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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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11 DEPOSITION OF: J. SMITH

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Monday, May 9, 2022

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Washington, D.C.

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20 The deposition in the above matter was held via Webex, commencing at 11:14

21 a.m.

22

Present: Representative Schiff.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 [REDACTED], SENIOR ADMINISTRATIVE ASSISTANT

9 [REDACTED], PROFESSIONAL STAFF MEMBER

10 [REDACTED], STAFF ASSOCIATE

11 [REDACTED], INVESTIGATIVE COUNSEL

12 [REDACTED], INVESTIGATIVE ANALYST

13 [REDACTED] CHIEF CLERK

14 [REDACTED] COUNSEL

15 [REDACTED] SENIOR COUNSEL & SENIOR ADVISOR

16

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18 For the WITNESS:

19

20 ALEXIS H. RONICKHER, ESQ.

21 Katz, Marshall & Banks, LLC

22 1718 Connecticut Avenue NW, Seventh Floor

23 Washington, D.C. 20009

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2 [REDACTED] Good morning. This is the deposition of J. Smith, conducted by the
3 United States House of Representatives Select Committee to Investigate the January 6th
4 Attack on the United States Capitol pursuant to House Resolution 503.

5 This will be a staff-led deposition, although members may of course choose to ask
6 questions.

7 At this time, I'd like to note for the record that during this deposition staff will
8 refer to the deponent as "J. Smith" in order to protect their identity. Any references to
9 the witness's legal name will be redacted from the record.

10 Do you agree to that setup?

11 Ms. Ronickher. You have to unmute and answer on the record.

12 The Witness. Yes, I do.

13 [REDACTED] Thank you.

14 My name is [REDACTED] and I'm an investigative counsel with the select
15 committee. With me today from the select committee staff are [REDACTED]
16 investigative analyst; [REDACTED], counsel; [REDACTED] senior counsel and
17 senior advisor; [REDACTED] professional staff member; [REDACTED] chief clerk.

18 I will announce any additional participants as they join, including any members
19 that may join. And as I said, this will be a staff-led interview, but if any members do join,
20 they may of course ask questions.

21 In a few moments, I'm going to hand it over to [REDACTED] to begin questioning,
22 although I will also be asking questions to you throughout the deposition. There may be
23 other staff members, such as [REDACTED] or [REDACTED], who will ask questions as
24 well. If you don't understand a question, simply ask us to repeat it.

25 J. Smith, you have been subpoenaed by the select committee to compel your

1 presence at this deposition. Can you confirm to me now that you have received a
2 subpoena from this select committee for this testimony today?

3 The Witness. Yes, I can.

4 [REDACTED] Thank you. And do you understand that you are appearing here
5 today pursuant to the subpoena?

6 The Witness. Yes, I do.

7 [REDACTED] Thank you.

8 Because this is a deposition, you may refuse to answer a question only to preserve
9 a privilege that is recognized by the select committee. If you refuse to answer a
10 question based on one of these privileges, we may either proceed with the deposition or
11 seek a ruling from the chairman on the objection. If the chairman overrules such an
12 objection, you are required to answer the question.

13 My goal today, and all of our goals today, is to ask questions relevant to the select
14 committee's investigation with the hope that you will answer. If you have an objection
15 or a privilege assertion, we'll ask that you or your counsel assert it for the record. Of
16 course, we don't anticipate having that problem today, and we thank you for your
17 cooperation.

18 In the event that you or your counsel do raise any objections, I will seek to clarify
19 the basis for each objection. Ultimately, the more detail you can provide on each
20 objection, the easier it will be for the select committee to consider the objection in full.

21 There is an official reporter transcribing the record of this interview, so please
22 wait until each question is completed before you begin your response, and we'll try to
23 wait until your responses are complete before we ask another question.

24 Additionally, the stenographer cannot record any nonverbal responses, like
25 shaking your head or nodding your head, so it is important that you answer each question

1 with an audible, verbal response. And, of course, if you forget to do that, we may
2 prompt you to do so or note for the record that you were nodding your head.

3 We also ask that you provide complete answers based on the best of your
4 recollection. If the question is not clear, just please ask for a clarification. And if you
5 don't know the answer or know only certain details of an answer, simply tell us.

6 Similarly, if there's anything that you need to discuss with your attorney at any
7 point in private, please let us know, and we'll take a break so you can have that
8 conversation off the record. Additionally, I'll plan to take a break around every hour,
9 but if you need breaks at a more frequent interval for comfort or for conferring with your
10 attorney, just say so.

11 This interview is under oath, and you are obligated to tell the truth, under Federal
12 law, as if you were speaking to the DOJ or the FBI. It's unlawful to deliberately provide
13 false information to Congress. For this interview, providing false information could
14 result in criminal penalties for perjury and/or false statements. And this is something
15 that we tell all of our witnesses.

16 You are not obligated to keep the fact of this deposition or what we discuss
17 confidential. However, we are obligated, under select committee rules and House rules,
18 to do so. You are free to tell whomever you wish that you met with us.

19 And, again, please let us know if you need any breaks or would like to discuss
20 anything with us or with your attorney off the record.

21 Because this deposition is under oath, right now I'll ask you to raise your right
22 hand to be sworn in by the reporter.

23 Ms. Ronickher. And you should unmute.

24 The Reporter. Do you solemnly declare and affirm under the penalty of perjury
25 that the testimony you are about to give will be the truth, the whole truth, and nothing

1 but the truth?

2 The Witness. Yes, I do.

3 [REDACTED] Thank you.

4 At this point, I want to confirm with the witness and counsel that they are okay
5 with [REDACTED] conducting questions, given that he is not an lawyer and is an
6 investigative analyst with the select committee.

7 Ms. Ronickher. Yes.

8 The Witness. Yes as well.

9 [REDACTED] Thank you.

10 So, without objection to that, I will hand it over now to [REDACTED] to begin with
11 some background questions.

12 [REDACTED] Thank you so much, [REDACTED]

13 EXAMINATION

14 BY [REDACTED]

15 Q J. Smith, I was wondering if you could tell us about your highest level of
16 education, just to establish identity and background.

17 A Yes. My highest level of education is a Juris Doctorate degree.

18 Q Excellent. Thank you. I'm trying to keep these questions at a certain level
19 of vagueness, as well, to protect your identity.

20 What was your role while you were employed at Twitter?

21 A I was a senior safety policy domain specialist.

22 Q Approximately how long did you work in this role?

23 A Almost 2 years.

24 Q Were you employed at Twitter during January 6, 2021?

25 A Yes, I was.

1 Q What were your responsibilities in your role at that time?

2 A My team was responsible for writing and enforcing certain aspects of
3 Twitter's rules.

4 Q And to whom did you -- well, we can strike that question. I understand
5 that's not really germane.

6 I wanted to start off with exhibit 1, which is a policy document we obtained from
7 Twitter on coded incitement to violence. I thought we could use this to foreground our
8 conversation.

9 Can we pull that up?

10 Thank you.

11 Can you everyone see this okay?

12 A Yes.

13 Q Excellent. So do you recognize this document?

14 A Do you mind scrolling down a little bit so I could take a full look at it?

15 Yes, I do recognize this document.

16 Q For the record, do you think that you could summarize the policy this
17 document spells out?

18 A Yes. This document is specific guidance related to a policy called "coded
19 incitement to violence" that the safety policy team worked on.

20 Q What led to the development of this policy, which looks like it was last
21 updated on November 4, 2020?

22 A Yes. What led to the development of this policy. We were asked
23 by -- Alexis, this is a moment where lawyers -- we were asked by our lawyers to work on
24 policies that would encapsulate some of the language that we had seen coming from the
25 former President, especially coming out of one of the debates.

1 Q Was that language specifically related to "stand back and stand by" or any of
2 the other phrases identified?

3 A Yes. It was specifically related to the President's use of the phrase "stand
4 back and stand by" in relation to the Proud Boys and other extremist groups.

5 Q If we could scroll down a little in the document.

6 So are you able to tell us who the individual was that signoff was required from to
7 apply this guidance to any user?

8 A I would believe -- my recollection would say that it would either be Del
9 Harvey or Vijaya Gadde or Jack Dorsey would be the three individuals who would be able
10 to sign off on those high-level decisions.

11 Q Okay.

12 For how long before this policy was written were dog whistles or other
13 incitements to violence to extremist groups by the President a concern for your team and
14 your leadership at Twitter?

15 A They had been a concern from several -- from several members for my entire
16 time at Twitter. But it was not, again, until the debate where the former President used
17 the specific language of "stand back, stand by" where it became a directive for us to
18 determine how to handle those sorts of phrases and that type of specific language on the
19 Twitter platform.

20 Q And during previous incidents where the President might have done this,
21 were there times where members of your team advocated for a similar policy before the
22 debate but were rebuffed or it just wasn't escalated?

23 A I do not believe that we advocated for a similar type of policy. In instances
24 prior to this, our team would write policy assessments based on the policies that we
25 already had on the books in order to interpret how we should, again, apply Twitter's

1 policies to the language of the former President.

2 Q So my understanding is that this policy was escalation-only. Do you know
3 why this was an escalation-only policy?

4 A Yes. This policy was an extremely nuanced policy, and because of the
5 nuance that was required and the additional context that was required into making
6 recommendations for decisionmakers, it was determined that the individuals who should
7 be doing that assessment should be on the safety policy team. And so this material was
8 escalated to the safety policy team for review.

9 Q Were strikes issued to accounts which violated this policy?

10 A I do not remember. It might be -- within the document there should be a
11 recommendation of how strikes should be applied, but, from my memory, I believe the
12 recommendation was for an abuse one-off, which would not have applied a strike.

13 Q To your recollection, did that change over time as the policy evolved? Did
14 the application of strikes change?

15 A Yes. There was a time on January 6th itself in which there was a decision
16 made not to just issue a strike but actually to permanently suspend, which is the highest
17 level of punishment for infraction or enforcement against Twitter's rules based upon the
18 coded incitement to violence policy.

19 Q And when was that decision? I'm sorry? You said --

20 A January 6th. The morning of January 6th.

21 Q January 6th. And that would have been the afternoon East Coast time? Is
22 that right? Morning Pacific time?

23 A Morning East Coast time.

24 Q Morning East Coast time. Okay.

25 I just want to confirm -- if we scroll to page 9 of this document, I want to verbally

1 confirm that "content that meets the assessment criteria above will be actionable as
2 abuse one-off, no strikes."

3 It's at the very bottom of the document -- or, of page 9.

4 A Yes. Yes, that is what I was referring to with my memory, again, saying
5 that, underneath the coded incitement to violent policy, our recommendation was to not
6 issue what we called a strike. And that was specifically because this policy was not
7 public-facing or public-known, and we did not want to be issuing strikes to users who
8 were violating a policy that they did not know existed.

9 Q Okay. Thank you very much.

10 I believe [REDACTED] has some followup questions before we move to the next
11 exhibit.

12 [REDACTED]

13 [REDACTED] Yes, thank you, [REDACTED]

14 BY [REDACTED]

15 Q So I wanted to zoom out and set a couple of broader baseline
16 understandings of this policy and the origin of this policy.

17 Thank you, [REDACTED] for scrolling up to the top.

18 So can you give me a better sense of the precise timeline for when this policy was
19 first brainstormed and when it was implemented?

20 A Yes --

21 Ms. Ronickher. And, J. Smith, if you had conversations with any Twitter counsel,
22 you can reference that you had a conversation with Twitter counsel, but do not state
23 what the content of that conversation is.

24 The Witness. Thank you.

25 [REDACTED] do you mind repeating the question? You asked me two parts, and I

1 want to make sure that I answer them.

2

BY [REDACTED]

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Q Sure. So the first part is: Can you give me a sense of the general timeline, when this policy was proposed? And, sort of, then walk us through the timeline of implementation.

6

A Yes.

7

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So, then, the proposal for the creation of this policy, I believe, if my memory serves correct, the debate in question happened at the -- in October, I believe.

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And so, after that election -- or, not the election; excuse me -- after that debate, again, we spoke with counsel, and, following that conversation, members of the safety policy team began writing this coded incitement to violence policy during, I want to say, November. The beginning of November was when the policy was created and written for the most part.

14

Q And you say created and written early November.

15

A Yes.

16

Q Is that the same time at which it went into effect?

17

18

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A No. The question around this policy going into effect is a big one. It was -- our team continually struggled and asked for clarification about when and if this policy was going into effect and how. And -- yes.

20

Q Thank you, J. Smith. That's very helpful.

21

22

And I don't want to jump ahead too much, but would you say that lack of clarity on enforcement continued throughout the post-election period?

23

A Absolutely.

24

Q Thank you.

25

So, first, for the record, I wanted to make sure, this is the first debate you're

1 referring to, where President Trump made the comment about the Proud Boys standing
2 back and standing by?

3 A I believe so. I'm not exactly sure which debate it was, but it was one of the
4 debates, yes.

5 Q Okay. Yeah, well, I believe that was the very end of September, which
6 would make sense -- great.

7 The witness gave a thumbs-up.

8 A That sounds right, yes. That sounds about right.

9 Ms. Ronickher. J. Smith, just make sure that you answer verbally.

10 The Witness. Yes.

11

BY 

12 Q And so I also wanted to ask another broader question about the role of the
13 safety policy team. You mentioned that team a few times in the context of drafting and
14 formulating this policy. So what was the general role of that team at Twitter? Why
15 was it involved in the creation of this policy?

16 A Yes. So the safety policy team was, again, responsible for the development
17 and enforcement of Twitter's rules, specifically around safety and privacy. And so that
18 specifically included policies around abuse, harassment, hateful conduct, violence,
19 privacy, sensitive media, suicide, self-harm, and at times misinformation.

20 And so, with that purview, our team, again, was responsible for writing the
21 external policies that you see on the website called "The Twitter Rules," as well as the
22 internal guidelines for how to understand and distill those rules internally to all of the
23 content moderators around the world. And because one of the purviews of the safety
24 policy team was, again, violence or incitement, this content fell underneath our purview.

25 Q Thank you. That's very helpful, J. Smith.

1 And I wanted to follow up on that to ask if there had been conversations within
2 your team about the need to have a policy that captured some of these concerns prior to
3 the end of September, early October, to the point with the debate.

4 A I do not believe that there were any official conversations about the creation
5 of a specific policy in order to deal with any of this content.

6 Q Thank you. That's really helpful.

7 And, in that case, can you kind of walk us through why the first debate was such a
8 transformative moment in terms of how the safety policy team and Twitter, it sounds like,
9 more broadly viewed their current policies as inadequate?

10 A Yes. Actually, could you repeat that question for me?

11 Q Sure. I guess, could you explain why the first debate and the former
12 President's comments at the first debate precipitated the need for -- or the perceived
13 need for this policy?

14 A Yes.

15 Leading up until that debate, we had seen language on the service being used by
16 the former President that was increasingly bumping against Twitter's policies and
17 Twitter's rules. Up until that point, we had begun using the public interest interstitial
18 more -- well, we had begun using it more frequently on the President's account -- former
19 President's account. And we used that intervention when content was found to be in
20 violation.

21 And so, seeing the trajectory of the language becoming increasingly more towards
22 the violative side or the prohibited side of the platform, it was recognized that the
23 language within the debate that we have been speaking about was too far.

24 And there was a concern -- there was a concern that existed at that time around
25 anything that the former President saying in a public forum, him then also saying on the

1 Twitter platform, because there was a correlation between those things.

2 And so, seeing the former President and hearing the former President using that
3 language that was extremely coded, there was a concern that that language would then
4 make its way onto the service and that our current policies, especially around
5 incitement -- because our policies around incitement were actually in flux at the
6 time -- would not be able to address that type of coded language.

7 And there was a concern about the implication and the impact that that type of
8 coded language would have, not just on the service but, specifically, offline harm that
9 could occur because of that language.

10 Q Thank you.

11 I have a couple of questions on that. First, how did Twitter, internal
12 conversations at Twitter, react to the President's statement at the debate? We've
13 talked a lot about, sort of, in policy terms, the implications of what he said, but what did
14 you actually think or fear he was saying?

15 A Myself or Twitter?

16 Q I guess you could say both for yourself at the time and to the extent you're
17 aware of other folks that -- or had conversations with other folks at Twitter about it.

18 A I'm going to ask you to repeat the question one more time again.

19 Q Sure. So I guess, first, what were you concerned about when the President
20 made those remarks at the debate? And, second, did you have conversations with
21 others at Twitter, and what were their concerns?

22 A Yes. My concern was that the former President, for seemingly the first
23 time, was speaking directly to extremist organizations and giving them directives. We
24 had not seen that sort of direct communication before, and that concerned me.

25 As far as Twitter is concerned, again, within a matter of days, members of my

1 team and members of the legal team responsible for enforcement decisions were in
2 conversation about making sure that we were able to handle those types of language and
3 phrases and content if it were to arrive to our site. Because there was a fear that we
4 would not be prepared and we would not have a policy in place to be able to enforce
5 against that content and that it would lead to, again, sort of real-world harm.

6 Q Thank you.

7 So, just to clarify further, you were worried and others at Twitter were worried
8 that the President might use your platform to speak directly to folks who might be incited
9 to violence?

10 A Yes.

11 Q And the policy was a direct response to that fear?

12 A Yes.

13 Q I just have one more question, and we have to move on. We could go all
14 day on one exhibit.

15 Can you explain to us what the public interest interstitial was or is?

16 A Yes. So the public interest interstitial is one of the first -- one of the first
17 type of enforcement decisions of its kind which created a label, or a tombstone, in
18 instances in which a policy was found to be -- or, excuse me, a piece of content or tweet
19 was found to be in violation.

20 There were certain criteria, whether that person -- and these are all public; all the
21 criteria is public. If an individual met that specific criteria, their information and content
22 was deemed to be what was called "within the public interest." And because it was
23 within the public interest, rather than removing the content, the content was then
24 labeled with information that said -- language that said that the tweet had broken
25 whatever policy and that it was against the rules.

1 That label also -- it stopped all engagement with that content so the content could
2 not be retweeted, it could not be quote-tweeted, it could not be liked. The tweet
3 essentially, again, was a dead tombstone.

4 Q That's really helpful.

5 And so, in that context, it was the belief that the potential harm that could come
6 from direct appeals to the public by the former President for potential incitement could
7 not simply be -- could not simply be countered with the tombstone message anymore?

8 Yeah, I could rephrase the question.

9 A Please. Thank you.

10 Q Yeah. I was thinking about it as I was saying it.

11 Is it fair to say that those public interest interstitial messages were no longer seen
12 as adequate once Twitter became concerned about the President making direct appeals
13 to incitement on the platform?

14 A I don't know if that was clear, but I believe it was a concern.

15 Q Great. Thank you.

16 Well, thank you for bearing with me, and I'll hand it back to [REDACTED]

17 [REDACTED] Thank you, [REDACTED]

18 And thank you, J. Smith.

19 BY [REDACTED]

20 Q If we could, I'd like it move on to exhibit 2.

21 Great. Thank you.

22 So this document is the "Post-Election Protests and Calls for Intervention."

23 Our understanding is that on November 5th, just 1 day after the last update to the
24 coded incitement to violence policy and just 2 days after the 2020 Presidential election,
25 the coded incitement to violence policy was integrated into this larger policy guidance.

1 First off, is that correct? And second off, do you know the rationale for that
2 decision?

3 A I am still a little bit unclear as to how -- I was not involved in the
4 conversations and I'm a little bit unclear as to how the coded incitement to violence
5 policy was folded or included within this post-election protest and calls for interference
6 guidance. I do believe that your understanding that that somehow happened -- I
7 believe -- I do remember hearing that.

8 And, again, it was a continued question from myself and my team, what the
9 details of that encompassed and how, again, the policy was exactly incorporated into this
10 one.

11 Q So was this a document your team would have worked with or worked on
12 closely?

13 We can scroll down a little, if that would help.

14 A We would have contributed to this document, yes, but it would not have
15 been solely written by the safety policy team.

16 As you can see, it says, "This document sets out a coordinated approach by health
17 policy teams." So the health policy teams, which was several more teams -- safety
18 policy was included within health policy, but there were several other teams that were
19 included within health policy that would've contributed to this document.

20 Q So "health policy" refers more to the health of the overall site, not public
21 health?

22 A Yes and no. So health policy is a specific designation for the departments
23 that include what is called "site integrity" as well as "site policy." Safety policy sat
24 underneath the site policy umbrella.

25 Q Who would have had oversight over the crafting of this document? Who

1 sat at the junction of all those teams?

2 A Del Harvey --

3 Q Del Harvey.

4 A -- who was the vice president -- or, was -- excuse me -- the former vice
5 president of trust and safety --

6 Q Thank you.

7 A -- at Twitter.

8 Q Yeah. Yes.

9 Could you, for the record, just to the best of your recollection, describe what this
10 policy was for, what it covered, how it was applied?

11 A Yes.

12 Q Take your time.

13 A Would you mind repeating the question again, just so I can formulate --

14 Q Yeah. Just if you could describe the policy and its application generally for
15 the record -- the purpose of it, what types of content it covered, and how that content
16 might've been actioned.

17 A Yes.

18 Q We can scroll down, if that would help as well.

19 A Yes. Actually, if you could scroll up just a little bit, because that would
20 include -- yeah -- the applicable policies that are included within this document.

21 So this would have related to protests that were happening after the election, as
22 well as any calls for interference within the election that related to violent extremist
23 groups, civic integrity, and, again, those violence policies -- sort of, violent threats,
24 sources of harm, glorification of violence, and coded incitement to violence as well.

25 Q And so, I'm interested in your experience with this policy guidance, both its

1 development and its implementation, since you were on a team that was very close to
2 those issues. And so, if anything about it is unclear to you, just feel free to say so,
3 because your understanding of this document is an important part of, I think, the way it
4 would have been implemented.

5 So I'm going to ask some specific questions about it, and I'd just appreciate it if
6 you could try, to the best of your recollection, to talk through your understanding of what
7 the answers are.

8 So the first one is: Did the integration of the coded incitement policy into this
9 document change the application of the coded incitement policy in any way that you
10 could remember that would be relevant?

11 A Did it change the application of coded incitement in any way?

12 Q And I believe the coded incitement language is toward the bottom of the
13 document, so if we might scroll down a little bit.

14 A Scroll up a little bit. Okay.

15 Q I think page 8 of the PDF has relevance.

16 A Yes. Yes.

17 Okay. I was not as involved with the formulation of this specific document, so I
18 cannot speak to its exact creation. I can speak to my understanding after having seen it
19 and worked with it.

20 Again, I was unclear as to how the coded incitement to violence policy was being
21 wrapped into this post-elections guidance. As you I believe can see, the language itself
22 changes. I don't believe that "coded incitement" -- the language "coded incitement"
23 even appears within here.

24 Do you mind scrolling down a little bit?

25 So, if I remember correctly, the coded incitement language was essentially folded

1 into -- if you scroll up a little bit more -- what -- I'm sorry, scroll down. Right there. "If
2 the content is wishing, hoping, or calling for promoting or stating identifiable groups."

3 I believe -- I believe that the information and the coded incitement language was
4 essentially meant to be represented in this, and this was kind of what we -- not I -- but it
5 was what was called a "wish of harm."

6 But, again, as you can read from this language, the full-blown, nuanced coded
7 incitement to violence policy that I had helped create and work on with other team
8 members had lost its robustness by the time that it was incorporated into this document.
9 And, after reading it, I again was confused as to what to do with those coded calls to
10 violence that we were seeing on the service.

11 Q And, just for the record, we see here in the document there are examples of
12 language that might have been actionable. For example, "The time for standing back
13 and standing by is over. Let's roll." Or, "Protests are happening on South Street. Get
14 locked and loaded. You know what to do." And those would have been bounced with
15 a strike for violation of wish of harm policy.

16 But there's not -- there doesn't appear to be language on coded incitement. Is
17 that right?

18 A Yes. So the -- yes, exactly.

19 So the language "standing back, standing by," "locked and loaded," those were
20 very specific calling phrases and turns of phrase that we had been seeing used within
21 coded incitement to violence. However, as you see, again, within this new policy
22 guidance, rather than having the nuanced approach to coded incitement to violence, in
23 which it was assessed by the safety policy team and the outcome was an abuse one-off
24 with no strike, this guidance was calling for a completely different action, right? This is
25 calling for a strike for another policy.

1 Q And would you say that it's a narrower interpretation? I mean, the specific
2 phrases that are used and the one sentence at the top describing the policy. Was this a
3 harder policy to enforce against what you would've seen as harmful content?

4 A What do you mean by "harder"?

5 Q Well, less flexible, less nuanced, less --

6 A Yes.

7 Q Yes. Could you say more --

8 A Yes. So this is much less nuanced than what we would've written. I
9 believe the coded incitement to violence policy would've included examples of many
10 more phrases that we would have been able to look at and evaluate under than just,
11 again, "standing back" and "locked and loaded." Those were two of the most popular,
12 but there were phrases like "Civil War part 2," "1776," "revolution," all of those turns of
13 phrase, that were also included within the coded incitement to violence policy that were
14 not incorporated underneath this post-election guidance.

15 Q And these were -- so, just as a reminder, this document applied to the
16 immediate post-election period. Was this change -- were either of these policies
17 announced publicly?

18 A No.

19 Q How did that influence Twitter's decisionmaking, the lack of a public policy
20 against incitement to violence?

21 A Yes. It was the recommendation coming from the safety policy team,
22 again, that if we were going to apply or enforce a policy that was not public information,
23 that we should not penalize users for that. Yes.

24 Q What prevented Twitter from publicly issuing a policy of this nature?

25 A Policy updates are highly complicated and take a tremendous amount of

1 time to go from creation through incubation to implementation around the world. And
2 so I believe there was a time constraint.

