committee requests that you produce the documents described in the attached schedule in your custody, control, or possession. Please produce this information to the Select Committee no later than September 9, 2021. An attachment to this letter provides additional instructions for responding to the Select Committee's request.

If you have questions, please contact Select Committee investigative staff at 202-225-7800.

Sincerely,

A handwritten signature in blue ink that reads "Bennie G. Thompson".

Bennie G. Thompson
Chairman

SCHEDULE

The Select Committee requests the following documents and information since April 1, 2020, unless otherwise specified:

1. All internal or external reviews, studies, reports, data, analyses, and related communications regarding your platform(s) and:
 - i. Misinformation, disinformation, and malinformation relating to the 2020 election;¹
 - ii. Efforts to overturn, challenge, or otherwise interfere with the 2020 election or the certification of electoral college results;
 - iii. Domestic violent extremists, including racially or ethnically motivated violent extremists, militia violent extremists, sovereign citizen violent extremists, QAnon, or other extremists associated with efforts to overturn the 2020 election, including the January 6, 2021, attack, attacks against other State capitols, and attempted attacks against the January 20, 2021 inauguration of President Joseph R. Biden, Jr.;² and
 - iv. Foreign malign influence in the 2020 election, including known or suspected coordination between foreign and/or domestic influences to interfere in the 2020 elections, or cause domestic unrest.
2. All internal or external reviews, studies, reports, data, analyses, and related communications regarding how your platform's/platforms' algorithms might contribute to any of the factors described in request 1 above.
3. Any modifications and/or changes to policies or algorithms intended to address the items detailed in requests 1 and 2.
4. Any modifications or changes recommended or considered, but not implemented, intended to address the items detailed in requests 1 and 2.
5. All accounts, users, groups, events, messaging forums, marketplaces, posts, or other user-generated content that was sanctioned, suspended, removed, throttled,

¹ For purposes of your search and production, please refer to the definitions used by the Cybersecurity and Infrastructure Security Agency, online at <https://www.cisa.gov/mdm>.

² For purposes of your search and production, please refer to the definitions of these terms found, among other places, in a March 1, 2021, bulletin from the Office of the Director of National Intelligence (*Domestic Violent Extremism Poses Heightened Threat in 2021*, online at <https://www.dni.gov/files/ODNI/documents/assessments/UnclassSummaryofDVEAssessment-17MAR21.pdf>), and a June 4, 2021, bulletin from the Federal Bureau of Investigation (*Adherence to QAnon Conspiracy Theory by Some Domestic Violent Extremists*, online at <https://s3.documentcloud.org/documents/20889411/adherence-to-qanon-conspiracy-theory-by-some-domestic-violent-extremists4.pdf>).

- deprioritized, labeled, suppressed, or banned from your platform(s) related to any of the items detailed in request 1(i)-(iv) above.
6. All protocols and analyses in place prior to January 6, 2021, to identify, report, sanction, suspend, remove, throttle, deprioritize, label, suppress, or ban any of the items detailed in request 1(i)-(iv) above, and any changes implemented to those protocols, analyses, or algorithms since January 6, 2021.
 7. All accounts, users, groups, events, messaging forums, marketplaces, posts, or other user-generated content referred, shared with, or provided to law enforcement or other State, local, or Federal Government officials or agencies regarding any of the items detailed in request 1(i)-(iv) above, and the basis for such action.
 8. All requests by law enforcement or other Federal, State, or local government officials or agencies for information relating to any of the items detailed in request 1(i)-(iv) above, and the basis for such requests.
 9. All other communications with law enforcement or other Federal, State, or local government officials or agencies relating to any of the items detailed in request 1(i)-(iv) above.
 10. All protocols in place prior to January 6, 2021, for notifying or otherwise sharing information with law enforcement or other Federal, State, or local government officials or agencies of violent or dangerous content, and any changes implemented after January 6, 2021.
 11. Internal communications, reports, documents, or other materials relating to internal employee concerns about content on the platform associated with any of the items detailed in request 1(i)-(iv) above.
 12. All document retention policies in place on January 6, 2021, including policies for communications by the company or its employees and retention policies for user-generated content.
 13. All document retention or preservation holds implemented related to the events of January 6, 2021, or any related litigation or investigation.
 14. A copy of all documents produced to any party as part of litigation or internal or external investigation related to the events of January 6, 2021.

Responding to the Select Committee to Investigate the January 6th Attack on the United States Capitol's Document Requests

1. In complying with this request, produce all responsive documents, regardless of classification level, that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Select Committee to Investigate the January 6th Attack on the United States Capitol ("Committee").
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in a protected electronic form (i.e., password protected CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions. With specific reference to classified material, you will coordinate with the Committee's Security Officer to arrange for the appropriate transfer of such information to the Committee. This includes but is not necessarily limited to: a) identifying the classification level of the responsive document(s); and b) coordinating for the appropriate transfer of any classified responsive document(s).
5. Electronic document productions should be prepared according to the following standards:
 - a. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - b. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME,
SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE,
ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE,
FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED,
DATELASTMOD, TIMELASTMOD, INTMSGID, INTMSGHEADER,
NATIVELINK, INTFILPATH, EXCEPTION, BEGATTACH.

6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
7. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
9. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
10. The pendency of or potential for litigation shall not be a basis to withhold any information.
11. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
12. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
13. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production, as well as a date certain as to when full production will be satisfied.
14. In the event that a document is withheld on any basis, provide a log containing the following information concerning any such document: (a) the reason it is being withheld, including, if applicable, the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the withholding.
15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control. Additionally, identify where the responsive document can now be found including name, location, and contact information of the entity or entities now in possession of the responsive document(s).

16. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.
17. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
18. All documents shall be Bates-stamped sequentially and produced sequentially.
19. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of classification level, how recorded, or how stored/displayed (e.g. on a social media platform) and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, computer or mobile device screenshots/screen captures, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, through a social media or online platform, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, assignee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.