

**RESPONSES OF GAB AI INC. TO THE INQUIRY FROM THE SELECT COMMITTEE
TO INVESTIGATE THE JANUARY 6, 2021 ATTACK ON THE U.S. CAPITOL**

- 1. All Internal or external reviews, studies, reports, data, analyses, and related communications regarding your platform and (i) misinformation, disinformation and malinformation relating to the 2020 election; (ii) efforts to overturn, challenge, or otherwise interfere with the 2020 election or the certification of electoral college results; (iii) Domestic violent extremists, etc.; and (iv) foreign malign influence in the 2020 election etc.**

Gab does not have (and has never had) such records in its care, custody or control.

- 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 in request 1 above.**

See response to request 1.

- 3. Any modifications and/or changes to policies or algorithms intended to address the items detailed in requests 1 and 2.**

See response to request 1.

- 4. Any modifications or changes recommended or considered, but not implemented, intended to address the items detailed in requests 1 and 2.**

See response to request 1.

- 5. All accounts, users, groups, events, messaging forums, or other user-generated content that was sanctioned, suspended, removed, throttled, deprioritized, labeled, suppressed, or banned from your platform(s) related to any of the items detailed in request 1(i)-(iv) above.**

Gab's moderation policy is content-neutral. The Committee's request, insofar as it pertains to the type of material described in request 1(i), (ii) and (iii), is for moderation actions which are content- and viewpoint-based. Gab does not track

the truth or falsity of statements made on the site or the ideology of accounts it bans, nor do these qualitative factors play any role in moderation decisions *qua* points of view. Accordingly, no records of this type exist.

With regard to request 1(iv), Gab has no way of ascertaining by itself whether an account on its site is under the control of a foreign government. There is only one case in which Gab has been advised by the U.S. government that an account on its site was part of a foreign influence operation. Although Gab's usual position is not to disclose nonpublic communications with the government, as this particular case was the subject of public disclosure in the Washington Post,¹ Gab feels comfortable discussing it in a public forum.

Specifically, in mid-December, 2020, an account using the handle "EnemiesOfThePeople" and derivatives thereof began posting violent threats on Gab's website against U.S. election officials including former U.S. Homeland Security official Christopher Krebs.

Gab's response should provide some indication as to how seriously the Company takes matters like this. At 8:38 PM on December 9th, 2020, Gab received correspondence from Christopher Krebs' counsel notifying Gab of the existence of the "EnemiesOfThePeople" account and requesting its removal. Gab conducted an immediate review, determined that the content constituted a Terms of Service violation and, in anticipation of further inquiries from law enforcement, backed up the account.

Following completion of the backup, the subject account was banned at 9:34 PM, less than one hour after the Company was first contacted. A number of similar accounts were also banned on discovery.

Months later, Gab received information from a governmental entity that the "EnemiesofThePeople" account and any related accounts were, in its view, likely part of a foreign influence operation. By the time Gab received this information from the government, however, action had long since been taken against the subject accounts by Gab.

In the last 12 months, this is the only such notification Gab received from U.S. law enforcement pertaining to interference in the U.S. electoral process specifically. This notification was made after January 6th. Gab welcomes law enforcement engagement regarding threats of this nature so that Gab can take prompt action in future.

¹ Ellen Nakashima *et al.*, *FBI links Iran to online hit list targeting top officials who've refuted Trump's election fraud claims*, Washington Post, (December 22nd, 2020, 9:55 PM), https://www.washingtonpost.com/national-security/iran-election-fraud-violence/2020/12/22/4a28e9ba-44a8-11eb-a277-49a6d1f9dff1_story.html

6. All protocols and analyses in place prior to January 6th, 2021 to identify, report, sanction, suspend, remove, throttle, etc. 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.

Gab's moderation policy is content-neutral. The Committee's request, insofar as it pertains to the type of material described in requests 1(i), (ii) and (iii), is for protocols and analyses which are content- and viewpoint-based. Accordingly, no records of this type exist.