3 And there was also the reality that Twitter's -- all of Twitter's policies around
4 incitement were in flux at this specific moment. And so we were working on what
5 would have been a public update to the incitement policies that eventually did launch at
6 the end of January, or middle/end of January. And so that would've been the public
7 update that we would have been working towards.

8 Q How long -- so this policy was in force in this fashion, according to this
9 document, all the way through the post-election period and past 1/6? Was this the
10 document that would've been in place on January 6th?

11 A Yes, this would have been the document that would, I believe -- this is one of
12 the documents that would have been in place leading up to January 6th.

13 And, again, I will reiterate, once this document was created, there continued to be
14 questions from my team specifically around coded incitement to violence, because this
15 document did not give us clear answers on what to do with that content.

16 Q What kind of questions?

17 A What we should do with the content and how we should enforce it, or if we
18 should enforce it, if the content should remain on the platform.

19 Q So there were pieces of content, presumably, that you felt wouldn't have
20 been actionable under the wish of harm policy but would have under coded incitement
21 and fell in that sort of gray zone?

22 A Absolutely.

23 Q And we'll ask more questions about this later, but, for the record now, I
24 assume you sought guidance from your manager and from Twitter leadership on those
25 important questions?

1 A I absolutely did. I asked at several different times and occasions for clarity
2 specifically around coded incitement to violence and how we should be approaching that
3 content on the service, especially as we saw that content continuing to grow and rise.

4 Q And in the 2 months between election day and January 6th when the United
5 States Capitol Building was breached, did you receive that guidance?

6 A Which guidance?

7 Q Guidance on the implementation of this policy.

8 A No. No. I remained unclear and concerned from that time up until the
9 day of January 6th that, because we did not have clarity and we did not have clear
10 policies and enforcement procedures in place, that, come January 6th or come a time in
11 the future, that we would see the implication of these individuals having said, again, that
12 they were ready to -- they were locked and loaded and ready for violence. I believed
13 that violence would happen.

14 Q Was the possibility of violence brought up during any of the other marches
15 or protests between the election and January 6th -- for example, protests at State
16 capitols, the Million MAGA March? Around those events, did these conversations about
17 coded incitement reoccur?

18 A Can you remind me again, what's the timeframe that you're talking about?

19 Q These would've been in November and December.

20 A Yes. And, again, can you repeat your question?

21 Q There were multiple instances of protests which I would say had a large risk
22 of violence around which one might expect harmful statements to circulate online. And
23 I'm wondering if, each time there was an event like that, which could be sensitive, you
24 had recurring conversations about the lack of clarity.

25 A I believe so. Yes. Again, I don't remember the exact protest or the exact

1 instances, but there were continued conversations. Again, as we saw the situation on
2 the ground intensifying and I believe as we saw these protests growing, and not just
3 growing but individuals becoming increasingly armed and the rhetoric becoming
4 increasingly more violent, I became increasingly more concerned. Yes.

5 Q And during this period of growing concern, lack of clarity, what could Twitter
6 management have done to help? Like, what answers could they have given that would
7 have better equipped you really to do your job and to write and implement good policy
8 around this problem? What would've helped?

9 A Approving the policies that we had written and put in place.

10 Q So it was simply the lack of clear approval for the preexisting, more nuanced
11 policy that kind of kept you in a state of uncertainty. Is that right?

12 A Yes. Absolutely.

13 Q Okay.

14 And then this is I think my last set of questions before I see if [REDACTED] has any
15 followup, but how liberally did Twitter apply the post-election protest guidance? Was
16 this sort of a spirit-of-the-policy application, or did they try to keep it pretty within the
17 boundaries laid out here, which are, as you described them, more narrow?

18 A My recollection is that my team, the safety policy team -- so this specific
19 section of this policy -- I do not remember a lot of enforcement happening underneath
20 this policy.

21 And what I remember, again, was more questions, multiple questions, again,
22 about content that might not necessarily have fit squarely within this post-election
23 guidance but would've fit underneath the coded incitement violence, that we were
24 wondering what we could do or what we should do with that sort of content, again, with
25 the fear and the concern that it would lead to violence.

1 Q This might be a good time, if you could give us just a high-level overview of
2 how content moderation on Twitter works.

3 I understand there's -- I think Twitter Services is where frontline content
4 moderators sit in the organization, and then you are somewhat higher up in the process,
5 giving them guidance. Is that right?

6 A Yes. So there's actually a couple of different layers of content moderation
7 within Twitter. There's algorithmic content moderation, and there's also human
8 content moderation. Those often work in practice with each other.

9 The very, very first level of content moderation is mostly algorithmic, which is a
10 script -- I was not involved with writing those algorithms or understanding those -- a script
11 that searches for a lot of the most egregious content.

12 Reports -- so content that is on the service that is reported by individuals -- goes
13 to content moderators around the world. And so these are individuals who are hired by
14 third-party companies and often sit in countries all around the world who sit in what is
15 called "queues" and spend their days -- they have a certain amount of time that they are
16 given, and responsible for making decisions on whether content is a violation or not a
17 violation.

18 There's individuals, if they have questions or if there are gray-area pieces, they can
19 continue to escalate content. Once they escalate content, it then comes into, most
20 likely, a Twitter full-time employee, or an FTE.

21 The FTEs at Twitter include what you mentioned is the team called Twitter Service,
22 and so those are the safety operations team of content moderation. And so those are
23 the individuals who also tend to sit within queues and answer those escalated questions
24 and, again, make the calls and determinations, when they can, of whether something is a
25 violation or not a violation.

1 If those individuals within Twitter Service cannot make a decision or if there is
2 something that is too far of a gray case or if it was a high-profile individual, that would
3 then come to the safety policy team if it was, again, within our policy scope and within
4 our policy areas.

5 Again, the safety policy team, we wrote the rules that were external. We also
6 wrote the rules that all of these other individuals used in order to make these
7 determinations. And, again, if the content was gray and no other decisionmaker could
8 decide -- we were not decisionmakers -- if no other recommenders could come to a good
9 recommendation, it would land on our desk. And, again, in very high-profile cases, we
10 were also asked to assess any other recommendations that had come in and lend our
11 recommendation as well.

12 So the safety policy team was the highest-level content moderation team and
13 system within Twitter. We were not decisionmakers. We were responsible for making
14 recommendations to our decisionmakers in those instances.

15 Q And who were the decisionmakers?

16 A Yes. Depending on the content, there were -- if it was not super-high-level,
17 it was not going to cause a controversy, my manager sometimes could approve. If it was
18 a little bit more high-level, Del Harvey would approve.

19 If it was a renowned politician or, say, for instance, the former President of the
20 United States, that would have to go to Vijaya Gadde, who is the chief legal officer, as
21 well as Jack Dorsey, who was the former CEO.

22 Q Okay. That's very helpful. Thank you very much.

23 I'm going to propose that [REDACTED] ask any followup questions he has and then
24 maybe we can take a short break.

25 [REDACTED]

1 [REDACTED] Sure. Thank you, [REDACTED]

2 And, J. Smith, I have a few more questions on exhibit 2, and then, as [REDACTED]
3 said, we can take a break.

4 BY [REDACTED]

5 Q So I'm curious about the existence of this document, post-election protest
6 guidance. Is it common for Twitter to put out internal guidance for events like protests
7 or other major events?

8 A Yes, it is highly common.

9 A large part of the safety policy team, in addition to everything that I have
10 mentioned, is, if and when there was an event happening in the world in which our
11 policies would be implicated -- say, for instance, large -- this happened with large protests
12 that happened all over the world, whether they be in Hong Kong or France or India or
13 within the United States -- if we saw and knew that these events were taking place, we
14 would issue what was called enforcement guidance or we would issue what was called a
15 resource request or a sweeping or monitoring request.

16 And that essentially was a request that said -- it would give a background, and it
17 would say, because of these specific situations and circumstances that we know to be
18 happening on the ground, we want you all, the content moderators around the world, to
19 be aware that this is going on. And it would also give specific directions that said, in
20 these instances, this is how we want to interpret specific policies in these specific
21 examples and in these cases.

22 To be honest, oftentimes we issued guidance in this sort of area if we were
23 making a policy change or an update very quickly because we saw, again, the need
24 because of violence occurring on the ground or the potential for violence occurring on the
25 ground.

1 But it was very normal for us to create enforcement guidance whenever there was
2 a situation that was happening around the world.

3 Q That is extremely helpful context, so thank you.

4 Was it typical to do this for U.S. elections?

5 A I cannot answer that, because I only worked one U.S. election at Twitter.

1

2 [12:13 p.m.]

3

BY [REDACTED]

4

Q That's very fair. Asked another way, were teams at Twitter anticipating the need to put in place a election aftermath guidance prior to election day?

5

A I am not sure.

6

Q Okay. When did you first hear about the fact that you were going to be

7

8 asked to put together or work on post-election protest guidance?

9

A Had to be sometime after the election, but I do not -- I do not specifically recall.

10

11 Q That's fine. And then, so this document is dated, I believe, November 5th.

12

A Uh-huh.

13

Q When you initially had conversations with other teams about putting

14

15 together this document, what were the concerns that they voiced and that you made about the need for this guidance?

16

A Yes. If I remember correctly, leading into this guidance -- again, our team

17

18 had been working specifically on coded incitement to violence -- our team had collected

19

20 hundreds of tweets that included terms and phrases that we believed to be coded

21

22 incitement to violence. As -- as time progressed and we went from debate rhetoric, to

23

24 election, to election results being announced, to the former President declaring his

25

26 intentions not to concede the election, I became increasingly concerned, again, about the rhetoric that I was seeing on the platform.

27

And I believe prior to this post-election guidance being created, I had a

28

29 conversation with Del Harvey, again, the former vice president, in which I highly and

30

31 strongly recommended to her that we do something about the content because I

1 believed that people were going to start shooting each other, is what I told her. And so
2 from that conversation, I -- I continued to be concerned. I did not feel that leadership
3 shared that sort of same concern. And, again, this was the kind of document that was
4 created in order to realize some of those concerns.

5 Q Thank you.

6 One specific followup on that. When you told Ms. Harvey that you were
7 concerned people were going to start shooting each other, what was her response?

8 A She did not seem to believe me and did not seem to, again, share the
9 concern that this language was indeed incitement to violence. Ms. Harvey referred
10 to -- Ms. Harvey made some logic -- made -- made some sort of explanations in -- in -- in
11 these circumstances and situations.

12 And I believe the example that she gave back to me was what if someone is locked
13 and loaded inside of their house for self-defense, and sort of these sort of alternative
14 situations that were not what the clear language of the tweets was saying. And so I
15 found her response to be overly generous and reading into -- reading things into content
16 that did not exist.

17 Q Thank you.

18 Did you express concerns about President Trump's refusal to concede the results
19 of the election in light of his prior appeals to the public, as we talked about earlier in the
20 deposition?

21 A Will you repeat the question? Did I do what?

22 Q Sure, sure. So given President Trump's appeals to the public on potential
23 incitement, did you raise concerns about the potential for violence when he refused to
24 concede the election?

25 A Yes, I did.

1 Q And did others raise those concerns as well?

2 A Yes. There were others on my team that raised those concerns as well.

3 Q And was this document a result of those concerns being voiced?

4 A The post-elections document?

5 Q Yes.

6 A I believe that it was the attempted response from members of Twitter's
7 leadership to address some of those concerns. And, again, it was made very clear from
8 those of us who did this work on a daily basis that our concerns were not addressed by
9 this guidance.

10 Q Okay. But to put a fine point on this, the initial draft of this document was
11 the first attempt by Twitter to respond to the possibility that President Trump's refusal to
12 concede could lead to violence?

13 A I don't know if that is explicitly happening here, but I do know that was a
14 concern of mine.

15 Q Okay. That makes sense.

16 That's all I have on this exhibit. And thank you, this has been really helpful.

17 I believe that [REDACTED] had a followup before we go to break.

18 So, [REDACTED] if you want to take it away.

19 [REDACTED] Thank you, [REDACTED]

20 BY [REDACTED]

21 Q Hello, J. Smith. I did have one followup question I just wanted to clarify.

22 So for "locked and loaded," which you flagged to Del Harvey as a phrase that you
23 thought could in certain circumstances be a coded incitement to violence and that could,
24 therefore, be actioned by Twitter under certain circumstances, she responded to you by
25 saying, "locked and loaded" is a phrase that can be also used by someone, for example,

1 saying they want to defend one's home.

2 It is my understanding, and this is the question, that often policy documents that
3 are created by your team take into account context, and that that is an important factor
4 when determining whether a violation has occurred, whether to elevate to something,
5 what sanction to apply. So I just wanted to confirm that with you and just make sure
6 that we understood that that is what you were saying.

7 A Yes, absolutely. So taking context within -- as part of the decisionmaking or
8 the part of the recommendation process was absolutely essential for our team. So if
9 you saw, again, the coded incitement to violence policy rested a lot on what the context
10 in which a certain phrase or term was being used. So it's very, very often that there
11 was -- that was how we were supposed to approach our jobs, right, was to see what was
12 being said but to also see the context that was happening with inside of it.

13 I very much was a proponent for making sure that we used context within our
14 decisionmaking skills, especially when thinking about things like counterspeech, right,
15 which is -- very often includes a lot of language but is being reused in order to add
16 commentary or add some sort of opinion to it.

17 And so I -- I was hyper aware of those types of situations. And so if it was a
18 situation like Ms. Del -- like Ms. Harvey was saying in which a term or phrase was being
19 used in a way in which it was not harmful, or which it was not violative, or in a way which
20 it was not going to lead to any issue, I very much would've been a proponent for leaving
21 that on the service.

22 I was surprised, again, by that defense that Ms. Harvey created, because that was
23 not the language that we saw being used on the service. That was -- the language on
24 the service was not about self-defense. It was very, very much about action and a
25 willingness to participate in violence and mass violence.

1 Q And just to clarify, if, for example, Ms. Harvey had been concerned that your
2 policy as written did not permit someone to say locked and loaded in terms of defending
3 their house, one option she could've had was to have been -- to tell that to you and say,
4 maybe you should tweak the policy or amend the policy or write this specifically into the
5 policy.

6 A Absolutely. So that is -- that was very, very common, right? So within
7 these enforcement guidances that we would write, we would also include exceptions,
8 right? So we would always include what we called exceptions for counterspeech or
9 exceptions in those. And we would include -- include examples that said, if you see this
10 content but it is being used in this way, again, which adds some sort of commentary, adds
11 some sort of opinion, adds something else, Twitter elevates it in some sort of way or
12 includes some sort of political discourse, leave that content on the platform.

13 So very, very much that was -- that was how we operated, was here is the way
14 that this sort of content should be treated. If you see it in this sort of context in which
15 we know it to be okay, make sure that it stays on the platform. So very much, yes, that
16 could -- that -- that was the approach that I was used to taking.

17 Q Okay. Thank you.

18 And I believe you mentioned that some of these phrases were some things that
19 concerned you that you saw -- and I'm just trying to nail down a little bit more about the
20 timeline -- I'm sorry. I'm speaking very fast. I often get admonished for that.

21 I think -- I just want to nail down a little bit more about the timeline and about the
22 approximate volume either of things that you saw when you were developing this policy
23 or that you saw when the policy you believe could've been in place but wasn't. So I
24 just -- a little bit more specifics when you said you -- you saw some things and there was
25 enough to continue, just when and how much and how did that change.

1 A Yes. So a colleague of mine was working on the coded incitement -- coded
2 incitement to violence policy, had actually worked with a member of Twitter Services in
3 order to create a bot that would surface some of this content that we were seeing on the
4 service. So we gave them, again, some of these phrases and terms in order to go
5 essentially -- the bot would essentially go search Twitter.com and collect tweets that
6 included these phrases and inject them into a spreadsheet.

7 Our team received that spreadsheet. This was, I want to say, early November,
8 and our team around the world made assessments and looked at them. There was, I
9 want to say, over 500 tweets. It was an astronomical amount of tweets. Our team
10 normally reviewed maybe five tweets a day, but our team was reviewing the spreadsheet
11 of over 500 tweets, again, because of the nuance that was required within this specific
12 policy.

13 We reviewed those tweets. We left -- it was a spreadsheet that we left in, you
14 know, our recommendations for violation or no violation as well as the reasoning for why
15 we believed those things. This -- this spreadsheet, again, of hundreds and hundreds of
16 tweets was collected, and that was part of the conversation that I had with Del Harvey in
17 saying, I believe we need to remove these tweets because if we don't, people are going to
18 start shooting each other and other folks. And it was, again, Del Harvey's interpretation
19 that we did not need to remove those tweets, and instead we needed to create this
20 post-elections guidance enforcement and that was the direction that we should go in.

21 Q And I just want to clarify one thing. You said, I believe, your friend or your
22 colleague wrote a bot to scrape some things, and that was the rough material that you
23 used to start figuring out a policy that could determine the wheat from the chaff.

24 A Yes.

25 Q And this algorithmic moderation would not have been the right approach for

1 this kind of a nuanced thing, this level of development in algorithms.

2 A No. No, no, no. The bot --

3 Q Okay.

4 A The bot was highly unsophisticated, right?

5 Q Yeah.

6 A What it looked for, again, was just a phrase being used but not how it was
7 being used in context. And it was our team's -- it was our team's role then to look at the
8 tweets that contained these phrases within the context to determine if we believed them
9 to be violative of the coded incitement to violence policy.

10 Q And so you, then, as humans reviewed this bot-created list that everyone
11 knew was going to be overinclusive to help determine rules for -- to help determine rules
12 that you would recommend for this policy?

13 A I believe the policy might have already been written, but we were using the
14 policy that was written in order to determine what we should do with the tweets that we
15 had collected, again, which were overbroad and overreaching. There were some that
16 were not violations within there, and we did write that down as well, but the vast
17 majority of them were violative content.

18 Q Okay. I think -- I don't think I have any other questions on this, so I'll hand
19 it back to [REDACTED] and [REDACTED]. Thank you.

20 [REDACTED] Thank you, [REDACTED]

21 And thank you, J. Smith. You've been very helpful so far. We've been at this
22 for almost 90 minutes, so what I'd propose is that it's -- we take maybe a 20-minute break
23 and reconvene at 12:50. It's lunchtime here on the East Coast, and you may want to
24 refresh your coffee or grab breakfast. Does that sound okay to everybody, 12:50?

25 Ms. Ronickher. Uh-huh.

1 [REDACTED] Okay. Can we close the record? Jacob, do you want to do that?

2 [REDACTED] Sure. I'm not sure how to do it.

3 We can go off the record at 12:31.

4 [Recess.]

1

2 [12:51 p.m.]

3 [REDACTED] We can go back on the record at 12:51 p.m. And at this point, I'm
4 going to hand it over to [REDACTED]

5 [REDACTED] Okay. So thank you, [REDACTED]

6

BY [REDACTED]

7 Q We're back on the record, and I want to pick up where we left off. I have a
8 couple of general questions, and we'll turn to another exhibit.

9 I guess my first question is, during the election, what forms of technical support
10 did your team receive from other parts of Twitter? You mentioned sort of automated
11 sweeps that polled tweets into a spreadsheet that you analyzed. Were there other
12 forms of technical support that you used?

13 A Yeah. I do not believe so. I believe the only technical support that we
14 really used, especially during -- at least that I was privy to during the election was the
15 creation of those bots to identify coded incitement to violence on the service. That is
16 not out of the ordinary. Our team was mostly human capacity and capabilities and not
17 very highly technologically supported.

18 And I did want to go back to something about coded incitement that I was
19 thinking about while we were on break, if possible.

20 Q Yeah. Yeah, please. Go right ahead.

21 A Yeah. So I was thinking a little bit about, like, on the coded incitement to
22 violence as well as the post-election interference and the relationship between those kind
23 of two, and I want to just say very, very clearly, the coded incitement to violence policy
24 was never approved. It was never officially approved. It was never officially what we
25 called shipped, which meant that it was approved and sent out to content moderators

1 around the world in order for them to enforce under.

2 And instead, of course, as we said, the post-election interference guidance was
3 created. I maintained significant concern that the post-election interference guidance
4 was not sufficient and actually wasn't adequate to capture a lot of the content that we
5 saw and were identifying as coded incitement to violence, which is why I continued to ask
6 questions, especially of my manager and supervisor, for clarity about what we should be
7 doing on this content that was coded incitement to violence, which I knew to be
8 extremely harmful.

9 I remember specifically at one point, I asked these questions several times on
10 Slack, in our team channel, and at one point my manager came back and said, we do not
11 have a coded incitement to violence policy full stop. And so it was very clear that, not
12 only was this policy not approved and not only was I given specific direction from the vice
13 president not to enforce any content underneath this policy, it was also told to me by my
14 supervisor that the policy did not exist.

15 Q Could we pull up exhibit 3 really quickly? There's something on that I
16 want -- I would like to follow up on just immediately here. If we could scroll down to
17 around page 12, November 4th.

18 This document is a timeline of Twitter actions related to the election and
19 January 6th, provided to us by Twitter's counsel, prepared specifically for the select
20 committee.

21 If we could scroll down to -- closer to November 4. Yeah, page 12 at the bottom.
22 I'm using the document page numbers. Sorry.

23 So November 4th, 2020, the safety policy team updates the coded incitement
24 guidance to permit action on content that does not meet all of the verification criteria if
25 Twitter observes sporadic instances of unrest. From November 4th to November 9th,

1 Twitter works to surface and review tweets that might include coded language with the
2 potential to incite violence.

3 So is this paragraph as written, does that capture, in your view, what Twitter did
4 during this period? And I'm also curious as to why they've bounded this language
5 between the 4th and the 9th.

6 A This -- to my reading, this information is inaccurate. We were not
7 permitted to action any content that fell underneath the coded incitement to violence
8 policy. I was specifically given directive, not just from my manager and supervisor, but
9 also from Del Harvey, the vice president of Trust and Safety, that I was not to action
10 and/or take down any content underneath coded incitement to violence.

11 The dates between November 4th and November 9th, the only -- to my
12 recollection, that may be referencing the timeline in which our coworkers worked to
13 create the bot that, again, collected all of those 500-plus tweets that contained the coded
14 incitement to violence. But, again, I went through that spreadsheet that contained all of
15 those tweets with Del Harvey, the vice president, and was told specifically that I was not
16 allowed to action the content.

17 Q So when -- when we read here, from November 4th to November 9th,
18 Twitter works to surface and review tweets --

19 A Yes.

20 Q -- we should not read that to mean that they then removed the tweets,
21 labeled the tweets, took any action against the tweets?

22 A Yes. The tweets remained on the platform until January 6th, and might still
23 remain on the platform now, to be honest with you. I'm not 100 percent sure what they
24 were taking down. But during that November 9th to -- November 4th to November 9th
25 period, the surfacing and review happened by the safety policy team within the Google

1 spreadsheet, again, in which we were reviewing the language of the tweets, saying what
2 the coded incitement language we thought that it included was, whether it was a
3 violation or not a violation and why, but we were never allowed to take action according
4 to our recommendations within that spreadsheet.

5 [REDACTED] And, [REDACTED] could I ask one question?

6 [REDACTED] Please, go right ahead.

7 [REDACTED] Great.

8 So just to build on that, J. Smith, the second-to-last bullet or entry on the page,
9 page 12, where -- if we could scroll up a little bit, Ms. Connelly.

10 So you see on the November 3, 2020, the final action there, it says that the safety
11 policy team develops guidance for actioning language that is -- built and basically
12 describing the coded incitement to violence.

13 So as a member of someone who was involved in this policy, is it your
14 understanding that this entry describes a policy that was not implemented at the time?

15 The Witness. Yes. To my understanding, this entry on November 3, 2020, is
16 describing the development and creation of the document that you all saw, the coded
17 incitement guidance, that was done by -- it was led by another member of the team. I
18 also helped with the creation of that guidance.

19 And, again, it was never approved, it was never shipped, and we were never
20 allowed to action underneath it, especially not on November 3rd, especially not on
21 November 4th.

22 [REDACTED] So Twitter provided this document to the select committee as a way
23 to summarize the actions it took in response to potential coordinated calls for violence
24 around the election period leading up to the 6th.

25 That entry on November 3rd, do you consider that to be a concrete action that

1 Twitter took to prevent violence on January 6th?

2 The Witness. I believe that it was an attempt that was made by several
3 individuals who are very concerned within the safety policy team in order to potentially,
4 in the hopes of staving off violence that we knew could occur. But, again, it was not
5 approved by Twitter leadership or management, and so it was not -- it was not an action
6 taken by them.

7 [REDACTED] Thank you. That's really helpful.

8 [REDACTED] I don't know if you wanted to go to another part of the questioning.

9 [REDACTED] Yeah. Thank you, [REDACTED]

10 BY [REDACTED]

11 Q We jumped out of order a little bit here, but if we could, I'd like to pull up
12 exhibit 5. We'll return to this document later.

13 So exhibit 5 is a chart or a series of charts, really, attached to a spreadsheet,
14 labeled, "coded incitement to violence Smyte assessment summary," S-m-y-t-e, Smyte.

15 I believe, if we scroll down a little bit, I'm -- and I realize -- if we could scroll down
16 one more page.

17 This font, while still brutally small, is less so perhaps than the previous page.
18 What I really want to confirm, is this the spreadsheet that your team reviewed in order to
19 inform the coded incitement to violence policy?

20 A Yes. So this is the spreadsheet that I was referring to that our team worked
21 with Twitter Services to use. Smyte is a service that specifically creates bots. It was a
22 third-party service that was bought by Twitter and still works within Twitter. So Smyte
23 is a company that allows you to create specific bots, is a tool that allows you to create
24 specific bots.

25 The Smyte logic that was written for these specific bots was, again, looking for

1 very specific language. That language was then collected within this spreadsheet. As I
2 mentioned and as you can see, we worked to create, as you see, an assessment of
3 violation, no violation, a comment that included why we believed it to be that way. It
4 includes the text of the tweet, the initials of the individuals who are reviewing it, as well
5 as we were -- we were also collecting trends that we saw that were happening within the
6 coded incitement language. So you see kind of abbreviations here, "stand back and
7 stand by," "civil war," "locked and loaded," all of those were phrases that we saw to be
8 trends.

9 So to answer your question, yes, I can confirm that this is the spreadsheet that
10 was created in early November that our team reviewed. And, again, the conversation
11 that I had with Del Harvey was hoping to take all of these tweets that we found to be an
12 assessment of violation and removing them from the service in November in the hopes
13 that this content that was, as you can see, coded incitement to violence, would not lead
14 to violence that I was afraid would occur.

15 Q Thanks. That's -- that's really valuable context for understanding this
16 document.

17 And so several of these tweets are labeled "locked and loaded." They contain
18 the phrase "locked and loaded." And I understand that was a specific phrase which you
19 argued to Del Harvey should have been actionable under the coded incitement to
20 violence policy and which she disagreed with. Is that right?

21 A Yes.

22 Q Yeah. For the record, I'd like to read some of the examples of these tweets,
23 and then I'd like to hear your opinion on whether or not the majority of these constitute
24 self-defense claims.

25 So one of them reads: I'm ready. We're ready. Locked and loaded. This is

1 America and I'm an American. We will not lay down. We will not kneel. We will fight
2 and we will vote. Let's go, MAGA country. The country is literally at your fingertips.

3 Others use other phrases like "civil war."

4 One references specifically: Because the Proud Boys are standing back and
5 standing by, who's ready for the civil war.

6 Many of them tag accounts which appear to be affiliated with the former
7 President or supportive of the former President.

8 Would you characterize the bulk of these tweets as self-defense related, or did
9 you -- did you, in your view, characterize the bulk of them as self-defense related in your
10 conversation with Del Harvey?

11 A No, absolutely not. It was my -- again, I did not review all of the tweets.
12 In this document, it was -- it was literally the entire safety policy team around the world
13 that was reviewing the tweets. But I did review it, I don't know how many, but maybe
14 hundreds of them. And from my experience and from my interpretation and having
15 done this for a very long time, at this point almost 2 years, that was not what I was seeing
16 on the service and on the platform. I was not seeing language that spoke to
17 self-defense. Again, I did see language that was not a violation and I believed
18 includes -- included some sort of commentary, but the majority of that commentary was
19 not self-defense.

20 Q And to be clear, this spreadsheet does label many of these tweets
21 nonviolative?

22 A Yes.

23 Q There are some which are labeled unsure. It appears to be evidence of a
24 data-driven assessment. Would you say that that's fair?

25 A Absolutely. This was absolutely a data-driven assessment of coded

1 incitement on Twitter during this time.

2 Q And when you brought this to Del Harvey, did they point to any
3 countervailing data to reject the policy recommendation you were making?

4 A No. Again, Del's example of being locked and loaded and inside of the
5 house for self-defense, I had not seen that with any of the hundreds of tweets that I have
6 reviewed. I honestly have no idea where she came up with that information or where
7 she came up with that content or where she came up with that idea that that was even
8 on the service. But, again, it was her prevailing concern in such a way that would not
9 allow us to action these tweets that were very clearly problematic and violative.

10 Q I want to back up a little bit, and if you could reflect on the -- put yourself in
11 the mind frame of it's the summer of 2020, there have been widespread protests
12 following the murder of George Floyd, and also, on the other side of that summer, there
13 was the shooting in Kenosha, Wisconsin, by Kyle Rittenhouse. And I'm wondering if
14 those events, that tumultuous summer, informed the debate you were having within
15 Twitter about the risk of coded incitement, not -- and those events, the wider civic
16 discourse, but also specific statements by the former President about those events?

17 A They very much informed the way that I went about doing my work and I
18 very much believe the way that the safety policy team went about doing the work. As I
19 mentioned, this was not the first protest situation that we had encountered. As you
20 mentioned, during the summer of 2020, there were protests around the entire world
21 related to the murder of George Floyd.

22 In those instances, I was a part of a team that created what we called the Black
23 Lives Matter playbook, and that was a document that was -- it was extended enforcement
24 guidance specifically around how to handle situations and content as it related to protests
25 during that timeframe.

1 So, for instance, how would we apply our wish of harm policy in situations in
2 which individuals might be calling for the destruction of a CVS property. That is how
3 granular to the level of detail that we created within that playbook to determine if there
4 were calls for violence towards property, whether there were calls towards violence to
5 other individuals, whether there were calls for violence towards police officers.

6 All of those various circumstances and scenarios were very much played out and
7 analyzed and our recommendations given. And, again, that -- that playbook and
8 assessment was shipped, it was approved, and it was sent to the entire world and to the
9 entire globe.

10 And so going -- going into the events of January 6th, again, this was not my first
11 time having to monitor and/or see language that is leading up to an event or within some
12 sort of tense sociopolitical context. And the way that this other work informed me,
13 especially around kind of the protests that we saw in Kenosha, was -- I believe that was
14 very much a turning point, right? We had seen protests occurring, again, around the
15 world up and to that point, but there had not been murder or exact killing in that manner.

16 And I believe that once we recognized, at least once I recognized that that was a
17 distinct possibility and not just a possibility but that it had occurred before, and I saw
18 individuals continuing to use language that only exaggerated a violent situation, it very
19 much led me to be in a state and in a place of increasing concern that what we saw
20 happen in Kenosha would be replicated on a much grander scale.

21 Q And so to summarize, it sounds like Twitter had previously created a really
22 nuanced playbook for handling situations of civil unrest and potential violence and had an
23 opportunity to learn lessons from that experience, and then declined to do so after the
24 election. Is that accurate?

25 A Yes. And I will also say, again, the reason why that playbook was put

1 together was because there are individuals who work on these teams who deeply care,
2 and so there were individuals who saw a need. We got together and we worked on it.
3 These are -- these are what are called individual contributors at Twitter, so not managers,
4 not members of leadership. We work together in assessing what we saw to be a
5 potential problem and creating a solution to it.

6 In the instances in the summer of 2020, that guidance was approved by leadership
7 and it was approved by our management in order for us to action under it. So, yes,
8 there was absolutely a learning opportunity in which we should have and could have gone
9 into January 6th with coded incitement to violence policy created in place and ready to
10 go.

11 Q And maybe not just a learning opportunity but precedent. It sounds like
12 there was precedent.

13 A There was -- there was precedent. And I was aghast that we were not
14 following it in any way, shape, or form, again, given what we knew to be the stakes.
15 Individuals had already died. We knew that there was a likelihood that it could happen
16 again.

17 Q And so leadership approved this policy and it shipped in the summer of
18 2020. I assume that Del Harvey was part of that review process.

19 A Yeah, Del Harvey was very much a part of the review process. She
20 approved -- yes, she approved -- she approved that playbook herself.

21 Q Do you have a theory of why her stance would have been different in
22 this -- in the context of the election?

23 A I do have a theory, but it is, again, my -- it is my -- I will share my -- my theory
24 based upon my experience having worked with Del in a variety of situations and
25 circumstances that all tend to appear to be similar but had different and disparate

1 decisions being made.

2 I believe that there was a hesitancy on Del's part to act when it came to
3 January 6th, given the political implications of those decisions. As you mentioned, the
4 majority of individuals or a lot of the individuals and a lot of the content contained within
5 this spreadsheet is showing political affiliation and is very much aligning with a ruling
6 political party. That was not the case in these other circumstances and situations, right?

7 And I very much believe that Del was reluctant to remove content about the
8 former President and his followers because I believe not just Del but Twitter as a whole
9 very much feared the accusation of political bias, especially from the GOP, and in an
10 effort to circumvent the accusations of political bias, they either did not make decisions,
11 avoided making decisions, or decided not to make decisions, or made decisions that
12 would in no way, shape, or form show any sort of what they thought to be political bias
13 but in reality actually had the opposite effect, right, because by not -- by attempting to
14 not show political bias, they very much took this course of action of not action that
15 allowed political violence to occur.

16 Q Inaction is also a decision, right?

17 A It is.

18 Q Thinking back to the summer of 2020, of course, the former President was
19 also very active on Twitter during that period, and there were a few noteworthy tweets
20 which caused controversy and were sometimes singled out for potential response from
21 social media platforms.

22 Do you remember any conversations about the risk of Donald Trump inciting
23 violence --

24 A Yes.

25 Q -- around the Black Lives Matter protests?

1 A Oh, excuse me. Sorry. Let me take back my yes. You said risk of -- can
2 you repeat the last question?

3 Q During the summer of 2020, were there conversations about the risk of
4 Donald Trump using social media to incite violence?

5 A During the summer of 2020 --

6 Q I'm thinking about tweets, for example, related to when the looting starts,
7 the shooting starts.

8 A Oh, thank you. Yes. Yes. Yes. Okay. Thank you for that.

9 I -- I will just say, literally, for the record, I have reviewed many, many, many
10 tweets, and so giving the example is very, very helpful.

11 Yes. So that -- that tweet that included the language when the looting starts the
12 shooting starts, I believe was the very first time that Twitter made the decision to use the
13 public interest interstitial on Donald Trump's account, specifically for violating hateful
14 conduct policies, specifically for inciting fear towards a protected category. So in this
15 case, it was very much about inciting fear and potentially a fear that could lead to
16 violence towards the Black community.

17 Q And if I recall correctly, and based on what Twitter has told the select
18 committee, this tweet received a PII --

19 A Yes.

20 Q -- and engagements with the tweet were limited. Users were unable to
21 like, reply, or retweet the tweet, but they could still retweet with a comment. Is that
22 correct?

23 A I do not know about retweeting with a comment. I do not -- I -- I do not
24 remember the full mechanisms and technological availabilities of the public interest
25 interstitial, but I do know that the majority of engagements were limited with the use of

1 the public interest interstitial.

2 I will also just note, the public interstitial, again, is unique in that way. So other
3 labels and interstitials, say, for instance, for civic integrity or for misinformation, did not
4 include that same technological capacity in order to limit engagement with the
5 President -- the former President's tweets.

6 Q And recognizing that this might be outside the immediate scope of your job
7 at Twitter, in your view, was that effective at limiting distribution of the tweet?

8 A There has been research that has been published that very much has said,
9 specifically around labels on Twitter, that they did not stop engagement, and very much
10 oftentimes they brought attention, especially to the former President's misinformation,
11 and encouraged users to interact with misinformation in a way that allowed it to spread
12 wildly.

13 Q I'd like to -- if we could scroll back up to the first page of this document.

14 Zooming out a bit from our conversation, it appears that, if you look at the chart in
15 the upper left-hand corner, Twitter stopped reviewing and classifying these coded
16 incitement to violence examples after the 5th, it looks like. Is that correct in your
17 recollection?

18 A Yes. We stopped reviewing and collecting these examples after the
19 meeting that I had with Del Harvey arguing that we should remove the violative content,
20 and she said that we could not and should not remove the violative content and instead
21 should move towards the direction of the post-election interference guidance.

22 Q And, in fact, it looks like this chart goes through November 9th. There is a
23 post-election spike in tweets collected, none of them are analyzed, and then the chart
24 ends. So this aligns with the dates Twitter provided the select committee, the 4th
25 through the 9th, but, really, analysis seems to have stopped as early as the 5th.

1 A Yes.

2 Q Yeah.

3 A Yes.

4 Q And that was as a result of Del Harvey's kind of final decision on the direction
5 you'd be taking?

6 A Yes. If memory serves correct, there were -- there was a mad
7 scramble -- again, we were under the -- we were under the idea and direction that this
8 was a problem that we needed to tackle, especially from our legal counsel. And under
9 that impression, we acted urgently in order to collect and quickly assess this content.

10 And that sort of assumption and understanding came to a very quick end, as you
11 can see, around November 11th, when Del told us that there would -- there would -- we
12 would not be taking action on these things that were very concerning to us. And
13 that -- that kind of stopped the momentum that was moving us forward so quickly with
14 an entire team working to assess these tweets around the clock, for moving to that sort
15 of urgent situation to one in which we stepped back. Another team kind of came in with
16 guidance, and we just watched this content continue to surface on the platform while
17 asking questions about what we should and could do about it.

18 Q And so you've -- you've characterized your conversations with Del Harvey
19 about this topic. I'm wondering if your supervisor shared Del's opinions?

20 A My supervisor's ideas were a little more hard to understand. Again, they
21 did -- after -- I asked -- I would ask them several times within Slack, weeks and months,
22 pointing to content or pointing to issues and asking them for clarity, specifically around
23 the policy, what we should be doing, what we should not be doing. And they did not
24 seem equipped to be able to answer those questions.

25 Q We'll return to that theme later.

1 If we could open up exhibit 6 really quickly. I have a couple of questions, a
2 couple classes of questions on that, and then I'll turn it over to [REDACTED] for any followup.

3 If we could look at page 8.

4 Do you recognize this document?

5 A Yes. This is a Slack message between myself and a member of the
6 leadership team of the site policy team.

7 Q Okay. Would you mind, for the record, just reading this message, starting
8 with the word "essentially."

9 A Yes. This is coming from December 29, 2020: Essentially, between the
10 locked and loaded messages we've been seeing for months and Trump turning to the
11 fringes, I am worried about January 4th through 6th when these groups are convening on
12 D.C. for the election certifications. I am not sure if this has been discussed or if we have
13 any monitoring in place. I feel like I've been waving a red flag on this real potential for
14 extreme violence for a while, and I don't know what else to do.

15 Q So I want to, again, back up a little bit, and if we could go to page 29 of this
16 document.

17 Given that context of you've now spent -- your team has now spent almost
18 2 months working on this issue, advocating for this policy change, I want to get a sense of,
19 again, the sort of technical resources that you were requesting, provided, or unable to
20 obtain.

21 And so this page should show minutes from a December 8th meeting of the safety
22 policy team, which says that that team had data for some of their policies and not others,
23 and that they had no data or understanding of the impact of the other subpolicies under
24 hateful content that is inciting fear, referencing violence, or the upcoming incitement T2
25 updates. It meant that we were unable to track the incitement part one update to

1 understand its impact on our users. This data is then also not available for the
2 transparency report.

3 What types of data were you looking for? And it's -- would it be accurate to say
4 that you continued, after the cutoff of your previous analysis, to push for more data to
5 inform your policies?

6 A I'm going to ask you to back up a little bit. Do you mind scrolling so I can
7 read -- I need to see -- the subcategories weren't available to track iOS updates. It might
8 be on the page above that talks a little bit about -- okay, yes. Do you mind if I read this?
9 A little bit more scrolling up. Okay.

10 Yes. So this is a question actually about our capacity within tooling that we had
11 within our disposal as content moderators and policy decisionmakers within Twitter. So
12 PV2 is a reference to what is called Profile Viewer 2. That is the internal tool that
13 individuals who have access and the proper permissions, including the safety policy team,
14 uses in order to look at accounts on the back end.

15 It is also the tool that is used by our teams when we perform what is called a
16 bounce, so deleting -- we -- Twitter does not delete content, but locking an individual out
17 of an account and requiring them to delete content is done in Profile Viewer 2 from a
18 couple of clicks.

19 What this is saying is that, within Profile Viewer, there -- when you go to bounce,
20 you are given a variety of different selections to give the reasons why you are taking
21 down that content, and the reasons typically correlate with a policy violation that has
22 occurred.

23 What is being said within this agenda item is that, within Profile Viewer 2, there
24 are not actually all of the options that are available that represent all of the policies that
25 we had. And so we were not able to actually collect the information or the data that

1 would have said, if we wanted to take down a certain policy for, say, for instance, HC is
2 hateful conduct. So we would take it down for hateful conduct. VT is violent threat,
3 right? That would have been a sub -- a pull-down in a subcategory that you could've
4 clicked.

5 What that would've allowed you to do is go back in to Profile Viewer 2 and you
6 could've searched to see all of the enforcements that were actioned under hateful
7 conduct/violent threats. That sort of categorization, again, did not exist for all of our
8 policies. So, for instance, incitement of fear did not have that sort of drop-down
9 category, and so there was no data collection that was happening at the point of violation
10 or actually at any point about the content or how much content or what content was
11 being taken down under incitement of fear.

12 I believe this sort of category, this sort of question within this agenda item is
13 asking for more technological capabilities. We are asking and seeing if it is possible for
14 us to have engineering or some other team work within the tool to create the ability to
15 give us the subcategories such that data could be collected within these specific areas.

16 Q Did you receive that --

17 A Yeah.

18 Q -- tooling?

19 A No.

20 Q Was a reason given?

21 A No. But this was -- this -- that is not unusual. The current -- the state of
22 operation of tooling of data collection, of understanding of Twitter policies was
23 rudimentary, at best, at this time. And it was very, very common for us to make a
24 request for some sort of tooling solution or for some sort of additional technological
25 capacity for us to be able to do our job better, but for it to not be prioritized by our

- 1 engineering teams such that these things were never created for our team and we were
- 2 just making do.

1

2 [1:32 p.m.]

3

BY 

4

Q To whom would you have made this request?

5

6

A I believe this sort of conversation -- this specific conversation would've happened within a policy team meeting, so that request would've been heard by managers and leadership within the safety policy team. And if there were to be an additional request, it would've gone from them to one of the cross-functional other departmental teams that work with engineering and tooling.

10

11

Q So probably through the same set of people we've discussed in the context of coded incitement?

12

A Yes.

13

Q Okay. Did not having these types of tools create blind spots for your team?

14

15

A Absolutely. We -- again, it was rudimentary, especially working for a technology company.

16

17

Q Sounds like even the spreadsheet that we discussed earlier was a kind of exceptional --

18

A Yes. That --

19

Q -- situation.

20

21

A Yes. Again, that sort of -- the creation of bots to help surface content for review in order to take some sort of data-driven approach was not the typical approach that we took.

23

24

25

Q So, to recap, over the summer, you had developed a playbook that responded to this type of problem. Twitter took the unusual step of providing you engineering resources to study the problem. And then that review was prematurely cut

1 short, and a policy decision was made not to pursue a response to the problem.

2 Is that an accurate summary of our conversation so far?

3 A Yes.

4 Q One other type of file that's kind of mentioned throughout several of the
5 documents in the select committee's possession are guano notes, which seem to be notes
6 related to enforcement actions on specific accounts. Is that right?

7 A Yes. So guano notes are within Profile Viewer 2, the tool that we were just
8 talking about. So guano notes refer to a section within Profile Viewer 2 where you can
9 view all of the enforcement actions that have occurred underneath a specific account.

10 So, if you were to click on the guano notes, you would see what strikes had been
11 issued and, again, for what reason. So you would see "strike one," with the sort of
12 categorization of either, you know, hateful conduct, episodic -- whatever the case,
13 whatever the policy violation that happened. Yes.

14 Q Okay.

15 A Actually, can I note something in there too?

16 Q Yeah, yeah. Please.

17 A So I will just also say, within guano notes -- you're asking about technical
18 capabilities -- those were also highly non-sophisticated.

19 So, for instance, when it came to things like strike count, depending on the policy,
20 there was a differing strike count that would -- depending on the strike, would increase
21 the levels of severity that happened to an account. And, in certain instances, after a
22 certain amount of strikes, you were eligible and you received permanent suspension,
23 right?

24 In order to make the determination of how many strikes an account had, there
25 was no automated math happening within Profile Viewer 2. Instead, an individual on

1 my team or another team would have to go into Profile Viewer, scroll through guano
2 notes that could be pages upon pages upon pages, with a notebook on the side, making
3 notes of the date in which a strike happened and literally manually calculating how many
4 strikes had occurred. There would be times when strikes were taken off of a record and
5 weren't necessarily tallied.

6 All of this to say, it led to many mistakes because of the fact, again, we were
7 manually calculating and we would not always be able to see everything within guano
8 notes or we might miss when a strike had been taken out or things along those lines.

9 So, again, to say around the technical capabilities, they were elementary and
10 rudimentary.

11 Q Thank you. That's very helpful. That's really useful context for
12 understanding some of what goes on behind the scenes.

13 I, at this time, just want to turn it over to [REDACTED] to see if he has any followup
14 questions. And then if you want a break, just let us know, or we can press on with the
15 next exhibit.

16 [REDACTED] Great. Thank you, [REDACTED]

17 And hi, J. I did have one or two followups on this exhibit, and then we can go
18 back and I'll kind of walk through the timeline that Twitter had provided to the select
19 committee and ask some more questions on that.

20 So my main followup on this compilation of documents is about the
21 December 29th email -- or Slack message, rather, that we walked through earlier.

22 And if we could scroll back to that? I'm trying to find the page.

23 [REDACTED] That should be page 6.

24 [REDACTED] Page 6.

25 [REDACTED] Oh, no, page 8. My apologies. Page 8.

1 [REDACTED] I made the same mistake as you, [REDACTED]

2 BY [REDACTED]

3 Q So you write in this Slack message that you are not sure this has been
4 discussed -- "this" being the potential for violence in D.C. between January 4th and
5 January 6th, 2021 -- or if we have any monitoring in place.

6 This is less than a week before the timeframe in question. At this point, if you
7 were going to have special circumstances in place, special protocols in place, would you
8 have known?

9 A I would have known what my team was doing.

10 The individual that I was reaching out to on this team was actually one of the most
11 senior people on the team -- our sister team that dealt specifically with terrorist
12 organizations, extremist groups, and child sexual exploitation. And so, knowing that we
13 didn't have anything happening on our side, I was reaching out to this individual in hopes
14 that maybe their team, given, again, the, sort of, violent-extremism aspect of this, might
15 have some sort of monitoring in place or might have something going on.

16 Again, I wrote this message -- as you can see, I literally say, "I don't know what
17 else to do." It was, as you said, a week before I am saying I firmly believe on these dates
18 something very, very bad is going to happen. And I very much wanted to at least make
19 sure that the leaders and leadership that I knew should have been thinking about this or
20 had the decisionmaking power to be doing something about it were aware of the red
21 flags that I was raising and wanted to make sure that they were, again, raised in their
22 vision so that those individuals would hopefully do something to address this issue.

23 Q Did you ever receive indication in the following weeks that those concerns
24 were being addressed?

25 A No, I did not.

1 Q All right.

2 Well, I think we can pause there, and we'll get back to the actual immediate
3 run-up to January 6th and January 6th itself soon. But, for now, can we pull back up
4 exhibit 3, [REDACTED]

5 Great. Thank you.

6 So, as we already mentioned, this is a document that's been provided to the select
7 committee, prepared for the purposes of responding to some of our questions about the
8 actions Twitter took in the period leading up to the election and following the election.

9 So we already talked about what was on page 12 and the bottom two posts there,
10 and just wanted to see if you had any more to add on those points, but it seems like we
11 covered the general sentiment.

12 A Yes, I believe we covered everything on those two.

13 Q Great. So, in that case, we'll move over to page 14.

14 And so, yeah, you can stop right there.

15 So you see at the bottom there, the last main entry is about Twitter's
16 implementation of a new super-spreader initiative. And, reading from the document,
17 Twitter writes that this "imposes new account-level de-amplification for
18 nongovernmental accounts responsible for repeated violations of the civic integrity policy
19 based on misleading information."

20 Can you translate that into layman's speak about what the super-spreader
21 initiative was meant to do?

22 A I wish that I could. However, this was an initiative that was created by
23 the -- so it says the civic integrity policy. The civic integrity policy was owned by the site
24 integrity team, and it was not owned by my team. So I actually do not have any insight
25 into -- this is my first time hearing of a super-spreader initiative. I cannot speak to this,

1 unfortunately.

2 Q Okay. No, that is good to know. So we had a couple of questions about
3 it. I might ask them just in case you happen to know, but, of course, if you don't, just
4 say so.

5 Did you ever have indication that there were efforts being made to de-amplify
6 tweets by former President Trump in this time period, either through this super-spreader
7 initiative or any other initiative?

8 A To de-amplify the former President's tweets?

9 Q Uh-huh.

10 A No. There was never an effort to de-amplify anything from the former
11 President.

12 Q Okay.

13 And what about accounts that were closely linked to the former President that
14 were also spreading disinformation related to the election results?

15 A I was not privy to that information.

16 Q That's really helpful.

17 So, in that case, we can go to page 15. And you might also have less of an ability
18 to speak to this. But the second full entry on the page, November 8th to January 6th,
19 Twitter writes that President Trump's tweets violated the civic integrity policy 102 times
20 and that Twitter applied labels to those tweets.

21 That would've fallen under the site integrity team and not your team?

22 A Yes? Yes. Yes. So, if this -- if -- yes, the violations of the civic integrity
23 policy would have fallen underneath the site integrity team.

24 However, the majority of those -- I don't know if it was the majority, but a lot of
25 those assessments were done within a Slack channel that I was a part of. And so I did

1 see some of those occurring in real-time, and I was involved in some of them if they were
2 related to my area of expertise. But I was not involved within the 102 civic integrity
3 policy violations.

4 Q Got it.

5 So, given that you were involved in some of those conversations, could you walk
6 us through the conversations within Twitter about how to take action about President
7 Trump's violative tweets in this time period?

8 A Yeah. Absolutely.

9 So, not just during this time period, but for the entire time that I worked at
10 Twitter, we were constantly reviewing the former President's tweets. The way that that
11 would typically occur, we would receive what we called an escalation, so a question
12 either from a member team or from The New York Times or from some sort of outside
13 source asking specifically about a tweet from the former President and whether or not it
14 violated Twitter's rules. Again, having done this for so long, most of the tweets that he
15 tweeted we ended up just evaluating.

16 The way that that would work, again, we would either be notified that he had
17 tweeted or they would come into our inbox, either our email inbox or our Slack inbox.
18 We would be asked to assess the tweet.