Regarding item 1(iv), Gab refers you to its answer to request 5 and the Department of Justice.

The Company's moderation policies are simple. Generally speaking, within the parameters of the Content Standards published in the Company's Terms of Service, legal content is allowed, illegal content is not allowed, and Gab exercises its discretion in borderline cases. Please see the Company's Terms of Service, published at <http://gab.com/about/tos>.

The Company does not employ algorithms which discriminate against viewpoints or elevate or suppress content based on viewpoint. User timelines, and posts appearing on a user's home screen, are chronological with no weighting. The Committee can verify this for itself by inspecting Gab's source code as of January 6th, which is derived from the Mastodon open-source project. That source code may be found at <https://code.gab.com/gab/gab-open-source>

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.

This request seeks information that Gab cannot lawfully produce under the Stored Communications Act, 18 U.S.C. § 2701 *et seq.*

Whilst Gab is willing to work with the Committee to respond to relevant requests, this request is on its face overly broad, unduly burdensome and requires speculation by Gab as to which law enforcement requests pertain to items 1(i)-(iv) above in situations where the government usually does not advise Gab of detailed underlying facts surrounding a given investigation.

Additionally, if Gab is in receipt of grand jury subpoenas or search warrants in relation to which it has been advised that the process relates to January 6th, it is

customary for such orders to be accompanied by judicial nondisclosure orders which Gab cannot voluntarily violate, to the extent such orders exist.

Finally, Gab's policy is to not disclose publicly the existence of document preservation requests, legal process, or other specific communications with law enforcement to any person, even when Gab is able to do so, and even when it would be convenient for public relations purposes to do so.

Gab has this policy to ensure law enforcement is comfortable contacting Gab in emergency situations or to request document preservation.

This is not the first time members of the Legislative Branch have requested Gab's communications with law enforcement in connection with January 6th. Gab received a similar request from Senator Mark Warner on January 8th, 2021. Gab's response to him then is the same as Gab's response to you today: even in circumstances where Gab is free to disclose nonpublic law enforcement communications, Gab does not disclose such communications.

Gab hopes you will understand why it does not make an exception to this policy here and would refer you to the Department of Justice, which would be in possession of relevant records, if any.

Gab draws your attention to recent reporting from Reuters indicating that the FBI has found "scant evidence that the Jan 6 event at the U.S. Capitol was the result of an organized plot to overturn the presidential election result", on social media or otherwise.²

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.

Gab refers you to its response to request 7.

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, and the basis for such requests.

Gab refers you to its response to request 7.

² Mark Hosenball and Sarah Lynch, *Exclusive: FBI finds scant evidence U.S. Capitol attack was coordinated – sources*, Reuters, (August 20, 2021), <https://www.reuters.com/world/us/exclusive-fbi-finds-scant-evidence-us-capitol-attack-was-coordinated-sources-2021-08-20/>

10. All protocols in place prior to January 6th, 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 6th, 2021.

Gab complies with all legally valid requests for subscriber data it receives from U.S. law enforcement, whether Federal, State, or local. Requests are dealt with when received by the Company's outside counsel.

When the Company becomes aware of information evidencing a danger to life or of serious crime it may contact, and in the recent past it has contacted, the FBI directly, usually by e-mail.

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.

No records exist.

12. All document retention policies in place on January 6th, 2021, including policies for communications by the company or its employees and retention policies for user-generated content.

No records exist.

13. All document retention or preservation holds implemented related to the events of January 6th, 2021, or any related litigation or investigation.

The Company received a document preservation hold from the Committee on August 30th, 2021.

The Company has also received multiple document preservation requests from law enforcement since January 6th, in relation to which it refers you to its response to request 7.

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 6th, 2021.

To the best of Gab's current knowledge, it is not a party to any litigation relating to the events of January 6th, 2021.

Regarding internal or external investigations, Gab refers you to its response to request 1.