19 The way that an assessment would happen is that we would essentially say, this is
20 the policy that we are looking at and that we are applying in this circumstance. Based
21 on this specific circumstance and the language of this specific tweet or context that it is
22 being tweeted into, our recommendation -- we always include a recommendation -- is
23 either violation or no violation.

24 And included with the recommendation would be an enforcement action. So the
25 enforcement action would be dependent upon what the violation was, again, depending

1 on the strike count. So we'd either say, you know, our recommendation is for a timeout
2 for a certain amount of hours, if they had not received all of their strikes, or for
3 permanent suspension if that was the recommendation.

4 Within that, we would also include a why, right? So we would do an analysis of
5 specifically how that context and information within that tweet was a violation of that
6 policy as we saw it, with all of the specifics.

7 Those were written up, especially during this time. During the November
8 through January time, every single one of those assessments was written. And it was
9 provided -- it was actually -- they were all collected in one single spreadsheet about all of
10 the former Vice President's enforcement actions and all of the assessments that were
11 done on his account.

12 Q And just to clarify for the record, I think you meant the former President,
13 right, not Vice President?

14 A Yes. Sorry. Yes. Former President Donald Trump, yes.

15 Q Great.

16 So can you tell me what happened after those explanations and recommendations
17 were written by your team? Where did it go, and who did it ultimately get to?

18 A Yes. So they were not always written by my team. The ones that were
19 around safety policy were written by my team. And, actually, during this time, I believe
20 that Twitter Service actually started writing up assessments about the former President's
21 tweets because they were so frequent. They also began evaluating in writing.

22 So those assessments would go to Del Harvey. And my understanding is that
23 from Del Harvey -- any decision on President Trump's account needed to be made by both
24 Vijaya Gadde as well as Jack Dorsey. And so those decisions, I believe those
25 assessments, they at least went to Del. And if there was a decision to make some sort

1 of action, I believe that those were also passed on.

2 Q And was this the usual way that violations of policies by world leaders was
3 dealt with?

4 A No. No. This was -- Donald Trump -- President Donald Trump and his
5 Twitter account received exceptional treatment by Twitter. There were former and
6 current heads of state all over the world that did not require Jack Dorsey's signoff in order
7 to action.

8 I will also say literally out loud, the tool that we were talking about, Profile
9 Viewer 2, Donald Trump's account was the only account that my team as well as every
10 other team that had access -- we did not have access to his account. We were literally
11 locked out from viewing his account on the back end.

12 And, from my understanding, if anybody attempted to search for his account,
13 there was an alarm that actually went off inside of Twitter that updated and let
14 individuals within Twitter know that somebody was attempting to look at the President's
15 account. That's how extraordinarily protected and how off-hands our team was and not
16 allowed to touch his account or his profile.

17 So, to answer your question, no. Other heads of state -- the majority of those
18 decisions, I believe, were to go to Del. They might go up to Vijaya. But Donald Trump
19 was absolutely a special and unique user on Twitter.

20 Q You touched on this a little bit with [REDACTED] before, but I think it's
21 worthwhile to ask again here. Why do you think President Trump was given such
22 exceptional treatment by Twitter?

23 A President Donald Trump was the Twitter platform's main attraction. He
24 was the most power of power users. And he generated users, he generated traffic,
25 which generates money. And I very, very much believe that President Donald Trump

1 was good for business for Twitter.

2 And in addition to just being good for business and being an outsized user of the
3 service, I believe that Twitter relished in the knowledge that they were also the favorite
4 and most used service of the former President and enjoyed having that sort of power
5 within the social media ecosystem.

6 And to rein him in and/or find his language to be in violation would very much
7 have put those things at jeopardy. I found a willingness from Twitter leadership to make
8 logical leaps when it came to explaining very clear language from Donald Trump, a
9 willingness to read words into tweets to -- not to be able to analyze context or to create
10 context, to move and shift the rules however they should and/or could and/or needed to
11 be done in order to allow him to maintain his status on the service.

12 I also believe, again, there was an overriding and overarching fear that Twitter was
13 seen as being politically biased, especially being liberal-leaning. And so there was a
14 hesitancy to feed into that conversation or to provide fuel for the fire of the accusations
15 of censorship of the GOP by taking actions on accounts that were linked with them.

16 I will give an example of this.

17 So, very, very early on during my time at Twitter -- I believe it was a couple
18 months in -- I sat in on a presentation that was done by the research and the data teams
19 that was displaying and showing where the majority of the abuse on the service was
20 coming from. And according to the data and research teams in the presentation that I
21 saw, the underlying similarities and the networks that tied these super-abusers together
22 were very often things like "#Trump2020" in the bio or "#MAGA" in the bio or
23 "#WhereWeGoOneWeGoAll" in the bio.

24 And I remember sitting in that conversation and having someone ask, "Well, how
25 will we be able to differentiate the GOP from abusers?" And there did not seem to be

1 an ability to differentiate the two, because they seemed to be one and the same.

2 And I can say that, after that meeting, I never saw that research again. It was
3 never spoken about again. There was no action taken in order to attempt to remove the
4 abuse and toxicity, even though they knew exactly where it was coming from. And I
5 believe the researcher who presented it left the company within a couple months after
6 that.

7 Q So, in the first instance, when you were sending up recommendations in the
8 post-election time period about President Trump's tweets, were there times when you
9 thought that your team's recommendations were unjustly ignored or overruled by folks
10 higher up on the food chain?

11 A Yes. Absolutely. You mentioned post- -- just post-election?

12 Q If you have examples pre-election, I think that'd be really helpful, but I also
13 wanted to focus on that timeframe after the election.

14 A Yeah. So a very, very good example I have was actually the time that the
15 safety policy team first recommended that we use the public interest interstitial on the
16 former President, Donald Trump's account. I believe it might have been -- I don't
17 remember the timeline. You'll have to look this up. But it was at the time when
18 Donald Trump was tweeting about members of the "squad," so women of color within
19 Congress. And he tweeted something along the lines of telling them to go back to
20 where they came from.

21 Our team saw these tweets. We assessed them. And, under Twitter's policies
22 and specifically within examples about abuse towards immigrants, we included the
23 phrase, "go back to your country" or "go back to where you came from." And so it was
24 the recommendation that came from our team that those -- it was a series of tweets that,
25 again, specifically identified members of the squad and specifically used this horrible

1 language towards them. It was our recommendation that those tweets were, in fact, in
2 violation of our hateful conduct policies and that we should apply the public interest
3 interstitial in that case.

4 It was the response that came back from Del Harvey, that I believe she said,
5 "Frankly, I am shocked at this recommendation," and all but brushed us aside and acted
6 as if our recommendation was ludicrous.

7 And, in fact, she ended up writing her own policy assessment to find the tweet not
8 in violation and came up with -- again, when I say logical leaps, I mean the analysis and
9 assessment that Del Harvey gave us was that there could be a circumstance or a situation
10 that you could read these tweets and see them as saying that Donald Trump was saying
11 that these individuals should go back to the country that they came from in order to learn
12 some lessons about politics or about being a politician that they could then bring back to
13 the United States and then implement as Congresspeople within the United States.

14 It was absurd.

15 Q Are there any examples of that that come to your mind in the post-election
16 timeframe?

17 And I think part of the reason I am curious about that is because we started our
18 conversation, sort of, in the moment at the end of September when you became
19 concerned and voiced concerns about President Trump making more direct appeals,
20 inciting appeals to the public. And so I'm curious if in that frame -- October, November,
21 December -- there were other instances like that.

22 A Off of the top of my head, I am not remembering specific ones. That does
23 not mean that they did not exist.

24 I know that January 8th was very much an example of post-election tweets by the
25 President, the former President, that Del and I debated contentiously.

1 There were instances that I can remember that were not by Donald Trump but by
2 other Congress folks and Senators. Would that be helpful to speak about?

3 Q I think if that goes to the same general point you were making about
4 Twitter's reluctance to apply some of these rules in a politically sensitive situation, then
5 most certainly, yes.

6 A Yeah, absolutely. So I'll give you an example of Senator Tom Cotton
7 tweeted -- he tweeted something, and I don't remember the exact text of the tweet, but I
8 remember it being highly problematic and targeting, I believe, an identifiable group, if not
9 a protected class. And, specifically, I believe it was targeting Black Americans.

10 And so, in this instance, our team read the tweets; again, recommended that the
11 Senator's content be found in violation. And we sent that recommendation to Del
12 Harvey, along with a larger team of individuals, who included the public policy team, who
13 became, honestly, in touch with Senator Cotton's office and began speaking to him about
14 the problems that we found within his content and were trying to back-channel with my
15 team as well as senior leadership within Twitter to understand if the Senator could delete
16 information within his tweet and re-tweet it in order for it to not be a violation.

17 It became such a conversation that Twitter's legal counsel stepped in and asked
18 that we --

19 Ms. Ronickher. Wait. Don't -- hold on. You don't want to talk about what
20 Twitter's legal counsel did.

21 The Witness. Thank you. Yes --

22 Ms. Ronickher. Or, what you heard from -- I should say, what you heard from
23 Twitter's legal counsel.

24 The Witness. Thank you.

25 It became a situation in which, while our team was absolutely convinced with our

1 recommendation that the tweet was in violation, the determination that actually ended
2 upcoming down from the head of legal at that point was that --

3 Ms. Ronickher. Wait. Hold on. Don't speak about what --

4 The Witness. Sorry.

5 Ms. Ronickher. -- legal determination, but you can say what was done.

6 The Witness. All right.

7 Nothing was done. Absolutely nothing was done. The tweet was allowed to
8 stay on the platform without any public interest interstitial or without any understanding
9 of it being violative.

10 And, in the next couple of days, Senator Tom Cotton doubled down on his remarks
11 in The New York Times that then led to many Black employees from The New York Times
12 participating in protests because they believed that the language that he was using was
13 endangering their lives.

14

BY [REDACTED]

15 Q Thank you for that example. I think it was very illuminating.

16 I wanted to go on to a couple of other entries in the timeline. And we can get
17 back to this theme that I think you very helpfully surfaced in this conversation.

18 But on the point of the 102 violations of the civic integrity polity by President
19 Trump in that 2-month timeframe, I want to ask the question: Just in your opinion, as
20 an employee of Twitter who worked on these issues, if President Trump were anyone
21 else, would it have taken until January 8, 2021, for him to be suspended?

22 A Absolutely not. If former President Donald Trump were any other user on
23 Twitter, he would have been permanently suspended a very long time ago.

24 Q Okay. Well, that is a helpful answer.

25 I think at this point we can move on to page 15.

1 Ms. Ronickher. I just wanted to ask --

2 [REDACTED] Sure.

3 Ms. Ronickher. -- J, how are you doing? We've been going for a little over an
4 hour. You're fine for going longer?

5 The Witness. Yes.

6 [REDACTED] I hope that we can finish up the discussion of this exhibit by 2:30 or
7 so, and then I think that would be a good time for a break.

8 Ms. Ronickher. Perfect.

9 [REDACTED] Great. Thank you, Alexis.

10 And thank you, J.

11 The Witness. Thank you, Alexis.

12

BY [REDACTED]

13 Q So can we scroll to page 15? Oh, we're already there. So -- okay. Scroll
14 up a little bit.

15 On this first full entry, it says, for the record, I can say, "Twitter ends its use of
16 warning interstitials on tweets commenting on the election outcome but continues to
17 apply labels to tweets about election integrity."

18 So we've talked a lot about warning interstitials since the beginning of this
19 deposition. And I'm wondering if you have thoughts about the decision or if you were
20 privy to conversations about the decision to suspend the use of these interstitials on
21 November 7th.

22 A Yes. Unfortunately, I was not privy to these conversations. Again, the
23 interstitials that they're talking about were violations of the civic integrity policy, so those
24 warning interstitials and the decision to end and/or use those would have rested within
25 the site integrity team and not the team that I sat on.

1 Q Okay.

2 So, if we can go down to November 10th. I think this is the third -- yeah, here we
3 go -- the third entry on that page. You can see that on November 10th Twitter writes
4 that it implemented automated measures to detect and escalate certain phrases linked to
5 violence, like "civil war" and "locked and loaded."

6 And we talked about this before, but, given our conversations around this, how do
7 you view this characterization of Twitter's actions?

8 A I am honestly not sure what they are referring to here. Again, from the
9 information that we have looked at, the Smyte role stopped collecting information I
10 believe on November 9th.

11 And to my knowledge and to what I worked on on the team, after the collection of
12 those tweets within a spreadsheet, there was not detection or escalation occurring. If I
13 remember correctly, I believe on January 5th during a conversation we even asked if we
14 had done anything with those tweets or if Del had seen them or approved them.

15 No, this characterization does not make sense to me.

16 Q So, to your knowledge, there was not automated measures that are
17 mentioned here?

18 A To my knowledge, no.

19 Q And assuming, arguendo, that there were some of these automated
20 measures -- at this point, there had been 6 months of heightened activity by far-right
21 groups related to COVID lockdowns and Black Lives Matter counter-protests -- would
22 these measures have been an appropriate response, these automated detection
23 measures, at those prior junctions of violence?

24 A Would you repeat the question?

25 Q Sure. So there had been at least 6 months of heightened activity by

1 far-right groups, as we've discussed throughout the deposition, and, at those prior
2 moments, would you have wanted to see automated measures to detect and escalate
3 phrases related to civil war or potential vigilante violence?

4 A Would I have liked to have seen something like that? Maybe. And I don't
5 know -- again, I don't know how relevant it would have been until after the debate in the
6 election when things started becoming even more askew.

7 Q Uh-huh.

8 A You mentioned -- I'm gonna -- I'm gonna stop there.

9 Q I think that -- that makes sense.

10 And, I guess, if that's all we have on this one, we can move on to December 10th.

11 Oh, go ahead.

12 A Yeah. So you mentioned COVID lock-downs and, kind of, protests that
13 were happening and had been happening.

14 Q Yes.

15 A Would you like me to speak to any of my experience in working on that
16 information?

17 Q I think that, to the extent that it fits into the broader conversation we've
18 been having about Twitter's enforcement priorities and its willingness to protect from
19 real-world harm, then of course.

20 A Absolutely.

21 So, as I mentioned, part of the work that my team did was, very early on,
22 COVID-19 misinformation. And so, when COVID hit the world, so beginning around
23 March 2020, Twitter released its very first misinformation policy, ever, directed towards
24 public health harms that could occur based on the COVID-19 pandemic.

25 Very shortly after the pandemic hit and we saw mask measures and stay-at-home

1 orders being given around the world, we also saw individuals beginning to organize
2 protests in order to protest against the COVID measures that were being taken.

3 At that time, it was Twitter's official stance that it was actually taking down all of
4 the content that was calling for assembly or was calling for protest or was calling for
5 gathering that could happen against these COVID measures. And it was actually me who
6 came into the conversation, specifically, again, around counter speech, around free
7 expression, around symbolic speech, around the freedom of assembly, and made the
8 argument to Twitter leadership that we needed to stop removing individuals' calls to
9 protest and to gather, because these were fundamental rights that individuals had, and
10 they very much had the right to assembly, especially to protest against their government.

11 It was a very contentious conversation in which Twitter leadership did not listen to
12 me for several weeks. And I remember specifically saying to them, we need to make
13 sure that our restrictions are content-neutral, because we cannot stop people from
14 gathering just because we do not like what they are gathering for or what they are
15 gathering to say. As we know, that is First Amendment jurisprudence. That is what my
16 training background is in.

17 And so, understanding that, I ended up having to send around an article from
18 several ACLU organizations that very much argued the exact same thing that I did. And
19 the decision was made without informing the public, without informing anybody, and we
20 started allowing those calls to be made on the service.

21 And so I mention that because, again, working with protests and understanding
22 the situation and realities and circumstances on the ground and balancing free expression
23 and safety during this time was very, very much my skill set and my expertise. And so I
24 very much went from the very beginning of this and seeing how protest went and then
25 understanding why around November/October I saw a huge shift in the conversation,

1 because I had been watching these things happen for so long.

2 Q And, again -- thank you for that answer.

3 Again, you mentioned earlier to [REDACTED] that you saw certain hashtags that
4 were uniting a lot of the far-right activity that tended towards violence on the platform at
5 the end of 2020.

6 So, given that, to what do you attribute this shift in tenor, the shift towards
7 violence, from earlier protests and the late November/December moment?

8 A Yeah. I really believe it was just a set of sociopolitical crises that led to that
9 situation, right?

10 Because, again, we went from March 2020 of individuals calling for peaceful
11 protest against mask mandates being issued by their government, in which some of them
12 were armed protests, which, again, is very lawful and okay, to then seeing Kyle
13 Rittenhouse shoot individuals in Kenosha and recognizing that these protests, especially
14 as they became increased with -- as they became intertwined with protest against racial
15 discrimination within this country, I believe very much began to change the tenor of the
16 conversation from rights and liberties to literally civil war.

17 And so, seeing that sort of change that was no longer "I want to go to my capitol
18 and protest my government because I don't want to wear a mask" and instead seeing "I
19 am locked and loaded and ready for the civil war part two happening on January 6th,"
20 that is a huge shift that I saw occur. And, again, going from peaceful to actually having
21 violence occur, to continuing to call for that violence to not only occur but for it to occur
22 at a grander scale.

23 Q Thank you. That is helpful context.

24 So I do want to move a little bit closer to January 6th, but, first, the last action
25 item you can see on the page right now, December 10th, Twitter tells us that the hashtag

1 "civil war" was de-amplified --

2 A Yes.

3 Q -- from trends. So can you explain to us what de-amplifying a hashtag from
4 trends means?

5 A Yes. I believe I was involved in this decision.

6 So I was the point of contact for the safety team, when it came to trending topics
7 or when it came to things that trended on the platform, in assessing whether or not we
8 should deny-list specific terms or phrases that were trending, based on their implications
9 for safety.

10 And so, when we saw in, again, December the hashtag "civil war" start to trend, I
11 believe I was asked to assess and determine whether or not we wanted to deny-list it
12 from trends, which means it would no longer show up within the trending topics or be
13 recommended to individuals as a trend that they should search and/or look through.

14 While there was counter speech that very much, you know, would say things like
15 "I can't believe we're about to have a civil war" or jokes -- you know, it's Twitter; there
16 are jokes everywhere about things -- it was clear to me that, given, again, the protests
17 and uprisings that we had seen about rights for Black Americans being coupled with
18 political protest now being classified as an actual civil war, knowing the history of the Civil
19 War within the United States of America, I became increasingly concerned that leaving
20 this sort of trending topic to be seen and engaged with throughout the service would only
21 amplify and/or radicalize individuals who were already believing and/or leaning into the
22 narrative that they wanted a civil war to happen again.

23 Q Understood.

24 Were there other trends that you remember pushing for de-amplification or
25 deny-listing that higher-up individuals denied?

1 A Yes? Well, I'm sorry, I'm sorry. What -- myself pushing for trends that --

2 Q Yes, yourself or others who were involved in this process pushing
3 for -- unsuccessfully pushing for other tags to be de-amplified.

4 A Yes. No, I don't.

5 I think -- and that is -- I think the majority of that is due to -- so, normally, the way
6 that we would handle these things is, again, when we create enforcement guidance, like
7 the code of incitement to violence guidance, it would include a list of hashtags that we
8 would proactively deny-list so they could never trend.

9 And part of what we would've hoped is, in writing that guidance and having it be
10 approved and having it being shipped, is that things like "civil war" or things like "locked
11 and loaded" or things like "stand back and stand by" would have never had the
12 opportunity to even begin to trend on the service, and if they did even get the numbers
13 to begin in that place, they would've not have been able to technically fill the slot and be
14 shown as a trending topic because the back end would've disallowed that.

15 Q Okay. That makes sense.

16 So now I want to move to page 16. And we just have one more entry I want to
17 go through and then one question that kind of goes back to -- goes both forward and
18 backward. But this one for now is December 19th.

19 So, on December 19th, President Trump used Twitter to post an article about
20 post-election fraud, alleged fraud, and then said, "Big protest in D.C. on January 6th. Be
21 there, will be wild!"

22 And I'm wondering if you could talk us through how you and your team reacted to
23 that tweet.

24 A Yeah.

25 So I remember seeing this tweet. And, again, having spent at this point over a

1 month waving a red flag and stating again the potential for mass violence to occur, when I
2 saw this tweet, I saw it as the date and location in which the mass-casualty event would
3 occur. And it became clear to me that all of the angst and riling-up that I had seen on
4 the service that was in the air was being directed towards, again, a specific date and a
5 location. And that, for me, became -- I was already increasingly concerned; that became
6 mind-boggling to me.

7 I think we talked about the message that I sent to one of the team members
8 specifically saying out loud, these are the dates where it seems like violence is going to
9 happen. And so this tweet, for me, was an organizing and a rally call that was saying:
10 To all of you all who are locked and loaded, to all of you all who are standing back and
11 standing by, to all of you all who are ready for civil war, make sure that you are at this big
12 protest in D.C. on January 6th.

13 I will also say, what shocked me was the responses to these tweets, right? So
14 these were -- a lot of the "locked and loaded," "stand back, stand by," those tweets, were
15 in response to Donald Trump saying things like this, right? So there would be a response
16 that said, "Big protest in D.C. on January 6th, be there, be wild," and someone would
17 respond and say, "I'm locked and loaded and ready for civil war part two," right?

18 And so those were the tweets at this moment and moving into the end of
19 December that had me wildly concerned that not only was there going to be mass
20 violence but that it had a specific timeframe and location attached to it.

21 Q Thank you for that background.

22 I do have a couple of followup questions on the response to the President's
23 December 19th tweet.

24 The first is, could you expand on the nature of these responses by run-of-the-mill,
25 low-level Twitter users? How did the tenor of those posts change before and after the

1 December 19th tweet?

2 A Yeah. Again, it was -- it felt as if a mob was being organized and they were
3 gathering together their weaponry and their logic and their reasoning behind why they
4 were prepared to fight.

5 Prior to December 19th, again, it was vague, it was nonspecific, but very clear that
6 individuals were ready, willing, and able to take up arms. After this tweet on
7 December 19th, again, it became clear, not only were these individuals ready and willing,
8 but the leader of their cause was asking them to join him in this cause and in fighting for
9 this cause in D.C. on January 6th as well.

10 Q So the traffic you were seeing before December 19th, were those tweets as
11 focused on the date of January 6th as they were after the tweet?

12 A They were not. So before December 19th, I did not see clear dates. I just
13 knew something bad is going to happen. After this tweet, it became very clear to me
14 that what is happening here is being organized for the weekend of January 4th through
15 6th, specifically on January 6th, because that was when the election certification would
16 be read into record.

1

2 [2:30 p.m.]

3 A They were not. So, before December 19th, I did not see clear dates; I just
4 knew something bad is going to happen. After this tweet, it became very clear to me
5 that what is happening here is being organized for the weekend of January 4th through
6 6th, specifically on January 6th, because that was when the election certification would
7 be read into record.

8

BY [REDACTED]

9 Q And when you were looking at other influencer level accounts, perhaps not
10 as large a following as the President but accounts that are closely associated with the
11 President, did you also see a shift in how those accounts were treating potential protests,
12 potential violence?

13 A Absolutely. Absolutely. I remember Madison Cawthorn
14 released -- Madison Cawthorn had been like a rising star on the GOP and on Twitter at
15 that time, and was very much leaning into the idea of the election being stolen and was
16 producing a lot of flashy content to that effect that was -- had a lot of engagement on the
17 service. And if I remember correctly, after this tweet, Cawthorn released -- released a
18 long video, I want to say, that essentially summoned folks to come to the Capitol for
19 January 6th.

20 Q And I know that you were not necessarily in charge of looking at accounts
21 associated with extremist groups or far-right groups, but to the extent that you were, did
22 you see a shift in sort of bigger name accounts in that area of the universe as well?

23 A Yes. Yes. I believe any -- I don't believe -- the majority of high-profile
24 accounts that were associated with the GOP party and Donald Trump at that point began
25 tweeting about the events and converging on D.C. on January 6th.

1 Q So at least in terms of the social media atmosphere, the atmosphere on
2 Twitter, do you think that January -- the Capitol on January 6th would've become as
3 clear-cut a target if President Trump had never posted this tweet on December 19th?

4 A No. I very much believe that Donald Trump posting this tweet on
5 December 19th was essentially staking a flag in D.C. on January 6th for his supporters to
6 come and rally around their -- there was -- again, that was no definitive date, there was
7 no definitive time, there was no definitive location for people to gather and to act out and
8 to engage in the activity that they had been speaking about doing before this tweet.

9 Q And you were concerned about the potential for this gathering becoming
10 violent?

11 A Absolutely.

12 Q So, with that, I wanted to shift into what you did when you saw this tweet.
13 Did you and your team escalate, as we've talked about earlier, to others at Twitter?

14 A I do not remember what our assessment for this exact tweet was. I'm sure
15 at this point we were sent this tweet to look at and see if it violated our policies.
16 Looking at it on its face, as you can see, there is nothing within there on its face value that
17 would be a violation of any policies. And so it was, you know, deemed to not -- to not
18 be in violation of our policy. And I believe we allowed it to -- to remain on the service
19 and not -- not do anything with it.

20 Q That's -- that's very interesting. So as you say, there's nothing on the face
21 of that tweet that -- that suggests direct incitement to violence or violent activity. What
22 did you think needed to be done at that point in order to prevent these coordinated calls
23 for violence from coming to fruition?

24 A I believe that we needed to implement the coded incitement to violence
25 policy, and began removing tweets from the service that had been calling for this violence

1 for months.

2 Q Would you say this -- this tweet itself on December 19th is an example of
3 why the coded incitement to violence policy was needed?

4 A Yes, because I believe that it would have allowed us to be more proactive in
5 responding to the responses of this tweet, right?

6 Q Uh-huh.

7 A Because it became a pile on, it became an event, it became a gathering, it
8 became a place to be. And if we were at a point in which we would have been able to
9 see responses to these tweets in which folks were clearly calling for violence and began to
10 remove them, I believe that we would not have seen so many other individuals feel riled
11 up to violence and feel as if they should also participate in these calls to violence.

12 The coded incitement to violence policy most likely would have not impacted this
13 tweet itself, right? It was not a public policy and most likely would never have impacted
14 President Donald Trump himself, but I believe it very much would have allowed us,
15 allowed Twitter to rein in the extensive calls for violence that began -- that had already
16 been on the platform and that became even more targeted with date and location after
17 this.

18 Again, I remember seeing tweets that literally said, like, I am locked and loaded
19 and ready to be in D.C. for a civil war on January 6th. They were very, very specific.

20 Q So just a few more questions on this. Given that the calls for action
21 became much more specific and targeted after this tweet, did you have conversations
22 with your supervisor, with Del Harvey in the timeframe between December 19th and,
23 let's say, December 29th when you sent that message on your chat?

24 A I don't remember if I had conversations with Del Harvey at that point, but I
25 do remember sending a Slack message to, I believe it was the health policy team, so that

1 much larger team, and specifically posing the question to them and saying, if this were
2 any other country that we were monitoring in which the results of a fair election were
3 being contended by the ruling party, and that ruling party was openly making calls for
4 violence and specifically calling for the enactment of a civil war upon that country, would
5 we be handling this any differently? And because it was my belief, because, again,
6 having done this job all around the world, that if it was any other country, we very much
7 would have put guards -- safeguards in place to make sure and ensure that these calls for
8 violence were not as prominent and that they would not have led to what we have known
9 to have been offline violence. Yeah.

10 Q Thank you. That is again helpful.

11 So I know we have to take a break soon, we've been going for almost 2 hours. I
12 just wanted to, while we have the timeline up, get to two or three more questions.

13 And so if we can go to -- scroll down to January 6th at 2:20 p.m.

14 We're going to get back to other parts of the day, but you can see the second to
15 last full action item there kind of goes to everything we've been talking about. At 2:20
16 p.m., just around when the Capitol was breached, Twitter begins to identify and review
17 coded language that is potential to incite violence.

18 Do you take this as an ad hoc implementation of the incitement to violence policy
19 or coded language policy?

20 A No. I -- 2:20 p.m. EST. Trying to think back to the timeline of that day in
21 my head. And I believe at that point, the march had already concluded and folks were
22 converging on the Capitol. And in that case and in that instance, I believe that this is
23 most likely referring to the enforcement guidance that myself and two other members of
24 the safety policy team created on January 6th that essentially spelled out how we should
25 and could use the coded incitement to violence policy to begin to take down a lot of the

1 content that we were seeing being created on the platform on that day as individuals
2 were actually beginning to breach the Capitol.

3 Q That makes sense. So it's in keeping with our earlier conversations on the
4 fact that coded incitement policies were not actually in place yet.

5 A Yes. No, there was nothing in place. There was nothing in place.

6 Q Okay.

7 There's one followup question I have, and we will break soon, certainly within the
8 next 10 minutes. Because after the break, just a preview, we're going to go into the
9 immediate run-up to January 6th and then January 6th itself.

10 And this was asked just in terms of the nexus to coding incitement, but I had a
11 question about sort of the tracking of potential violence that you did before and after the
12 December 19th tweet. And I'm wondering if you saw traffic on other platforms that
13 were catering to pro-Trump, far right parts of the internet, thinking of Parler, any of
14 the donald.win community sites. Did you have visibility or did Twitter have visibility into
15 those sites? And did you also get concern from the perspective of what was happening
16 there too?

17 A Yeah, that's a great question. Twitter -- Twitter itself, the majority of
18 analysis and decisions that are made -- let me back up.

19 Twitter does not -- other platforms have what they call like an off-service policy,
20 which allows you to look at what is happening on other services or other platforms and
21 use that and apply what is happening over there to circumstances that are happening on
22 your service or platform. Twitter does not have a policy along those lines. And so
23 any -- any decisions that are being made about what is happening on Twitter have to
24 relate to what is happening on Twitter and not what is happening on any other service or
25 what is happening on any other social media service.

1 So, no, I did not look at Parler, I did not look at the chans, or I did not look at
2 Reddit, or any of these various -- their sources. I did keep track of the news as it was
3 coming, and so I did hear, you know, reporting about, you know, things that were being
4 said and done within those circles that made me concerned. But as far as official
5 tracking of other services or platforms in relationship to what was happening on Twitter,
6 that was not done.

7 Q Do you think it would have been helpful to --

8 A Yes.

9 Q -- to take into account?

10 A Yes. I believe that -- I believe that off-service policies are incredibly
11 beneficial and are very much needed within the future of content moderation, given the
12 realities of what we know to be the information ecosystem in which none of these
13 services operate within a vacuum.

14 Q In the run-up to January 6th, did you ever discuss the need to look at the
15 broader ecosystem of content with your supervisor or Del Harvey or anyone else?

16 A That's a great question. I don't know if I explicitly did. Well, I
17 mean -- yeah -- yes. I mean, the message that we looked at that I sent to you, one of the
18 site policy leaders was -- was specifically around an article that he had shared, right? So
19 it was outside information and outside knowledge that he was also bringing in and
20 sharing. And my response to that was, thanks for sharing this. I also share a major
21 concern that was highlighted within this based upon what I have seen on our service.

22 Q Got it. That's very helpful.

23 So at this point, I want to ask for a break if [REDACTED] or [REDACTED] or
24 anyone else has any followup questions on these points.

25 [REDACTED] I did have one.

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Q I just want to make sure I think I understand what you're saying and the import of it. So, obviously, Twitter cares about what happens off-site -- off of the site. Violence off of the site is something that Twitter was interested in and would, according to their policies, try to stop. So I guess just, I want to -- I want to make sure that we get a clear understanding that -- that Twitter didn't -- that Twitter, at least for your work, had a policy of focusing only on what happened on Twitter.

A No.

Q No?

A No. No, no. Okay. Yeah, let me clarify -- let me clarify that a little bit.

So when I say -- when I say kind of off-site and -- and only what happened on Twitter, I very much mean that in relationship to the policies about the way that the social media service evaluates its content, right? So, for instance, Twitter will not look at a tweet and then also go look at that individual's Facebook page and see, like, what else are they posting on Facebook and is that worse than over here and should we apply that there. That is not a -- that's the kind of an example of an off-service policy. That does not exist at Twitter.

What is important to Twitter and the sort of question I think that is important to highlight here, offline harm is the biggest consideration, was the biggest consideration for the safety policy team. Again, our job was to weigh safety and free expression. And the safety and the types of harms that we were most concerned about were bodily harm and violence happening offline and off service.

So the biggest concern was something being said online and on Twitter and that having the implication or effect of causing death or bodily harm to individuals off of Twitter inside of the real world. And that was a huge purview to what we were doing.

1 Q Yeah. So, for example, if they were trying to figure out what a dangerous
2 organization was and who was inside of it, they might look at off-site information to
3 determine that. But specifically for interpreting content online, you say -- what did you
4 call it? There's no off-site policy?

5 A Yes.

6 Q Okay. So --

7 A Yeah.

8 Q -- I guess, a followup question. ██████████ asked about whether you brought
9 up the need for it. What was the reasoning for not including this kind of context? As
10 you said earlier, as a First Amendment expert, context is important, and so I'm just
11 wondering what the reasoning was for not investing in this.

12 A You're saying, not investing in what?

13 Q Not investing in or developing a policy that considered off-site speech --

14 A Yeah. Yeah.

15 Q -- or activity when determining content.

16 A Yeah. I think that's very much just a -- so I know about off-service and
17 off-site policies from working at other companies and having worked it with them, and it
18 is a newer type of policy and a broader type of policy than what has typically existed
19 within content moderation spaces. So it's industry-leading to have one of those.
20 There are only maybe, I would say, a handful of companies that actually have a policy like
21 that.

22 And so why would Twitter not have developed or put in resources in order to
23 develop an industry leading policy very much because Twitter was not at the point of
24 having industry leading policies. We were very much filling gaps or, you know, working
25 to align the current policies with human rights standards, right? We were playing a lot

1 of catchup. We weren't necessarily able to be on the cutting edge of creating policies
2 like off-service policies.

3 Q So that makes sense. One last followup question is, was it a policy at
4 Twitter to affirmatively not consider this, or was this just something Twitter didn't have
5 an affirmative policy on and didn't -- didn't have resources dedicated to it and didn't
6 consider it, or was there like an affirmative statement somewhere where Twitter said, we
7 are just not going to have time or we're not interested or we're not doing this?

8 A I don't know that I know the answer to that question. I do know that when
9 I was being trained to work on the team and discuss content on Twitter, it was very much
10 in my training to just use Twitter to assess and not use other services.

11 Q Okay. And, you know, you were -- you -- you were supposed to following
12 your training?

13 A Yes. I was, yes.

14 Q Yeah. So they gave you the tools and they gave the instructions that they
15 felt would be necessary for you to perform the job?


16 A Yes.

17 Q And that included focusing on onsite activity?

18 A Focusing -- yes, focusing on the content that was happening on Twitter with
19 an eye to how it might lead to violence offline.

20 Q Okay. I don't think I have anything else. Thank you very much.

21 Ms. Ronickher. All right. I think at 2 hours --

22  Yes. So I think that we can go at the -- sorry. We can go off the
23 record at 2:51, and everyone get coffee, and we can come back at 3:12, 3:15.

24 Ms. Ronickher. Is that enough time for you, J.? Do you need --

25 The Witness. I'll be okay. I'll be fine. All right. 15 after, you said?

1 [REDACTED] Yes, 15 after. We could -- an extra 3 minutes isn't going to kill
2 anyone.

3 The Witness. Perfect. See you all then.

4 Ms. Ronickher. Okay.

5 [REDACTED] Thank you.

6 [Recess.]

1

2 [3:17 p.m.]

3 [REDACTED] All right. So we can go back on the record at 3:17 p.m. And at this
4 point I'm going to hand it over to [REDACTED] to walk us through the weeks leading up to
5 January 6th and 7th.

6 [REDACTED] Thanks, [REDACTED]

7

BY [REDACTED]

8 Q I think there were actually a few more follow-up questions on the last
9 portion of questioning before we proceed to the lead-up to J6 itself. That was a very
10 rich discussion, and kind of just a few loose ends that I think [REDACTED] and myself
11 wanted to tie up, the first of which is, we touched a little bit on escalation of Donald
12 Trump's Twitter account, the way that policy decisions around enforcing on his tweets
13 would have been escalated. This seems to be above and beyond even the very
14 important tweeter policy. Is that -- would you say that's right?

15 A Yes. So we -- we had -- what you're referring to is when there were
16 individuals who were referred to as VIPs and there were certain criteria effort that -- I
17 believe it was a couple of the criteria were over 100,000 followers, had to be verified. In
18 those instances, before we took action on an account, we would send out a notice to
19 stakeholders so other folks in the company who would be responsible for parts of any
20 fallout, so communications teams are often alerted or public policy teams are often
21 alerted, would have to be in touch with those individuals crossing communications
22 offices.

23 The VIP kind of heads-up was, again, just -- it was a -- it was a kindness, really, to
24 just give our colleagues the leeway and time to be able to prepare for kind of, again, the
25 fallout or what they would need to do with their jobs based on the actions.

1 The escalation of the former President's tweets went above and beyond any other
2 user on the service. Again, those tweets coming from the former President had to be
3 approved by Jack Dorsey himself in order to make those decisions. When it came to
4 VIPs, depending on who it was, sometimes my supervisor was able to make the decision,
5 sometimes it needed to go all the way up to Del Harvey. But for the majority of VIPs, it
6 did not need to go up to Jack Dorsey. Sometimes it might need to go to Vijaya,
7 depending on the individual. But the process -- the process for reviewing and handling
8 Donald Trump's account was absolutely an exception rather than the rule.

9 Q Thank you. That's very helpful.

10 So when -- as you said, the VIP policy was like a kindness to let your colleagues
11 have time to prepare to do their jobs, to handle any fallout or anything else.

12 Was there a standard delay on how long it would take to action those tweets or
13 how long it would take to get a judgment back?

14 A Yes. So -- so there -- the amount of time that it would take it to get an
15 adjustment back or kind of assessed was always dependent upon how long it took our
16 team to do those things. However, when we came to a final recommendation and the
17 recommendation was approved, we would give our colleagues what we call a 4-hour
18 heads-up. And we would get -- literally, we'd start the clock and give them 4 hours
19 before we would make an enforcement action on the account in certain and unique
20 circumstances. So, for instance, if a VIP -- this happened once, I think it was Giuliani
21 actually who tweeted someone's phone number, their personal cell phone number. In
22 that instance, we gave -- we just sent an email, a heads-up that we had already taken
23 action.

24 So, instances in which it is public information or private information that was
25 released or, for instance, if it was nonconsensual, maybe there was something that

1 needed to be taken down immediately, we would take it down immediately and give
2 notice. But if it was instances that were not immediate, we would give that 4-hour
3 heads-up and wait.

4 Q And did you ever receive approval to take action before that 4-hour time
5 window was closed, or was it always just kind of 4 hours?

6 A I believe there were a couple of times. I believe even the example that I
7 gave, if I remember correctly, I think I sent out a heads-up and somebody was like take it
8 down immediately because of what it was; again, it was someone's private phone
9 number. So there were instances like that.

10 Q Okay. But ordinarily it would take the full --

11 A Ordinarily, we would allow the time clock to run for a full -- typically, what
12 we would literally do is we would include a member of Tweeter Service on the email and
13 we would say, please action this in 4 hours. And so it would be on their team to set a
14 clock. And in 4 hours, they would send an email to the entire group saying that
15 that -- that the account has been actioned.

16 Q And this 4-hour starts after you make your assessment?

17 A It's after the assessment and recommendation have been approved.

18 Q Ah.

19 A So after our team has said we recommend violation, no violation, and that
20 recommendation has gone to the decision-maker, and the decision-maker has said, yes,
21 we're going to move forward with this, then we would move forward with sending a
22 4-hour heads-up. So it would often take much more time than 4 hours after the content
23 had hit the service for it to be removed.

24 Q Yeah. How long would you say it typically takes to have an assessment
25 approved?

1 A It depended. There were times when it took this instant. There were
2 oftentimes in which -- I think the situation that I was talking about earlier with Tom
3 Cotton was one of the situations in which it was determined it actually had taken too
4 long, and so we weren't going to do anything. We weren't going to take action because
5 the damage had been done, is what we were told by leadership, because the deliberation
6 period -- whereas our team had made the recommendation of violation, the deliberation
7 that had had to happen between leadership took hours upon hours upon hours to the
8 point that it was the end of the day by the time it would've -- we would've been able to
9 enforce, and leadership made the decision to override our recommendation and not take
10 action because it -- so much time had elapsed.

11 Q Wow. So did you ever -- was this ever a popup conversation that, you
12 know, by the time 4 to 8 hours or longer has passed, a tweet has lived a lot of life, can
13 travel pretty far. Did you ever talk about that being a problem?

14 A Yes. This was brought up in the email chain, especially, that I was
15 referencing with Tom Cotton on how problematic it was for us to have to wait for so long
16 and to be kind of concept of the damage being done that while, you know, a tweet might
17 have existed for several hours, it will continue to last for the rest of Twitter exists, and so
18 the damage might not have actually been done, can still continue to be done. But
19 that -- yes, there was -- there was pushback on that line of thinking and around the
20 process and how long the process was taking to -- to implement some sort of impact.

21 Q You mentioned the incident with Tom Cotton. In our previous discussion,
22 you mentioned an incident with Madison Cawthorn. Were there any other notable
23 elected officials who -- whose tweets were escalated between the election and
24 January 6th?

25 A Yes, there were many, many other. I believe I worked on a -- a tweet by

1 Matt Gaetz that also received the public interest interstitial. The White House account, I
2 believe, also received the public interest interstitial. I am sure that we reviewed several
3 tweets by Ted Cruz. I do not believe any were found to be in violation. And it was not
4 uncommon for my team to spend parts and chunks of our days reviewing the timelines of
5 prominent GOP members during that time in order to assess their language, because,
6 again, it had become increasingly towards the violative side.

7 Q Okay. Given, you know, the totality of our conversation today, I did want
8 to take -- give you a chance, if you want to, to step back and answer a sort of high-level
9 question about how you would respond to claims of sen -- claims that social media
10 sensors right-of-center views, given that they are still a frequent topic of conversation,
11 still a political consideration, they're very much in the public discourse, and something
12 that you seem to have a pretty unique perspective on.

13 Do you -- do you have a reaction generally to those kinds of claims?

14 A I do. I understand those claims. And I believe that they are very much
15 rooted in a lack of transparency and accountability of content moderation practices and
16 policy enforcement and development decisions that happen behind closed doors by a
17 small number of people within social media companies.

18 I very much believe that that process is flawed and that there needs to, again, be
19 more transparency and accountability. That is part of why I am speaking to you today,
20 having been in those rooms and understanding the lack of insight that occurs and how
21 that lack of insight can then lead to the formation of a plan that, while not founded in
22 reality, makes sense when you don't have the reality to found them in, for instance, right?

23 And so that's very much how I think about these claims of censorship that are
24 happening specifically on right-wing views, right? I believe that there has not been
25 enough insight into the understanding of content moderation systems that would be able

1 to say out loud, hey, we have research that very much shows that the abuse and toxicity
2 that is happening on these services also happens to align with the individuals who
3 espouse these views, right? And so, while it is not a political form of censorship, the
4 reality of who is and who is not doing abuse on services stands.

5 I would also say again, I think that these claims of censorship have become so
6 large and so overarching that I have seen decision-makers unwilling to make decisions
7 because they are paralyzed by the fear of being implicated and/or accused of having
8 some sort of bias against rightwing views. And that has led to, as I've said, logical leaks
9 and conclusions that don't make any sense in an attempt to evade those claims.

10 And so I think that these -- I think that the accusations of censorship have had a
11 tremendous impact in the exact opposite effect in that, while the accusations have been
12 over censorship of rightwing views, my experience has actually been a hands-off
13 approach to the highest level leaders of the rightwing movement based solely upon the
14 consideration that individuals do not want to seem biased and/or -- and/or politically
15 motivated in any way, shape, or form. Yes.

16 Q Thanks. I think that's really thoughtful. I'm glad we were able to get that
17 on the record.

18 I'll move on now to the lead-up to January 6th itself, then we'll talk about the day
19 of, and then we have some questions on the aftermath. But that should take us through
20 our last 2.5 hours here today. And I know it's a long day, so I'm really grateful for your
21 stamina and for your being here.

22 If we could pull up exhibit 6.

23 Thank you. And then, [REDACTED] if we could -- it's -- the Bates number is 488.
24 If you give me a second, I can find the PDF page number for that. That should be PDF
25 page 39.

1 So what we have here is what I understand to be meeting notes from at least the
2 safety policy team, maybe some other teams, dated -- it looks like these are dated in late
3 October. Is that -- am I right about that?

4 A Yes. These -- what I am looking at appears to be the note taken from a
5 safety policy meeting between both the U.S. team and the team in the Asia-Pacific region.
6 That's why there's two different dates, because during the time zone, it's actually two
7 different days at one time. So it was happening on the 22nd in Asia and on the 21st in
8 the United States of October 2020.

9 Q It's funny, I didn't think about that.

10 So during this meeting, it appears from the notes that your supervisor told the
11 safety policy team that it's, quote, North Star was to meet the reality of what is
12 happening on the ground in the United States and to mitigate harm both online and off.

13 Do you recall that remark?

14 I think if we scroll down a little bit, it's -- no, it's at the bottom of page 39. "Our
15 North Star," it's the last line.

16 A Yes. I am -- I am trying to recollect my memory, so let me read a little bit
17 here.

18 Yes. Do you mind repeating your question?

19 Q Well, my question was if you recalled that remark, but I -- I guess I was
20 wondering if you could describe the context of which that statement was made and what
21 it meant to you and your team?

22 A Yes. Okay. So October 2020 in a meeting between these two teams. I
23 believe the context behind this was very much our teams, both in the United States and
24 around the world, were incredibly confused about the direction of our team, especially as
25 it was coming from leadership and our managers. And this, I think, can be reiterated

1 from everything from around our -- our questions around and coded incitement to
2 violence to what you're seeing here, which is a very, very pointed and also very broad
3 question, right, which is essentially asking what is our goal point, right? What are we
4 aiming for? What are we trying to do here?

5 And it seems like our teams within Asia Pacific were specifically asking this
6 question of the leadership within the United States team, because very often our
7 Asia-Pacific teams they, as I was talking about with the dates, they picked up when the
8 United States went to sleep, right. And so they very much needed to have the context
9 and the information behind the decisions, because when we went to sleep, the rest of the
10 world was awake, and they were -- they were the individuals who had to deal with the
11 fallout. They were dealing with writing the assessments. They were the ones having
12 to deal with the questions.

13 And so I think at this point, our team had to go on through extensive leadership
14 changes, and we had a new manager who was leading things within the United States.
15 And we were all incredibly unclear about what our purview was, especially, again,
16 heading into an absolute historic election that we knew it was going to be historic. Our
17 team here was asking, what are we supposed to be doing? What would you like for us
18 to be doing and how should we be doing this?

19 Q Do you think that this -- I mean, this language is very potent, right. North
20 Star. Do you think that that was -- was that a consistent -- were they -- was your
21 management consistent in that -- in that goal, in pursuing that goal?

22 A Our management was not consistent in pursuing any goals. My team was
23 persistent in attempting to understand what the direction from leadership was. So this
24 question around North Star came up repeatedly within our conversations around the
25 world and with leadership. And they came up in relation to literally the team itself, as

1 you see it's coming up here in relation to elections. It came up in relation to our hateful
2 conduct policies.

3 Our team was very, very much a group of highly intelligent individuals who were
4 very, very capable of understanding how to do our jobs and make recommendations but
5 were not being given decisions that made sense. And so we were lost. And so we
6 were very much asking to be given direction to do our jobs, right. In order for us to be
7 able to execute on this election and make sure that we are providing the safety that we
8 need going into it, what should we be doing? What should we be looking at?

9 Again, this North Star question, it came up repeatedly amongst our team and
10 specifically directed towards my manager, managers around the world, and, again, many
11 times directed towards Del Harvey herself and asking, what is not just the direction of the
12 policy team but the entire trust and safety team?

13 Q And there's a mention here of the -- the Proud Boys and their activity at this
14 time, sending threats by emails, of course, they were later on involved in several violent
15 protests. What -- what did it -- why did the team feel that it was difficult to defend
16 policies like glorification of violence in light of the Proud Boys activity?

17 A Let me read a little bit more here to understand. Is that in here down a
18 little bit later where it says something about glorification of violence?

19 Q Yeah. On the top of the next page, there's also some context.

20 A Thank you.

21 Yes. Yeah, I think -- I think this is very indicative of Twitter's policies at the time,
22 right? I'll literally read it out loud. For somebody on my team who was saying, it's
23 difficult to defend a policy such as glorification of violence -- which was in my team's
24 purview -- when we're seeing groups such as the Proud Boys using the platform to incite
25 violence. We need to take a better look at our policies and where we can make a

1 heavier hand.

2 I believe that this was my team pointing out gaps within our policies and saying
3 out loud, there are -- and, going back to October, there are individuals that can be
4 identified as belonging to organizations that we know to be potentially violent that are
5 using our platform to hopefully stoke and incite their violence.

6 I believe at this time the Proud Boys may and/or may not have been officially
7 designated a extremist group, and it might have required them to be able to be
8 deemed -- again, my area was not in extremist organizations or in that group. But very
9 often there needed to be a designation for that to happen. This was the same thing
10 with QAnon, right? There needed to be a specific designation of that group as
11 something in order for us to take action on that.

12 And I think what we're saying here out loud -- what we're saying out loud here is,
13 there is a gap between what we know to be highly organized groups and organizations, so
14 the Proud Boys of the world or the Three Percenters of the world or all of those groups
15 that we know to be heavily organized around principles or whatever the case may
16 be -- but there is a gap between those individuals and what we see happening on the
17 service, which are individuals who are loosely affiliated with these folks, right, who might
18 share the same ideology, that we can't necessarily produce a membership card for but
19 are saying the exact sort of information that is going to lead to the incitement of violence,
20 and our policies do not have any way of taking that into account, and also my team
21 requesting for us to take a heavier hand in this sort of situation.

22 Q Does this link back to your previous conversation on offsite policy and your
23 ability to use offsite signals?

24 A Again, I don't -- we weren't thinking about off-service policies at this time.
25 And that's something that -- able to say, like, that's something that I thought of past

1 since -- since this time, right, and was -- it was not -- it was not in my -- in my skill set at
2 that time to have really understood and acknowledged the kind of off-service policy.
3 But I do think -- I do think that in this sort of situation, we did have things like newspaper
4 articles, right, or things that were not happening on other services or platforms
5 necessarily that we needed to use to include as context, but we had information that was
6 saying that these individuals were involved in these sort of activities.

7 Q And what -- if -- on the previous page there was something about sending
8 threats by email. Do you know what that referred to?

9 A I do not remember, no.

10 Q Okay. So later in this meeting, your supervisor said that leadership was,
11 quote, comfortable taking risk about appearing less consistent.

12 I think I can find the full statement here. Someone asked, is leadership
13 comfortable taking this risk about appearing less consistent? And the response was that
14 yes, that they were.

15 What was the context of that question?

16 A Again, I think this is -- I think this is very much about trying to make sure that
17 our -- our various teams were in sync. Because I'm looking at one of these questions
18 that said something about market specific nuances, right. So this is -- this is a team
19 trying to be prepared, literally asking what -- what do we need to know to make sure that
20 we -- whatever is happening in your world we are fully understanding every single one of
21 the nuances when it lands on our plate and we have to deal with it.

22 Can you repeat that last question that you just asked about a specific thing, and I
23 want to look at that too?

24 Q Is leadership comfortable taking the risk of appearing less consistent? It's
25 difficult, especially from an APAC perspective, that there might be multiple different

1 outcomes for one case.

2 Answer: Yes, leadership is comfortable taking this risk about appearing less
3 consistent.

4 A Yes, yes, yes. I think -- I think, again, that was -- that was the Asia-Pacific
5 team asking for backup and support, because if inconsistencies happen, they most likely
6 happen on their timeframe, right. Because whenever the decision was made, someone
7 would recognize it and say, well, this isn't what you all did last time. Why? And their
8 team was most likely dealt -- was tasked with responding to those sort of situations.
9 And, again, why would they want to understand the nuances in it.

10 And I think what they were asking, again, was as having to be the team that would
11 deal with the fallout, will leadership feel comfortable if and when we end up in a situation
12 in which these -- these disparate decisions that are being made, that we can't seem to
13 understand because there is no North Star, if and when we called out -- are called out for
14 being inconsistent, will leadership be okay with that? And according to what was said
15 here, they said yes, they would be okay with that.

16 Q So this is really useful because it establishes context to this document that
17 we didn't previously have.

18 I guess my last question before we move on is, if some of these same promises
19 about having a North Star of preventing on and offline harm and leadership that is
20 comfortable with a degree of risk enforcing policies that might not be public yet, would
21 that have also been of comfort to your team? Is that something you felt like your team
22 had or needed?

23 A If it was true, yes. But as you can see, I mean, leadership was literally
24 saying here that we're going to be taking the heavier hand, and this is in October. But
25 come November, when I was literally sitting in Del Harvey's office begging to have tweets

1 removed that I was saying would literally lead to people shooting each other, I was told
2 no. So a heavier hand that is -- that is proposed or given here as the North Star in
3 October did not continue to be the North Star come 3 weeks later.

4 Q And Del Harvey was not in this meeting, or was she?

5 A I do not believe Del Harvey would have been in that meeting.

6 Q And so the person leading this meeting would have been your direct
7 supervisor?

8 A I believe so.

9 Q Okay. Did you ever request this kind of feedback or have this kind of
10 conversation of the sort that you had with Del Harvey about clarifying these policies with
11 your -- with your supervisor?

12 A We had many conversations with my supervisor attempting to clarify our
13 policies.

14 Q How did those go?

15 A Not well. There were -- there were several of them. So I do not
16 remember any of them going particularly well. If there are specific ones that you would
17 like to ask about, we can do that.

18 Q Well, let's see, if we can move to -- I think it's pages 10 and 11 in the PDF of
19 this document. I'm not sure we have specific meetings, but I think we can talk generally
20 about whether or not you got the type of guidance and feedback and upward
21 management that you might have liked.

22 A Yeah. The answer is no. But, yes, we can definitely -- we can definitely
23 talk through it. I did not get the support or guidance in management that I needed.
24 But yeah. Sorry to cut you off.

25 Q So I'm looking at this document now, and this appears, I think, to be

1 feedback for your supervisor, right?

2 A Yes.

3 Q So some of the things you flag in this document are lack of communication.
4 You say that your supervisor frequently did not attend team meetings?

5 A Yes.

6 Q How did that work? I mean, how did that affect the work of your team?

7 A It was -- I believe the impact of that is what you just saw on those team
8 notes, right. The confusion, the utter chaos of trying to understand what direction we
9 should be pointing towards while also trying to move full-steam ahead at the same time.
10 Yeah.

11 Q I guess another related question is, would it have been normal for you to be
12 having conversations on this with the vice president, or was that a result of inadequate
13 guidance from your direct supervisor?

14 A I can't say that anything at this time was normal. And I'll say that because,
15 as you can see from this document, my supervisor -- my new supervisor had been in their
16 role for 100 days -- only 100 days at this time. And as you can also see in there, I say I
17 have had three managers within 1 year. And so at this specific moment, the former
18 global head of our team had actually been terminated for creating a psychologically
19 unsafe work environment for us.

20 And so this manager that I was writing this feedback on had actually been hired
21 specifically only to manage people, not to manage policies, and they were not hired to
22 manage me. And yet, given the turn of circumstances and an individual being
23 terminated, we lost a layer, we no longer had a global head that was responsible for
24 policy decisions. And, instead, there was the power vacuum that existed in which a
25 couple of individuals, including my manager, attempted to try and fill in to make

1 decisions. And, again, it was incredibly unclear who was the actual decision-maker.

2 One of the individuals who was also in that sort of power vacuum was the
3 individual that I sent that message to specifically around January 4th through 6th trying to
4 make those decisions.

5 So, at this time, there was chaos. And so I don't know if it would have been
6 normal or not normal for me to have been in conversation with the vice president about
7 these specific issues. I was the most senior member of the United States team, and so it
8 would have fallen on me, especially given my subject-matter expertise, to represent the
9 United States team to the vice president within these circumstances. And we did not
10 have a manager who had any tech policy experience, who had any free expression
11 experience, who had any policy experience, who would have been able to make these
12 concrete decisions or to be able to represent the opinions or the ideas or assessments of
13 our team in any sort of appropriate way. So it was all over the place.

14 [Discussion off the record.]

15

BY [REDACTED]

16 Q Okay. So, yes, this document says that this -- your manager had been in
17 the role for 100 days. I think it's undated. Do you remember about what time you
18 wrote this feedback?

19 A It had to be winter of 2020. It was before January 6th.

1

2 [3:54 p.m.]

3

BY [REDACTED]

4

Q Potentially after the election?

5

A I think it was after the election, yes.

6

Q Okay. And so --

7

A I'm pretty sure it was after the election.

8

Q And so your team had really made it through a tense period with a lot of

9 management changes and then a manager who had only been around for about 3 months
10 and was not trained in the actual subject matter of your work.

11

A Yes.

12

Q And concerning the global head of policy position, was there an intention to
13 eventually fill that, or were they trying a new structure?

14

A They were hoping to fill that position. I believe it has been filled now. But
15 at the time when I was there, there was no one in that position.

16

Q So this position, would it have normally been the direct go-between for you
17 and Del Harvey?

18

A Yes.

19

Q Okay. So it's a pretty important role at Twitter.

20

A Yes. It is a hugely significant role that has immense amounts of power and
21 responsibility that impacts not just the Twitter service but the daily lives of all of

22

humanity.

23

Q That's -- I mean, that's sobering.

24

When did the previous person leave this position? How long had the position

25

been vacant?

1 A I don't know when they had been hired. I believe they were hired in maybe
2 2018 or 2019 and then was fired in 2020.

3 Q Do you remember, was it, like, early 2020? Was it the summer?

4 A It was the summer of 2020.

5 Q Okay.

6 And what role -- so you described this person as being incredibly important for the
7 day-to-day political discourse of humanity. Like, walk me through, like, in practice, how
8 they play that role. What did they -- how did they --

9 A Yeah.

10 Q -- what role did they play in managing the platform?

11 A Yeah. Yeah. So the individual who would've been global head or regional
12 head of the site policy team was the first point of decisionmaking for all of our teams.
13 Again, we were recommendation-makers.

14 And so they were responsible for not just, again, the safety and privacy but, as
15 well, the terrorist organizations, violent extremist groups, and the child exploitation
16 teams as well. And so any escalation that would come into the various policy teams all
17 around the world from these areas would go to that individual in order to make the first
18 gut check or first decision. Very often, that person was the last line of decisionmaking if
19 something needed to be happening very, very quickly.

20 And if that person could not make the decision, they were then responsible for
21 then going to the vice president and representing the opinions and the thoughts and the
22 recommendations that came specifically from our team to the vice president in order to
23 make those sorts of decisions.

24 Why I say it's so important and it's so vital is very much, again, because the team
25 that I sat on was responsible for the safety of the service and what happened to

1 individuals not just on Twitter but literally their bodily harm and their lives and what
2 happened to them as an implication of the speech that occurred on our service. And
3 those decisions could literally be life or death for individuals. They could also be foreign
4 policy and implementation of huge political decisions and discourse around the world
5 that could change things. Yes.

6 Q Thank you. That's a really valuable perspective for understanding a role
7 that was vacant at this time and struggling to be filled by someone who really was not
8 framed to fill it, and so you've had to step in and interface directly with the vice president.

9 A Yes.

10 Q You later write in this document that "leadership did not have an adequate
11 understanding of the scope of the coded incitement project and were confused --

12 A Yes.

13 Q -- about its origin, urgency, and ultimate purpose."

14 A Yes.

15 Q That's a very astute summary, I think, of our conversation so far.

16 When you say "leadership," I guess walk me through who you mean and --

17 A Yes.

18 Q -- what their various stances were or where their various shortcomings were.

19 A Yeah. I think that they're referring to Del Harvey in this conversation and
20 they're referring to the conversations that I had had with Del around coded incitement to
21 violence in which Del was taking a very nonchalant approach, as we have discussed, right,
22 coming in with very interesting self-defense theories and an unwillingness to act.

23 And, from my perspective, again, we were tasked with a sense of urgency. And
24 so it seemed clear to me that the urgency that our team and the directive that we had
25 been given to very quickly solve something that was rapidly becoming a problem had not

1 been reiterated to Del.

2 And so it made me wonder what the conversation that had occurred between my
3 manager and Del was and whether, again, the opinions and assessments and
4 recommendations of our team were adequately being represented to Del in such a way
5 that would have underscored why the coded incitement to violence policy was essential
6 to be shipped and launched back in November, rather than be put on ice and move
7 forward in a sense of confusion.

8 Q Just thinking about all of your interactions with Del, do you think that it was
9 that your concerns weren't being translated up through your supervisor, or was it that Del
10 had a different point of view or a different practical stance?

11 A All of the above.

12 Q All of the above. Do you think that Del's position -- would you characterize
13 her position on the coded incitement issue at this time as reckless?

14 A Yes.

15 Q I know we've already discussed the December 19th "be there, will be wild"
16 tweet. I'm wondering if you could talk more about how your supervisor and Del reacted
17 to that tweet and the change in political tenor on Twitter after that time.

18 A I don't know that they did react.

19 Q No reaction?

20 A And, again, that was, for me, cause for concern, that there seemed to be
21 no -- there seemed to be no urgency, there seemed to be no emergency, there seemed to be
22 no crisis. Which, again, was the impression that I was very much under and that we
23 were told to be under by other individuals.

24 And yet, when it came to our team's leadership, when the leader of -- the
25 President of the United States is tweeting to his followers, who are becoming increasingly

1 more armed and increasingly more violent and expressing their willingness to participate
2 in violence, and is giving them not only a place but a location to do such and enact such
3 violence, I was increasingly concerned and flabbergasted that the individuals whose job it
4 was to actually be making the decisions and implementing policies that would have us be
5 prepared for these circumstances were doing literally nothing.

6 Q And, during this time, to reiterate, your supervisor was not attending
7 meetings, kind of absent from the policy discussion.

8 A Yes. There were many, many times that they were late to meetings.
9 When they did come to meetings, they were on their computer, messaging people, or
10 messaging the whole time, not paying attention.

11 There were meetings that were so contentious that they actually asked me to
12 start attending meetings so that I could attempt to navigate the contentiousness better,
13 because I had a good relationship with everybody on the team and I would've been able
14 to step in and attempt to do some sort of mediation in those circumstances.

15 Yes. It was -- it was quite a time.

16 Q And these contentious meetings, would they have been around, like, the
17 potential for violence in the election? Is that what they were --

18 A Yes. I mean, it --

19 Q -- the contention was?

20 A It was around for potential for violence in the election. It was also around
21 things like the North Star, right?

22 Our manager at this time, again, with no policy -- no fault of their own, does not
23 have the experience or the background to be able to do this work, right? And so, when
24 you have highly skilled individuals who have been doing this for an incredibly long time
25 who are asking for very, very simple things like what direction should we be heading into,

1 and their manager can't provide that sort of solution, it becomes incredibly contentious.
2 Because we're just trying to do our job, and we're not able to do that because our
3 leadership is literally standing in the way and disallowing us from taking actions that
4 would allow us to do that.

5 Q And given that you were one of the strongest advocates for taking stronger
6 action, that must have been an uncomfortable position, to be asked to moderate that
7 debate?

8 A It was not -- it was not my favorite time.

9 And, again, the work that the safety policy team at Twitter does is so essential to
10 the functioning and survival and protection of humanity that I recognized the absolute
11 dire need for this team to at least in some sort of way, form, or fashion move forward and
12 move along. And so I was willing to show up to meetings and to be that intermediary, to
13 attempt to get those decisions, to literally keep raising questions until we were able to
14 get those answers.

15 Because I was also one of the most tenured people on the team, and so I had been
16 around long enough to understand what happens when we did nothing, right, or what
17 happens when decisions were not made and how important it was to have decisions
18 made.

19 And so, yes, it was -- while I would not like to go back to that time in my life, it -- I
20 knew how important it was for that team to function and how important it was for that
21 team to do its job, and so I -- that's what I was trying to do.

22 Q And how was your feedback received by Twitter? You provided this
23 360-degree feedback. What did Twitter do with it?

24 A So this feedback went to both my manager as well as Del Harvey.

25 I don't know if we specifically talked about it, but one of the recommendations

1 that I made within this feedback was that my manager be retrained on the policies that
2 our team worked on, because I believed and had experienced their background
3 information and skills to be incredibly lacking in the area.

4 And specifically what I said -- I think if you scroll down in here, I pointed to coded
5 incitement to violence as an example of a policy that, if this individual may have had
6 training and understood our original violence policy -- so the policies that were actually
7 on the books -- maybe then they would've been able to have a little bit more of a deeper
8 appreciation or ability to understand the nuance of something like a coded incitement to
9 violence policy.

10 Q And it looks like you say here also to be a better advocate for you and your
11 team and your positions.

12 A Yes, very much so. Very much so.

13 Q Did you ever get any indication that Twitter was going to follow through with
14 that recommendation?

15 A I did not.

16 I mean, if you see, one of the last things I say on here is that I would like to have
17 this person "help address the open questions that remain to this day about our approach
18 to this content," which was specifically coded incitement to violence, as I say up there,
19 the incredibly complex coded incitement to violence policy.

20 No, actually, after I submitted this feedback, my manager began to treat me
21 negatively, I believe based upon me giving information to their boss that they might not
22 have been as knowledgeable or as experienced or as skilled as they needed to have been
23 to be operating in the position that they were in.

24 Q Thank you.

25 I wonder if we could move to page 9 of the PDF document.

1 So this is another -- it looks like potentially a Slack message. There's not a lot of
2 context to this document. It's dated February 11th. I wonder if you recognize it and
3 you could just provide some details about what we're looking at.

4 A Yes, I do recognize this. So this is a -- what are they called -- a note, on a
5 MacBook. And the language included within this note is information that I submitted to
6 one of Twitter's research teams that -- I submitted it to one of Twitter's research teams.

7 I did that because this research team had sent out a survey to the entire company
8 essentially asking what, if any, part Twitter played or had to play within the events of
9 January 6th. Yes.

10 Q So was that team then tasked with writing any kind of retrospective account
11 of Twitter's role on the 6th?

12 A I am not 100 percent sure what the entire purview of that team was.
13 However, it was ran by somebody that I knew to be a very good researcher and someone
14 I knew to do very good work. And so I wanted them to have -- I wanted them to have
15 the true information in order to be able to do their good work. Again, I don't know what
16 the exact work product was for this.

17 I will also say that, while I did know the individual who was working on this, I also
18 reached out to them to specifically ask if the feedback would be anonymous, because I
19 was very fearful that if I were to give this feedback and say explicitly the truth and what
20 had happened that I would be in trouble.

21 Because the tenor that I was receiving from the research team, again, was:
22 What, if anything, did we -- did leadership know anything, and if so, like, how little did we
23 know? Right? It was a very, very hands-off approach and the complete opposite of
24 what I knew to be true, which was: For months, we had been seeing this content,
25 begging for it to be removed. We had been specifically raising it to leadership. They

1 had specifically told us we could do nothing about it until violence actually broke out and
2 then we were asked to clean it up.

3 Q To your knowledge, was any retrospective -- were there any other
4 retrospectives that Twitter conducted?

5 A Yes. There was -- I believe there was a retrospective being conducted by
6 outside counsel in --

7 Ms. Ronickher. Well, let's not talk about the specifics.

8 The Witness. I will not talk about the specifics.

9

BY 

10 Q That's fine.

11 So outside counsel ran that retrospective. This question might seem somewhat
12 abstract, but if you'll just entertain it. Is a retrospective like that something you
13 personally believed would be important for the new global lead for site policy to
14 familiarize themselves with?

15 A Absolutely.

16 Q Would you expect a new person coming into that role to read that
17 document?

18 A Absolutely. I don't think -- I think somebody coming into that role as the
19 new global policy head absolutely should be able -- should and needed to have some sort
20 of retrospective or information about these events and these days.

21 I asked several times for a retrospective to be completed, specifically around the
22 days of January 6th through January 8th. I asked this because, again, as a person who
23 firmly believes in transparency and accountability, having been an individual who had
24 been involved in the process, I believed very much that those recommendations and
25 those decisions needed to be analyzed by individuals outside of just ourselves and be able

1 to be understood within context.

2 I also recognized, as an expert and scholar of the field, that these decisions and
3 these actions that were taken during these weeks were the most important and biggest
4 content moderation decisions of history up until that point, of modern history, and that
5 doing them without any sort of retrospective or doing them without having any sort of
6 reflection back would be doing a disservice to the field that I worked in and that I have
7 studied and that I have deep respect for, because of the reality of, again, knowing how
8 big and how important and the realities of the industry and how many people would sue
9 based on this and knowing that we needed a record and all of these things.

10 It was -- it was -- it still blows my mind that that did not happen.

11 Q [REDACTED] has an immediate followup.

12 Go ahead.

13 BY [REDACTED]

14 Q Yes. Thank you, J. Smith.

15 Going back to the point about the global head of site policy, can you explain
16 exactly why it is important for that individual to have maximum familiarity with the
17 decisions that were made around Twitter's response to January 6th even though that
18 event is, obviously, in the past?

19 A Yeah. Well, I think -- I think the biggest reality is that, while this event
20 might be in the past, it is very much also a part of our future. One of the reasons why
21 I'm here and why I'm speaking to you is because, from what I see and from what I know, I
22 very much believe that January 6th is going to happen again and it is going to be worse
23 and it is going to be bigger.

24 And so I very much believe that, in order to attempt to -- or make some sort of
25 intervention in which that reality is not true and that prediction does not come true, we

1 need to have a familiarity and an understanding of what actually happened during that
2 time in such a way that we can understand what went right, what went wrong, and how
3 we can either fix and improve upon those situations or not literally replicate the exact
4 same mistakes.

5 And that has not happened. Up until this point, the individual who is going to be
6 running the head -- the global head of site policy will be facing any other protest
7 situation, will be going into the 2022 elections, will be going into the 2024 elections
8 without the reality and without the understanding of what occurred between January 6th
9 through January 8th and, again, the mistakes that were made or the things that were
10 done well there that could be done in order to anticipate the same issues that we know
11 are already developing for these future elections.

12 Q Thank you.

13 And one more question. Would you consider the head of site policy someone
14 who's in the need-to-know category for all information related to Twitter's response to
15 January 6th, given incidents of far-right violence that we've already seen in the
16 aftermath?

17 A Yes.

18 Q Okay. Thank you.

19 A Yes, I would absolutely believe them to be a person that needs to know.

20 Q Thank you.

21

22 [REDACTED] Thanks, [REDACTED]

23 Thanks, J. Smith.

24 I want to bring us to the day of January 5th. I think the --

25 Ms. Ronickher. Sorry, [REDACTED] I'm just going to jump in and check in with my

1 client to see if --

2 [REDACTED] Yeah, of course.

3 Ms. Ronickher. We've been about an hour, a little over an hour. Are you doing
4 okay? Do you need a break?

5 The Witness. Let me take, like, two sips of coffee and then --

6 Ms. Ronickher. What about a 5-minute break?

7 The Witness. Let's do it. Let's do 5 minutes.

8 [REDACTED] We can do 5 minutes. Yeah, of course.

9 The Witness. I like that.

10 [REDACTED] Let's close the record at 4:20 p.m. and reopen at 4:25.

11 The Witness. Perfect.

12 Thank you, Alexis.

13 [Recess.]

14 [REDACTED] The record can reopen at 4:25.

15 We've got about an hour and a half left and the two most important days to cover,
16 as well as some of the aftermath. So we'll try to make pretty good pace through this
17 portion of the questioning.

18

BY [REDACTED]

19 Q On January 5th, it is the select committee's understanding that there was a
20 staff meeting among the safety policy team at which many members of the team
21 expressed concerns about the possibility of violence on the 6th.

22 I want to ask for the record, was your supervisor present at that meeting?

23 A No, they were not present at that meeting.

24 Q And the person who did run the meeting is based on European time and
25 would've been, sort of, the next most senior manager. Is that right?

1 A Yes. She works on the European team and is the -- I believe the director of
2 that team.

3 Q Okay.

4 Now, could you describe, maybe, some of the concerns that were raised during
5 that meeting and some of the questions you asked that manager?

6 A Yeah, absolutely.

7 So this meeting was a regularly scheduled, I believe, safety policy team meeting
8 that -- we recorded all of our team meetings because our -- this specific meeting was
9 happening between, I believe, the European office and the U.S. office. As you saw in the
10 team notes, we have other meetings that happen, specifically between the Asia-Pacific
11 office and the U.S. office. So we recorded our team meetings such that other teams
12 could all watch them.

13 So, on January 5th, we had a meeting, and I specifically made an agenda point
14 item asking, for one of many, many times, if we could clarify our approach to coded
15 incitement to violence. Specifically, as we knew that individuals were going to be
16 convening on D.C. the next day, I was hoping and urgently pleading that we have some
17 course of action in place in anticipation of the violence that myself and many others in
18 the meeting also raised concern that was imminent to happening the next day.

19 Q And what was the response that you received?

20 A It was a lot of the same response that I had received from leadership and
21 from management on the team. I believe this individual reiterated Del Harvey's
22 example of self-defense mechanisms and not wanting to remove people who were saying
23 they were locked and loaded in case they were in their houses waiting for self-protection.
24 So it was a lot of regurgitation of the same nonsensical arguments that had been made
25 previously to that meeting.

1 We were also, again, told that we were not to be taking the material down.

2 Q Why was it that, after 2 months, I mean, "locked and loaded" still seems to
3 occupy such an outsize role in these discussions? There were other phrases that were
4 researched and frequently used, and yet the rebuttal to your urgent pleas always seems
5 to be about "locked and loaded."

6 A I'm not sure, to be honest with you. I think that that might have just been
7 a tidbit that came up that was, again, being regurgitated. I think "locked and loaded"
8 was one of the most highly contentious phrases that was happening in all of those that
9 we saw, because, again, it was specifically relating to the usage of arms and, again,
10 speaking about guns and things that could be used to instill violence.

11 Q But, I mean, you were also not allowed to action content using "stand back
12 and stand by," for example --

13 A No, we were not.

14 Q -- even though that was the phrase that initiated the need for a coded
15 incitement policy.

16 A Yes, it was. And we were not allowed to action it, correct.

17 Q And so you are in this meeting. You ask the manager on duty if this policy
18 can be used in the event of a crisis. They say no.

19 And then this person is on European time. So what happens when they go to
20 bed, when they're unavailable?

21 A So I believe -- I had requested to use -- I was requesting a lot of things. I
22 believe I was really -- again, it was the day before, and so I was attempting to find any sort
23 of solution that we could piece together to have us prepared. And so I was asking
24 about -- again, we were not decisionmakers. And so I was asking who was on point to
25 be our decisionmaker during these times and who we should go to in order to get those

1 decisions made quickly.

2 This individual said that she would be available -- they would be available until
3 they went to sleep in European time, and when they went to sleep, we should ask a
4 manager, who I believe had been at the company for maybe a month and had not been
5 trained yet on any of the policies. She recommended that we ask that individual for
6 signoff in order to action.

7 Q So this new manager, this now, kind of, third in command, if you will, what's
8 the time window during which they would've been the point for escalation?

9 A The European team went offline around 11:00/noon East Coast time.

10 Q So they would've been on around noon East Coast time on the 6th.

11 A Yes. Yes. Yes.

12 Q And that's who was on duty, then, for the breach of the Capitol Building.

13 A Yes.

14 I also believe my -- I don't believe; I know -- my manager was also -- my manager
15 had experienced a loss in the family and was back on January 6th, was not available on
16 January 5th.

17 Q I see. Okay.

18 So you have issued this explicit warning in a meeting and asked for authorization
19 to use a policy that's already been prepared but not allowed to be implemented. You've
20 been told to make due, essentially, with what you have and that you'll react to events
21 as they occur, if they occur.

22 I mean, that night, how did you feel? What was your gut feeling on the night of
23 January 5th?

24 A I mean, I believe I even said in the meeting something along the lines of -- I
25 mean, I'm trained as a lawyer, and so I went back to my training and said, like, "I want to

1 say on the record that I am very concerned about what is happening on our service and
2 the action-slash-inaction that we have taken for months." And I also expressed my
3 concern that violence would occur the next day and that, when a violence occurred, there
4 would be this content on the service. And so I said that in the meeting.

5 I believe I sent a Slack message to someone that said something along the lines of,
6 "When people are shooting each other tomorrow, I will try and rest in the knowledge that
7 we tried."

8 And so I went to -- I don't know that I slept that night, to be honest with you. I
9 was on pins and needles. Because, again, for months, I had been begging and
10 anticipating and attempting to raise the reality that, if we made no intervention into what
11 I saw occurring, people were going to die. And on January 5th, I realized no intervention
12 was coming, and even as hard as I had tried to create one or implement one, there was
13 nothing, and we were at the whims and the mercy of a violent crowd that was locked and
14 loaded.

15 Q And, just for the record, this was content that was echoing statements by
16 the former President but also Proud Boys and other known violent extremist groups?

17 A Yes. I think I remember, even in the meeting, one of our colleagues looked
18 on Twitter at that very moment and saw that there was content, literally at the moment
19 that we were in our meeting, that was problematic, and we weren't allowed to take it
20 down at that time either.

21 Q Okay.

22 If we could pull up exhibit 6 again. It's page 1 of exhibit 6.

23 Ah. Here we go.

24 So we'll turn to these messages in a moment, but, earlier, I think way back at the
25 very beginning of our conversation, you said that when Twitter integrated -- that Twitter's

1 enforcement terms on wish of harm and violent speech changed over the course of the
2 2 months between the election and 1/6 and that it changed to allow it to issue strikes and
3 ultimately to suspend users.

4 Why -- was this change -- were any of these changes made on the morning of
5 January 6th?

6 A Yes. Yes. So I can tell you -- do you want me to tell you a little bit about
7 that?

8 Q Yeah. And, to clarify, I think I asked this at the time, too, but this was the
9 morning of January 6th East Coast time?

10 A Yes. So, morning of January 6th East Coast time, I got to my computer. I,
11 again, was incredibly anxious and logged in to our team Slack channel. And I saw that at
12 some point over the night my manager had made the decision to permanently suspend a
13 user underneath the coded incitement to violence policy.

14 And, when I saw that, I was incredibly confused, one, because, again, we were told
15 we were not allowed to use the policy and that it didn't exist, and so, now, on the
16 morning of January 6th, it not only existed, it was being used, and not only was it being
17 used, but it was being used at the most punitive level that existed, at the point of
18 permanent suspension, which was nothing that we had ever spoken about.

19 I was also incredibly concerned because the account that was permanently
20 suspended, when I looked at the content that was in question, I believe it was memes.
21 It was jokes and satire material that they made the decision to permanently suspend
22 over.

23 And, for me, I was highly confused because it was nowhere near as egregious as
24 the content that I had been, again, asking to take down for months. And yet, the
25 morning of January 6th, individuals were being permanently suspended for a

1 non-egregious joke and satirical content under a policy that I was told I wasn't allowed to
2 use.

3 Q So you weren't really referring to a conscious, thoughtful policy change in
4 reaction to anything. It was a surprise, kind of, one-off incident that you felt was
5 actually in violation of standing policy.

6 A Absolutely. I was shocked.

7 Q That's helpful. That's really helpful. That contextualizes a lot of things for
8 me.

9 A Uh-huh.

10 Q So the messages I've pulled up here, again, I don't think we have exact dates
11 on these, but I, kind of, from context, believe they're from January 6th?

12 A Yes. I believe they are as well.

13 Q And it seems like you're saying that your supervisor, first off, was able to
14 report to work that day after the tragedy in their family, but then made this decision, and
15 you were frustrated that they had done this early in the morning before going to the gym.
16 Is that right?

17 A Yes. So I actually think that this happened later in the day. So I believe
18 that the Slack conversation that I'm looking at right now occurred -- it says 2:18 p.m. So
19 I believe that this actually occurred a little bit later in the afternoon, after I had had a
20 conversation with (REDACTED) -- my former supervisor and another team member.

21 Yes. I'm happy to talk about that conversation and kind of move backwards, but
22 this is a little further in the day.

23 Q Yeah.

24 [REDACTED] And for the court reporter, if it's possible to redact the name that
25 was just said. We can also take care of that later. But I recognize that desire.

1

BY [REDACTED]

2

Q So these messages at 2:18, I assume Pacific time, were probably, then, after the attack?

3

4

A I be- -- yes. Yes. These messages occurred after the Capitol had been breached and I had, again, had a conversation with my supervisor about what we should do and how we should move forward with taking action, given the violence that was occurring on the ground.

5

6

7

8

Q Okay.

9

10

It's our understanding, both from these documents and from the timeline that Twitter provided, which you viewed earlier, that, ultimately on January 6th, at the time of the attack itself, as the Capitol was being stormed, right, Congress is being evacuated, certification of the election has been postponed, Twitter does begin to action tweets for coded incitement to violence.

11

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Is that correct?

15

16

A Yes, but -- yes. Yes, and it took a little bit of time, so it wasn't -- it was a little bit delayed. Yes.

17

18

Q Let's walk through the events of the day.

A Okay.

19

20

Q So how was that morning to early afternoon for you before the attack? How did your team spend their time? What were you noticing? What were you doing?

21

22

A Yeah. That's a great question.

23

24

So, after I woke up and saw that the individual had been permanently suspended for coded incitement to violence, I specifically asked my manager -- again, you see here the word "threshold." I actually haven't said it here, but I wouldn't stop asking at the

25

1 time, what is the threshold? So at what threshold can we enforce for coded incitement?
2 What do we need to see? How far does someone need to go in order for it to happen?

3 And so I asked them, after seeing the permanent suspension, again, what our
4 threshold was. And I made it very clear, we were going to need to have an answer to
5 that.

6 They said that they would be meeting with the larger leadership team, including
7 Del, later in the day. I asked if I could attend that meeting. I was not invited to attend
8 that meeting.

9 I will also say, I did send -- I was so concerned about what was going to happen
10 that day that I actually sent a message expressing my concern to our lawyers.

11 Alexis, am I allowed to talk about the details of that?

12 Ms. Ronickher. You can say what your -- actually, just to be safe, we should
13 leave it at that.

14 The Witness. Fantastic. Okay.

15 I -- because I was so concerned I believed it to be a legal liability, I went as far as
16 reaching out to that team with my concerns in an attempt to then express those
17 concerns. So that happened the morning of January 6th.

18 Later in the afternoon, I believe the meeting that happened with leadership
19 happened around 1:30, I want to say, EST.

20 After that meeting occurred, I was then called into a meeting with my supervisor
21 in addition to another member of the safety policy team who was the other senior
22 member of the team. And, at that time, my manager approached us with two specific
23 tasks. First, we were tasked with stopping the insurrection and, then, finding a way to
24 permanently suspend the former President's Twitter account.

25

BY 

1 Q And so this directive to stop the insurrection, were you given a sort of green
2 light to, you know, yes, use coded incitement? Or was it -- was it a -- were you sort of
3 forced to act on your own initiative?

4 A I wish that I would've been given the directive and, again, been -- have
5 leadership that was able to understand and have the comprehensive nature to be able to
6 help establish that threshold that was needed.

7 Unfortunatly, what actually occurred was, at that time when I was asking -- and,
8 again, we were given the directive, and I said okay. What I actually did was, first, I made
9 sure that I said out loud, "I want to express my frustration with you," to my manager.
10 And I said to them, "I told you that this was going to happen. You did not listen to me,
11 and now you are asking me to clean it up." And I told them how frustrating of a
12 situation that was.

13 And then I told them, in order to do that, I needed to understand what the
14 threshold that I had been asking for for months was. They could not -- they couldn't
15 give me a clear answer.

16 And so what I did is -- there was a tweet that had been escalated to us that our
17 team had found to be in no violation. And a member of our legal team escalated to
18 me -- Alexis, am I allowed to say what their recommendation was?

19 Ms. Ronickher. [Nonverbal response.]

20 The Witness. No.

21 We were asked to re-review.

22 And, at that time, I -- it was in this meeting with my manager, and I sent them this
23 specific tweet, and I said out loud, you know, "Our team had assessed this this way.
24 There is another assessment that could go this way."

25 Let me say just here very quickly, that is not out of the ordinary. Almost

1 everything that landed on our desk could go one way or the other.

2 And so what I was saying in this specific circumstance when we were looking at
3 this, "Is this a violation or not a violation, Manager?" And they shrugged their shoulders
4 and said, "Eh, I don't know."

5 And so, at that moment, recognizing again that the tweet that I was looking at was
6 actually a picture of a barricade that had been knocked down and was announcing a
7 breach in the location at the Capitol Building and was calling on individuals to come to
8 that area in order to access and breach the Capitol, I looked at my manager and I said,
9 "We need to make decisions. It is time to make decisions."

10 And I said, "You are not able to make decisions at this moment, and so I am going
11 to have to make the decision, based on this other advice that I was given, that this is
12 going to be the threshold in which we are going to start taking down content." They
13 nodded.

14 And so, from that moment, I then began to say and formulate, kind of, our policy
15 approach by saying, we are going to err on the side of caution in understanding where
16 our threshold was.

17 I can talk a little bit more about it, but then I -- there was a little bit more that
18 happened in that meeting, but after I left that meeting, I went to go work on the
19 enforcement guidance to do that.

20 But I'll pause here.

21 BY [REDACTED]

22 Q And when you left that meeting, about what time was it, ballpark?

23 A I'm assuming, based on these messages, somewhere around 2:20 p.m.

24 Q So, around 5 o'clock Washington time. I think around then there were
25 signs that the Capitol was at least going to start to be cleared --

1 A Yes.

2 Q -- the worst of the violence had been done. And you were unable to
3 receive clear guidance from your manager on instructions on how to breach Federal
4 property during a constitutional process?

5 A Yes. They shrugged their shoulders at me.

6 Q And so, really, this is an abdication of responsibility on the part of Twitter
7 leadership, which left you to bear the full brunt of their day-of, moment-of
8 decisionmaking?

9 A Absolutely. That is exactly what happened.

10 Q You may not be able to answer this question, but, just revisiting the message
11 you sent to Twitter's legal team before the January 6th attack, are you able to
12 characterize why you thought it was a liability? Like, just what the -- like, what the class
13 of liability might have been? Or is that too -- is that too intrusive?

14 Ms. Ronickher. Nope. I think that's fine. She can talk about her thinking.

15 The Witness. Yeah. I did not want the blow-back to come back on my team,
16 because we had tried our hardest. And it was very clear to me that we did not stand a
17 chance and we were in no way prepared for what was about to happen and what was
18 coming our way that day.

19 And knowing how many, again, lawsuits stem out of decisions, enforcement
20 decisions, that are made on Twitter, I recognized that as a day that would be
21 astronomical for that sort of liability, and, again, wanting to say out loud: My team
22 tried, and this is on -- this is on leadership that very much would not allow us to make
23 those decisions.

24 [REDACTED] Thank you very much.

25 It's almost 5 o'clock, and I want to give [REDACTED] a chance to ask any followup

1 questions. And he'll also continue this line of questioning. We'll probably return to
2 that timeline document and see how Twitter characterized this course of events, but,

3 [REDACTED]

4 [REDACTED] Yes. Thank you, [REDACTED]

5 So I think what we can do -- I think I'll certainly have followup on everything you
6 were discussing, but maybe the best way to do it is to continue working through our
7 outline, and then we can sort of deal with followups as they come up.

8 So, [REDACTED], if we could bring up exhibit 3.

9 Great.

10 BY [REDACTED]

11 Q And we actually talked about this before, J. Smith, but I wanted to go back to
12 the moment of 2:20 p.m. eastern time and clarify for the record that I think -- I'm not sure
13 if those messages we were just talking about were on eastern time or on Pacific time.
14 Would you have any insight into that?

15 A I do not officially remember, no.

16 Q Well, regardless, it would have been after the initial breach of the Capitol.

17 And if, assuming, again, arguendo, this timeline is precisely correct and that it was
18 eastern time at 2:20 p.m. when Twitter started to identify and review coded
19 language -- we talked about this earlier, but I wanted to ask about whether your team
20 was at all responsible for enforcing this change in posture once that had been made.

21 A Yeah, absolutely. Absolutely.

22 So this moment of identifying and reviewing the coded language came after the
23 meeting I had with (REDACTED) where they absconded their decisionmaking power and I
24 recognized again that people's lives were hanging in the balance and a decision needed to
25 be made.

1 From that, I left the meeting and I started drafting enforcement guidance for
2 January 6th based specifically on the coded incitement to violence policy that was written
3 previously. I relied heavily upon that document in order to create and understand what
4 we should be doing with content on that day. And so I used the policy language and, I
5 believe, the recommendation for abuse one-off as the action.

6 And I worked with two other members of the safety policy team to create that
7 document that outlined how we would be implementing coded incitement to violence
8 that day, on January 6th, in specific relation to certain content and materials that we saw
9 on the service. We collected tweets as examples, inserted that into the document.

10 That document was reviewed by legal. I believe it was also sent to Del Harvey.
11 And then it was shipped, and by "shipped" I mean emailed and sent to content
12 moderation teams all the around the world as well as Twitter Services. This included
13 what we called a resource request, which essentially says: We need everybody,
14 anybody who is available, we need you specifically on this resource -- on this request,
15 looking specifically for this content.

16 And that takes time, right? Again, it takes time for the email to be sent; it takes
17 time for moderators around the world to read the document, to understand what's going
18 on. And so, in the meantime, myself and my team took a highly unusual action that we
19 typically never did, but we hopped into Profile Viewer and began also searching and
20 finding this content ourselves and bouncing it on the back end ourselves.

21 Q Thank you for that timeline.

22 And so, if you remember, about how long did it take your draft document to get
23 approved and shipped out?

24 A It was a very quick turnaround. Less than 2 hours.

25 Q And to revisit earlier our conversation, this was the same kind of policy you

1 had been urging for Twitter to implement for about 2 months now and ship out?

2 A Yes, it was.

3 Q And, at the end of the day, it took less than 5 hours to get it finalized.

4 A And shipped, yes. And it took violence occurring on the ground in order for
5 that to happen.

1

2 [4:58 p.m.]

3

BY [REDACTED]

4

5

6

Q And so when Twitter represents to us in this document that it began to identify and review coded language that had a potential to incite violence, that reflects your last minute efforts to finalize a policy that had been in the works for over 2 months?

7

A Yes. That represents -- yes. That's exactly what it represents.

8

Q And who gave you this directive to go ahead and finalize it?

9

10

11

12

13

A I was not given a directive. I was given (REDACTED) -- I was given my manager's shoulder shrug as, again, a -- it felt as if the responsibility of decision drolled off of their shoulder into the camera and was left on me. And that, I had to write this response. Again, I was relying heavily on our legal team. And, again, I believe that Del reviewed the document before it was shipped. But -- yeah.

14

15

16

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Q That's where all of the back and forth in November and December about this policy, at the end of the day, folks higher up in supervisory roles essentially accepted this policy in a matter of hours without ever giving you a directive to formulate it or to finalize it?

18

A Yes. That's exactly what happened.

19

20

21

Q And do you think that some of what happened on Twitter on January 6th would have been culled more quickly or not posted in the first place had supervisors implemented the policy a week in advance, 2 weeks in advance, a day in advance?

22

23

24

25

A Yes. I am not sure that January 6th would have been the January 6th that we know it to be if the coded incitement to violence policy would have been implemented in November. We would've not had, again, months of incitement to violence festering on the platform and continuing to grow and to reverberate within its

1 echo chamber if we would've been allowed to take that content down. It would not
2 have been sitting there on January 6th ready to go either.

3 Q I do want to get to the next entry in the timeline, but before I do, I'm
4 wondering if you can walk us through how you saw that failure to implement a coded
5 incitement to violence policy in the content on January 6th itself.

6 Were there posts you were seeing when you went in to try to track the content
7 yourself that made you regret in a micro sense -- obviously, we're having macro
8 conversations about the need for this policy. But were there instances where you were
9 like -- had targeted regret that this piece of content would not have been able to be
10 posted?

11 A Yeah. I think I felt that just kind of as an overarching feeling throughout
12 the day while balancing all of the content, right? Again, because part of what we had to
13 do was not just take down the content, the new content that was coming in on
14 January 6th; it was also taking down some of the content that'd been sitting there for
15 months. So content that I was finding and I was searching for on January 6th was not all
16 from January 6th. And so seeing that content and recognizing it didn't have to be there
17 and could have come down months ago was sobering. It was harrowing.

18 Q I understand. So we're going to scroll down a little bit to the next page.
19 We want to be mindful of the time.

20 So at the top of the page, you see there was a -- President Trump -- actually,
21 please scroll up a little bit, Heather. I want to read the tweet.

22 So at 2:24, President Trump tweeted, "Mike Pence doesn't have the courage to do
23 what should have been done to protect our country and our constitution." And he
24 derides him for not -- for refusing to halt certification.

25 And at the top of page 18, you see that Twitter labeled President Trump's tweet

1 4 minutes after he posted it. And an hour after he posted it or 90 minutes
2 approximately, Twitter restricted engaging with the tweet because of claims of election
3 fraud.

4 So my first question is, how does the fact that there was only a 4-minute lapse
5 between the posting of the tweet and the labeling of the tweet cast light on how atypical
6 the typical review process of President Trump's tweets was?

7 A Yeah. So I will just say I wasn't involved in the decision or recommendation
8 around labeling this specific tweet.

9 Q Okay.

10 A So I don't have full insight into that. And I will say, 4 minutes is very, very
11 quick. And so whoever was working on that assessment was working at it at light speed
12 and at a speed that I don't know that I have seen since or before.

13 Q Okay. That is very helpful.

14 So now we can keep scrolling a little bit. You see a couple of more of President
15 Trump's tweets. And then around 3:30 p.m. Eastern, which is after President Trump had
16 issued several more tweets, Twitter says that it reinstated certain interventions that it
17 established in October 2020 that had been discontinued after the election, like
18 disengaging, disabling engagement on certain tweets.

19 What is your reaction to that action item there?

20 A It's the first I'm hearing of it. I'm -- I very much might not have been privy
21 to these discussions, and I actually don't know what interventions they are referring to.

22 Q Okay. I guess zooming back a little bit.

23 At the time, October 2020, November 2020, were you involved in any
24 conversations where individuals advocated against disabling these engagement limiting
25 policies in the first place?

1 A No, I was not. I don't know what those -- I don't know what those -- what
2 the engagement disabling mechanisms are.

3 Q Okay. So going back to the time from around 2:20, 2:24 when things really
4 started to escalate. I know you talked about this earlier with Mr. Jackson, but could you
5 clarify for me again when exactly you were given the directive to, quote/unquote, stop
6 the insurrection and get the former President account suspended?

7 A Yes. That happened, I believe, around 1:30 p.m. EST.

8 Q PST?

9 A EST? EST I want to say.

10 Q Okay. Okay. So that was before he issued the tweet denouncing the Vice
11 President?

12 A I believe so.

13 Q So how did the process unfold in terms of -- we kind of talked about how the
14 coded incitement to violence policy was haphazardly up and running after months of
15 delay, but what about the framework to have President Trump removed from the
16 platform --

17 A Yeah.

18 Q -- sort of just by the mid-afternoon period?

19 A Yeah. So -- yes. So when I -- when given -- I'll be very honest with you.
20 I'm under oath as well. So when given the directive to attempt to find a reason to
21 permanently suspend the former President's account, I asked my manager why and for
22 what. And I specifically said, he's not doing anything else that he doesn't always do.
23 He's not saying anything different from what he's always said. And so I was very
24 confused as to where the directive was coming from. Again, from individuals who were
25 not allowed to touch his account for a very long time, moving from that inaction to we

1 need to suspend based on the same sort of conversation and context did not make a lot
2 of sense to me.

3 My manager did not provide a lot of information and, again, was making -- was
4 not able to give me a lot of context for understanding why we should be moving in that
5 direction. However, given, again, that we were in the midst and in the thick of things, I
6 began formulating what I thought was some sort of framework that could potentially be
7 used based on what I was seeing and working on.

8 And in my mind, I started talking and sketching out the understanding of what the
9 former President was doing and saying, being outside of the public interest at this point
10 because there had been violence that was occurring. I gave -- I literally said that out
11 loud, and I gave it to the other member of the team, and they were responsible for taking
12 that argument into a variety of other rooms and making it on behalf of our team.

13 I honestly have no knowledge of any of those conversations outside of the
14 conversation I had with that original team member. That team member never gave our
15 team any sort of insight into the conversations that happened, the arguments that were
16 made, or what actually went into the determination that happened later in that day to
17 temporarily suspend the President's account and place him in a timeout for several hours.

18 Q So the last you saw of the deliberative process was the argument you
19 handed off to a team member that was basically an ad hoc rationalization about not
20 being in the public interest?

21 A Yes.

22 Q Okay. So I think at this point we'll go to exhibit -- we're on exhibit 3.

23 We'll go to page 19. Oh, actually, before we do. Sorry. Scroll back up, [REDACTED]

24 I'm going to go off President Trump's account for a second.

25 At around 5 p.m. Eastern, so after the Capitol was -- the worst was over, Twitter

1 notes that safety policy circulated additional guidance to minimize content that might
2 have the propensity to incite violence. And, essentially, it goes over some things that
3 we've talked about before, deamplifying tweets, deny listing certain hashtags.

4 Was this a policy option that had been previously considered for the 6th if things
5 had gone south?

6 A Yes. I mean, I believe what's being talked about here is the enforcement
7 guidance that I created and shipped around the world.

8 Q Oh, okay.

9 A Yeah. I think that's -- that's what I think is being talked about here. And
10 so you're asking if this was potentially a possibility to be used before this. Yes, because
11 that was almost entirely based on the coded incitement to violence policy that had
12 already been written but wasn't implemented.

13 Q So this paragraph here could have been implemented as soon as the attack
14 started, as soon as the attack was incipient, had there been a coded incitement to
15 violence policy codified at 6 a.m. Eastern on January 6th?

16 A Yes.

17 Q Okay. That's very helpful.

18 All right. So we can go back to page 19 now.

19 So right here, the second action item that is listed is President Trump's tweet,
20 which I'll read for the record.

21 At 6:01 he tweets, These are the things and events that happen when a sacred
22 landslide election victory so unceremoniously and viciously is stripped away from great
23 patriots who have been badly and unfairly treated for so long. Go home with love and
24 in peace. Remember this day forever, exclamation point.

25 What was the reaction from you and your team to this tweet when it was posted?

1 A Yeah. To be really honest with you, I don't know that I really remember
2 having a specific reaction to this tweet because at that time, we were dealing with so
3 many other tweets, and we were still in the process of, I believe, bouncing tweets from all
4 around the service. And I mean, I can -- I can speak to most likely my reaction would
5 have not been great.

6 Again, the sort of go home with love and in peace and remember this day forever
7 language knowing that individuals had been shot at least at that point. I'm not sure if
8 anyone had actually died at that point, but there had been violence. And so knowing
9 that that had occurred and this -- again, the leader and main organizer of this violent
10 event is sending people home with love and peace and telling them to never forget.

11 Q So at this point, 6:01 p.m., you'd already -- Eastern time, you'd already
12 passed off the memorandum or the findings about potentially suspending President
13 Trump's account, right? It was no longer in your hands?

14 A No. That was belonging to another member on my team, yes.

15 Q Okay. So 26 minutes after this tweet, at 6:27 p.m., Twitter bounced three
16 tweets that were particularly problematic, including the one pressuring the Vice President
17 and the one right here that we talked about, and also locked President Trump's account.

18 A Uh-huh.

19 Q Did you have any part in those developments?

20 A No. Again, outside of crafting the original argument that I'm not even sure
21 if it was used within those -- in those conversations, no. I found out about this
22 happening with the rest of the world.

23 Q So you have no idea who gave the directive to do that?

24 A I do not have specific knowledge of who gave the directive to do that, but I
25 do know, if there was a directive given, it would have had to have been approved by Del

1 Harvey and Vijaya Gadde, if not Jack Dorsey as well.

2 Q I guess this gets into some broader questions we talked about with the
3 unique treatment of President Trump's account.

4 If this had been someone else's account posting these things about January 6th,
5 would it have taken this long for his account to be suspended on that day?

6 A No, I don't believe so. Again, it's almost 5 hours of an insurrection
7 happening in real time before an account was locked out. In any other circumstances or
8 situations in which violence was occurring on the ground, if we knew that there would be
9 a leader or some sort of promoter of that, we would've taken it down quickly.

10 Q And do you have any idea as to why these tweets were actioned all at once
11 and his account was locked simultaneously with those actions as opposed to as they
12 occurred?

13 A I don't know why it happened as they occurred. My assumption would be
14 that, again, all of this was -- all the deliberations were happening at one time. So every
15 tweet -- they were most likely making these determinations and then adding tweets to
16 the assessment as they were coming in. And it is not -- I will say it is not uncommon for
17 Twitter to bounce several tweets together in what is called an episode.

18 And so what that means is there are several pieces of content that Twitter agrees
19 happened all within one, again, episode of time or one display. And all of those are
20 taken down at the same time together underneath one policy violation. And so this is
21 not uncommon for three tweets to come down. And as a result of that sort of
22 enforcement, the action that is taken is a subsequent -- what's called a lockout or a
23 timeout from the account. You are forced to delete the tweets that are bounced. And
24 once you delete those tweets, you have to literally sit in a timeout with a clock that
25 counts down until you're able to interact with your account again.

1 Q Got it. That is helpful context.

2 And I'm wondering, in the specific framework of how Twitter dealt with President
3 Trump's account, does this activity at 6 -- at around 6:25 seem to you to be a deviation
4 from how Twitter had previously treated the President's account?

5 A Absolutely. This was the very first time that Twitter had forced Donald
6 Trump to remove his tweet. So a bounce is a forced delete, right? It locks you out of
7 your account until you delete the tweet. In every other instance in which we found
8 Donald Trump's tweets to have been violative, they were always found to, again, be
9 within the public interest, and so the public interest interstitial was applied.

10 Again, I don't know how this reasoning was reached in this circumstance and in
11 this situation, but it was absolutely outside the protocol because, again, whenever Donald
12 Trump would violate Twitter's rules, the action and enforcement that was taken was a
13 public interest interstitial, not a forced delete, not a bounce, not a timeout. This was
14 the first time this had ever occurred.

15 Q Okay. That's really helpful. And I want to pass it back to Mr. Jackson in a
16 few minutes. I have one question first that's specific and I just want to get on the
17 record.

18 When a tweet is bounced, these in particular, are they still visible on Twitter until
19 someone deletes them?

20 A I do not think so, but I think that's something to doublecheck. My
21 understanding and my recollection is that the tweet itself -- there's a tombstone that
22 pops up that says this tweet is a violation of Twitter's rules and you can no longer see the
23 tweet. But, again, it does -- Twitter as a company is not able to delete tweets
24 themselves. They have to force the user to delete the tweets themselves.

25 Q And if a user is suspended, their tweets are no longer visible?

1 A If a user is permanently suspended, their tweets disappear. And after,
2 they're not -- there is not a series of record keeping that happens at Twitter to preserve
3 the record either. Once an account is permanently suspended, after a certain amount
4 of time, the data no longer exists.

5 Q Okay. At this time period, the late afternoon, early evening of January 6th,
6 were there discussions or actions taken to lock or suspend other accounts that were
7 closely associated with the President?

8 We talked earlier about sort of those influencer level people who were also
9 posting similar inciting or disinformation activity. Were you aware of any of those
10 conversations going on within Twitter?

11 A Not to my recollection. Not to my --

12 Q Do you remember --

13 A Go ahead.

14 Q Any conversation about Dan Scavino's account?

15 A Do you happen to know Dan Scavino's twitter handle?

16 Q We can probably look that up, but not off the top of my head.

17 A Okay. I'm much better with Twitter handles than real names,
18 unfortunately.

19

20 ██████████ ██████████
21 ██████████ Yes.

22 ██████████ I believe it's just @DanScavino.

23 ██████████ Okay. That was going to be my guess.

24 J. Smith. Then, no. This is not ringing a bell. No.

25

BY ██████████

Q Okay. That's helpful. Thank you.

1 So we can move away from @realDonaldTrump for one second, and go to
2 January 7th on page 19.

3 So there is a -- you can see the last action item on January 7th is that Twitter
4 allowed its coordinated harmful activities policy to permanently suspend accounts whose
5 sole purpose was to promote QAnon, and in the span of just a few days, 70,000 accounts
6 had been suspended under that policy.

7 It seems like it had -- given the number of accounts that were suspended, these
8 were not all created by January -- on January 6th or after, that would be safe to say,
9 right?

10 A Yes, that's very safe to say.

11 Q And were there detection models in place before January 6th that would
12 have allowed Twitter to do precisely this, to cull the platform of QAnon-linked accounts?

13 A Yes.

14 Q About how many months would you say Twitter would have been able to do
15 this?

16 A Let me say, so the coordinated harmful activities policy was not my policy.
17 So I will say what I know about it, and I don't have very specific and firsthand knowledge
18 of it. And that policy is essentially a -- call it like a sister policy to the terrorist
19 organization and violent extremist organizations policy. And so it is in line with some of
20 the conversation that we were having earlier around groups that may not have been
21 identified as nationalist organizations or terrorist organizations or domestic violence
22 organizations, right, but were loosely affiliated conspiracy theory networks like QAnon.
23 And QAnon had proliferated on the platform for quite some time before January 6th.
24 But it was not until the violence that happened on January 6th and its link to individuals
25 who were also linked to the QAnon community that there was a willingness to then say,

1 this organization, this loosely grouped affiliation of conspiracy theorists meets the
2 threshold for what we consider to be coordinated harmful activity enough to be
3 permanently suspended.

4 Q Why do you think it took Twitter so long to take this action?

5 A It was my experience that it often took violence or death to occur in order
6 for Twitter to prioritize making policy decisions.

7 Q Okay.

8 [REDACTED] Well, I'll pass it over to Mr. Jackson, and I think I'll have some more
9 questions after he's walked through some of the other developments in the wake of
10 January 6th.

11 [REDACTED] Thank you, [REDACTED] —

12 BY [REDACTED]

13 Q If we could return to exhibit 6, specifically page 12 of the document. This
14 looks like the right one.

15 So earlier, J., you said that you received two directives from leadership in the sort
16 of immediate aftermath of the attack on the U.S. Capitol, and those were to stop the
17 insurrection and to find the justification for the suspension of realDonaldTrump.

18 A Yes.

19 Q And Trump's account was temporarily suspended on January 6th.

20 A Yes.

21 Q Was it your understanding at that time that leadership always planned to
22 find a rationale for permanent suspension?

23 A No. That was nowhere near my belief at that time.

24 Q So you thought this temporary suspension would be lifted and he would
25 continue mostly as normal?

1 A I did not believe that Donald Trump would ever be permanently suspended
2 from Twitter.

3 Q So the document we're looking at is a description of a series of meetings that
4 led to that exact outcome.

5 Did these meetings occur on January 8th or were they on the 7th?

6 A The meetings discussed in this document and all of the events that occurred
7 within this document occurred on January 8th.

8 Q Okay. What happened on the 7th to put this meeting on everyone's
9 calendar, or was there one event?

10 A Yeah. There was not an event to put this meeting or this kind of series of
11 events on anybody's calendar on January 7th. This was just kind of the aftermath of
12 Donald Trump coming out of his timeout and having to assess his tweets.

13 Q Okay. It says that your team received multiple inquiries via email and Slack
14 to conduct an assessment of the most recent tweet from @realDonaldTrump, which read,
15 The 75 million great American patriots who voted for me, America First and Make
16 America Great Again will have a giant voice long into the future. They will not be
17 disrespected or treated unfairly in any way, shape, or form, exclamation point,
18 exclamation point, exclamation point.

19 So you're called into -- after this tweet is sent, you receive sort of a barrage of
20 communications. Who was asking for this assessment?

21 A Yeah. It was a variety of different sources. I should say -- I mean, there
22 was nothing put in place, right? Like, we knew Donald Trump was coming out of the
23 timeout, but there was no monitoring in place to see what was going to be said. There
24 was no plan put in place in advance just in case there was a permanent suspension. It
25 was continuing to fly by the seat of the pants. Yes.

1 Does that answer your question?

2 Q Well, it was who -- it says multiple inquires. So I'm wondering who was
3 sending the inquiries.

4 A Yes. I believe at that point we got inquiries from at least the public policy
5 team. If not, I believe we got a request and incoming from external media sources as
6 well that were interested to see what was going to occur, both internal teams as well as
7 external sources.

8 Q Okay. So Trump tweets, again, "To all of those who have asked, I will not
9 be going to the inauguration on January 20th." And your team is asked to assess this
10 tweet. Is that right?

11 A Yes.

12 Q And you found it not in violation because you did not have additional
13 context about what Trump meant by this language?

14 A Yes. Yes.

15 Q Okay. And so the document says that you were then asked by Yoel Roth,
16 who is head of Site Integrity, to draft a written assessment. Would that have been a
17 normal thing to come from Mr. Roth?

18 A Absolutely not. Yoel had no management power or direct supervision over
19 our team in any way, shape, or form. It was actually a very abnormal request for him to
20 be asking our team to do work for him.

21 Q So there was no -- Mr. Roth doesn't sit anywhere in the org chart between
22 you and Del Harvey?

23 A No. He reports to Del Harvey, but he, again, is on the sister team. But he
24 is not in any -- he is not even on the safety policy team.

25 Q Site Integrity is a completely different cone?

1 A Yes. Different expertise.

2 Q Why do you believe Mr. Roth was the one to make this request?

3 A Mr. Roth was in a unique position at Twitter at that time. As I have
4 mentioned, there was an extreme power vacuum that had occurred after the global head
5 of safety policy's job was terminated. And the responsibility for making those decisions,
6 as we have discussed, was left up in the air for a lot of people to grab. I believe Yoel,
7 knowing full well the power that our team had and the implications of these types of
8 assessments, wanted to insert himself as a way of being a part of a momentous or
9 powerful decision.

10 Q And how would you describe your position at this juncture?

11 You've just, as you said, had the responsibility for Twitter's immediate response
12 land in your lap, not something you'd asked for. You asked repeatedly for guidance
13 from a person whose responsibility it should have been. Where do you stand on
14 January 8th, 2 days later?

15 A Yes. So on January 8th, I was still the most senior and tenured person on
16 the United States safety policy team. My subject matter expertise was still in free
17 expression. And so I was the most qualified and knowledgeable individual to be making
18 these assessments on that day.

19 Q And so there was a request to write a written assessment. My
20 understanding is there were two assessments. Did you write the first assessment?

21 A I do not believe that I wrote the first assessment. I might have added some
22 language to it, but I was not the person who began drafting the first assessment, no.

23 Q And this was the assessment that found Trump to be not in violation?

24 A Yes.

25 Q And that goes to Jack Dorsey and Vijaya Gadde against -- kind of without

1 your knowledge, right? This was supposed to be a draft?

2 A Yes. This was a draft that our team was working on. We had no idea that
3 it was shared all the way up with the CEO. As you mentioned, there was a first
4 assessment and another assessment. Very common within our assessments -- it was
5 very, very common for us to write multiple assessments. It was very common for us to
6 land at different decisions within those assessments. And so it was usually standard
7 procedure that we would not share an assessment unless we knew that it was finalized
8 and absolutely signed off on. And so it was a shock to us that that assessment had
9 made it all the way up the hierarchy.

10 Q So you then have a -- it looks like a 12 p.m. staff meeting with the Europe
11 team that was prescheduled --

12 A Keep scrolling.

13 Q Oh, yeah. Yeah. Please. If we could -- the next page I think.

14 A Thank you.

15 Q Sorry about that.

16 Yeah. You have a 12 p.m. assessment with the European where you discuss your
17 comfort level with that. And then later, you discuss maybe having another write-up of it
18 just in case the law enforcement team gets involved. Is that right?

19 A Yes. Yes. Again, this was pretty standard procedure at this point, right?
20 It was not uncommon especially on a decision -- this was the biggest decision, again, that
21 Twitter had ever been asked to make or be involved in. And in smaller decisions, it was
22 not uncommon for our team to reach a recommendation and then speak with our legal
23 team, and after that discussion, be recommended to either look underneath a different
24 policy or to think about additional context or something that we had not been thinking
25 about in a way that literally tipped the scale in which the assessment would go another

1 direction. This was incredibly common.

2 Q And it seems like -- there are some redactions in the document. But it
3 seems like this process did actually lead to a reassessment in the work product, and you,
4 drawing on additional context, the aftermath of the political violence, the activity you're
5 still seeing on the platform, a second assessment is reached advocating permanent
6 suspension. Is that accurate?

7 A That is accurate, yes.

8 Q Okay. And then this document is sent at 1:50 p.m. for approval?

9 A Do you mind scrolling so I can see?

10 Oh, sorry. 12:50?

11 Q 1:50. Just above the meeting with Del, Yoel, and some redacted names.

12 A Oh, oh, oh, oh. Yes. Okay. Yes. Yes, yes, yes.

13 Q Yeah.

14 A Yes.

15 Q And then 10 minutes later, there's a meeting with Del Harvey, Yoel Roth, and
16 some other individuals.

17 And who organized that meeting? Do you have a sense of who called that
18 meeting?

19 A Yes. I believe Del called that meeting.

20 Q So at that meeting, Del questions about the team's decision -- their
21 decisionmaking process, their position, and argues that reasonable minds could differ.
22 Could you summarize that conversation for us?

23 A Yes. I do also just want to say that it was our recommendation and we are
24 not decisionmakers. So she was talking about our recommendation, which in the
25 second assessment was for a violation of another policy. The second assessment was

1 underneath a different policy and took into account more considerations, and we found a
2 recommendation to permanently suspend the former President for glorification of
3 violence.

4 You asked me about the reasonable minds -- would you mind repeating that
5 question?

6 Q Yeah. Well, if you could summarize the exchange you had with Del in
7 which she argued that reasonable minds could differ and had to be persuaded.

8 A Yes. It was very clear when I joined the conversation that Del was skeptical
9 and did not agree with the team's recommendation at that time. Del continued along
10 the lines of her magical thinking and logical leaps and, again, made this sort of statement
11 around reasonable minds being able to differ with the assessment and conclusion that
12 our team drew. Again, very much -- very skeptical and, again, very much taking a
13 continued hands-off approach to the former President and his rhetoric.

14 Q And so I have two immediate reactions to that. One, of course, reasonable
15 minds can differ, but the nature of your work was to make controversial decisions and to
16 apply judgment to cases that were very much in grey areas. Is that right?

17 A Yes. Absolutely.

18 Q So reasonable minds could differ, it would seem, on almost all of the
19 decisions that reached Del Harvey's desk?

20 A That was the gist of our job. We were the reasonable minds, and we
21 differed amongst ourselves until we came up to a recommendation that we agreed on.
22 And yes, absolutely everything that came onto our desk could go either way, which is,
23 again, why, you know, the assessment went one way and then it went the other way,
24 because it very much -- that was very much -- that was the job.

25 Q And so the document says that it was not evident at which way Del was

1 leaning. Do you have any sense of what pushed this assessment over the finish line?
2 What piece of rhetoric or argument or logical claim?

3 A Yeah. I have a little bit of an idea. So the conversation that I continued to
4 have with Del was intense. And there were moments in which I reminded Del of her
5 past decisions and past precedent that she had set, and how the decision that she was
6 currently making was absolutely out of line with that past precedent, and asked her to
7 make it make sense.

8 She was not able to. This included instances in which -- Del had an ability to
9 make inferences when she wanted to and not make inferences when she wanted to.
10 Context was available to be used when she wanted to, but oftentimes context was not
11 allowed to be used. And it was -- it flip-flopped.

12 And in this specific situation, it was my argument that we could not have one of
13 those responses. And in this specific situation, one of Del's recommendations was, well,
14 why don't we just allow him to continue to tweet and we'll wait and see what happens.
15 And my response to that was, that's what we just did.

16 And I reminded her, because on January 6th, I also told Del, I am very frustrated
17 with you. I told you this was going to happen. You didn't listen to me. And so I
18 reminded her on January 8th, 2 days ago, people died, and I warned you that that was
19 going to happen. And I was looking at the service, and what I was actually seeing was in
20 response to Donald Trump's tweet about not going to the inauguration. I was seeing
21 the exact same rhetoric and the exact same language that had led up to January 6th
22 popping up underneath that tweet, but now talking about organizing and gathering for
23 another violent action to occur on January 17th.

24 And so it became very clear to me that these individuals were planning a second
25 attack. And if we allowed Donald Trump to continue to tweet in the way in which he

1 had tweeted leading up to January 6th, there was going to be another attack on the
2 United States Capitol, as well as capitols around the entire United States, on
3 January 17th.

4 Del did not seem to believe me. And there was a point in which I literally said to
5 her, Del, do you want to have more blood on your hands? And at that moment, she
6 asked me to go find proof and some evidence that individuals were, in fact, planning the
7 second insurrection on January 17th. And then I left the meeting.

8 Q Was it a -- was it a tense or heated exchange?

9 A Yes. Yes. I felt like I was on trial.

10 Q Do you have a sense of how others in the room or how members of -- other
11 members of Twitter leadership at Del's level or above might have felt about this or might
12 have -- or what they might have said to her?

13 A My manager was in the room. My manager, I don't believe, was paying
14 attention to the conversation. She was, again, messaging and looking to another screen
15 on her computer. I believe that Yoel's reaction very much mirrored Del's in skepticism.
16 But, again, I did not report to Yoel. I don't -- I, to this day, don't really know why I had to
17 argue to Yoel or why Yoel was in the room. And so I did not feel as if I needed to
18 persuade him. Del was the decisionmaker in the room, and it was her opinion that
19 mattered.

20 Q I have two questions I need to be sure to ask before we get off this call, and I
21 do want to make sure that [REDACTED] has a chance to follow up.

22 But the first question is: If you could describe how Del's thinking and arguments
23 in this context, in this singular moment, reflect the broader pattern of Twitter's treatment
24 of Donald Trump, of Twitter's reaction to violent events, of Twitter's failure to implement
25 proactive policies, those patterns, how this moment reflects all of them or if it does.

1 And then the second question is if, once the decision --

2 Ms. Ronickher. Wait. Wait. [REDACTED] maybe we should let her answer
3 that.

4 [REDACTED] Sure, sure. I mean, in the interest of time, I was gonna bundle,
5 but we can just ask one.

6 J. Smith. Thank you. I have extra time if we all need it.

7 And I believe that Del's thinking, reaction, reasoning in this circumstance was
8 absolutely indicative and emblematic of Twitter's hands-off, willfully ignorant approach to
9 the former President's rhetoric on the service and on the platform. I believe it showed
10 very much, one, again, her willingness to create scenarios that did not exist in order to
11 find exemptions for plain language that was presented before you. It highlighted
12 her -- her decisionmaking that was not consistent, and it highlighted the process around
13 that decisionmaking that was highly inconsistent. Again, whether the ability to read
14 words into tweets occurred in one circumstance or whether it occurred in another
15 circumstance or whether it did not.

16 I also think that the wait-and-see approach is highly -- it was the Twitter approach
17 to Donald Trump, was hands off, we will wait and see what happens. And it also very
18 much shows Twitter's lack of realization and lack of wanting to reckon with the reality of
19 what happened on January 6th, as well as its positionality, as well as its place in those
20 actions and those events that occurred.

21 It is very much ahistorical to say let's wait and see, when violence had just
22 occurred, and it is very much the continued approach of Twitter when it comes to these
23 circumstances as there is currently no policy, procedure, or content moderation in
24 practice that will stop this situation from occurring again.

25

BY [REDACTED]

1 Q And after the decision had been made and the ban was implemented, was
2 there ever -- before the ban was implemented or after, was there ever discussion of
3 reversing the permanent suspension?

4 A Yes and no. I say that because one of the projects that I was working on at
5 Twitter was about user rehabilitation, and the project was attempting to see how we
6 could bring back permanently suspended users onto the platform through a system or
7 process of restorative justice. It was a project that I had worked on almost my entirety
8 of time at Twitter that had gone through a variety of changes and had been essentially
9 killed at one point.

10 I want to say within a month of Donald Trump being permanently suspended from
11 the platform, we received information that there was a directive from the board of
12 directors to prioritize work about rehabilitation and restoration specifically for
13 permanently suspended users. And so while there was no explicit mention of Donald
14 Trump returning to the platform, again, the timing was incredibly coincidental. And I
15 always firmly believed that the decision could be reversed.

16 Q Was this project frog prince? That's a term that was in the notes a few
17 times.

18 A So yes. I believe project frog prince is -- was -- I believe was Trust and
19 Safety Del's response to the directive from the board in how Trust and Safety was going
20 to prioritize things like rehabilitation in order to meet those board directives.

21 Q What would a restorative justice approach to rehabilitating the former
22 President of the United States look like?

23 A It's a great question. So restorative justice is an ancient practice and
24 requires many things before participation. One includes a willingness to want to
25 participate. And a willingness to want to participate requires, one, an acknowledgment

1 that harm has been done and that you have caused harm. It also includes, typically, an
2 apology and a recognition of the harm that has been done. And then it also typically
3 includes a promise of better behavior in the future [inaudible] individuals are typically not
4 even asked to participate within a restorative justice process.

5 And so for the former President, in order to be able to effectively work through
6 restorative justice process, there would need to be some sort of reflection,
7 understanding, accountability, none of which has taken place.

8 Q That's heavy. I only -- the only thing I want to do is kind of finish up the
9 chronology of events, and then I can turn it over to [REDACTED] for his followup questions
10 and some closing questions.

11 So you have this meeting with Del Harvey. You argue somewhat intensely about
12 whether or not this is something Twitter should act on immediately and whether or not
13 it's justified under the policy. And afterward, that suspension is that -- your
14 recommendation is sent upstairs to Jack Dorsey and Vijaya Gadde. Is that correct?

1

2 [5:55 p.m.]

3 The Witness. Yes. From my understanding, after we collected those tweets
4 that showed that folks were attempting and planning on gathering on January 17th, we,
5 my team and myself, worked on collecting that information, inserting it into the
6 document. And Del sent that document up her -- is that correct?

7 Hold on one second. Sorry. Let me read this.

8 Okay. I'm sorry. Before the document was sent to Vijaya and Jack, we actually
9 had another meeting. So I had another meeting with Del and Yoel. The head of legal
10 was also in that meeting, and I also believe my supervisor was there.

11 And, at that point, the head of legal had actually -- am I allowed to talk about this,
12 Alexis?

13 Ms. Ronickher. No.

14 The Witness. Okay. Great.

15 The head of legal was there and added things to the document as well.

16 And, after that conversation, where it was no longer just the safety policy team
17 that was included in this recommendation but also included additional recommendations
18 from the head of legal, that document was shipped to Vijaya and Jack for their approval,
19 to my knowledge.

20

BY [REDACTED]

21 Q Are you able to say if there was, at this stage, concern about a potential
22 lawsuit?

23 Ms. Ronickher. Only -- wait. Only answer if it was not coming from legal.

24 The Witness. From legal, I cannot speak on that.

25 I will say, however, from working at Twitter for a very, very long time, when a

1 high-profile individual is permanently suspended from the service, there is a very high
2 likelihood of a suit being brought. In this specific case, it was the most famous user of
3 the service.

4 And so, in my mind, and to be honest with you, part of wanting to make sure and
5 asking that a retrospective in all of these things were put into place and making sure that
6 the information of these actions and these recommendations and determinations was
7 documented was in anticipation of a lawsuit potentially occurring.

8

BY [REDACTED]

9 Q And, at this meeting, was the sense that this was going to happen and you
10 needed to be ironclad on process, or was this still a consultative meeting?

11 A I -- and this was, I think, around 4:00 p.m. EST. I was not 100 percent sure
12 where the decision was going. I think, given the input from legal and the extent of the
13 conversation, Del's tenor had begun to change. And so it became clear that it might be
14 a possibility, but there was no -- there was no clear directive.

15 Q And so, after this meeting, the document shipped to the chief legal officer
16 and the CEO. And, about 50 minutes later, Jack Dorsey asks Del Harvey to make edits or
17 updates to the document.

18 Since those were not fully disclosed to the team, what do you know about what
19 this document said and what the edits were?

20 A I don't know anything.

21 The document that I wrote Del copied and pasted into a new document such that
22 all of our edits and our names and histories would not appear within the document. I
23 never saw that document.

24 The only information that I received, I believe, was from Del, that Jack had asked
25 for updates. But, to the extent -- I do not know -- yes.

1 Q Can you summarize the document that you sent to Del?

2 A Yes. So the document that I sent to Del was a very standard, what we --

3 Ms. Ronickher. Actually, let me jump in here.

4 Was the document you sent to Del labeled "attorney-client privileged"?

5 The Witness. Yes, it was. Thank you for asking.

6 Ms. Ronickher. Now, I would say that you could answer what your
7 recommendation and the basis of it was, but not specifically what was in that document.

8 The Witness. Okay.

9 Ms. Ronickher. If that is helpful, [REDACTED]

10 [REDACTED] That would be fine, yeah. Thank you.

11 The Witness. Yeah. Okay. The recommendation was that the account
12 @realDonaldTrump be permanently suspended for violating Twitter's policies against
13 glorification of violence.

14 [REDACTED] Okay.

15 Ms. Ronickher. And I just want to make clear, this was -- this safety policy --

16 The Witness. The safety policy --

17 Ms. Ronickher. Not legal's.

18 The Witness. No. It does not include legal's recommendation.

19 [REDACTED] Okay.

20 And, then, at 6:21, you receive a message from Del Harvey that the action has
21 been taken and the account will be permanently suspended, and the decision is
22 announced publicly.

23 I have no further questions on this, but if you are willing to stick around for just a
24 little longer, I want to give Mr. Glick a chance to ask any followup and then give you a
25 chance to make any kind of concluding remarks or reflections.

1 [REDACTED] So I think this will be very quick. I just have a couple of questions
2 about the chronology you just ran through with Mr. Jackson, and then we can move to
3 some broader conclusion questions where you can add some remarks if you wish.

4

BY [REDACTED]

5 Q So I wanted to return to your conversation with Del Harvey about the fact
6 that the tweet in question by the former President was being used to organize what you
7 termed earlier a second attack on the Capitol on January 17th.

8 You said you searched for evidence of that attack. Can you talk us through
9 whether that evidence was difficult to find?

10 A No, it was not difficult to find. It was very easily surfaced. If you literally
11 clicked on the tweet from Donald Trump, it was in direct reply to him, again, saying things
12 like, "We're locked and loaded and ready to go, #Jan17th" or "#J17."

13 A lot of the exact same rhetoric in the public blog that was posted. I believe they
14 might have included links. I don't know if that's true. I don't know if that is -- I would
15 check that out, to see if that was included in there.

16 But, no, it was easily -- it was easily surfaced and easily found content that was
17 advocating for a second insurrection attempt on January 17th.

18 Q So is it fair to say that the former President's tweet on January 8th was being
19 used as a nexus for violent coordinated calls to action, just like his December 19th tweet?

20 A Absolutely. That is very, very fair and accurate to say.

21 Q And, once the decision came down at 6 o'clock, or a little after 6 o'clock, on
22 January 8th to permanently suspend President Trump's account, what was your reaction?

23 A I was in shock. I did not actually think that was what was going to happen.

24 By the time I had -- by the time that was announced, I had actually signed off for
25 the day and closed my computer and had essentially thought that this was going to be

1 like many other decisions that had happened in which our team had made a very strong
2 recommendation and Del and the leadership team decided to go in another direction.

3 And after having, again, worked there for that long of a time and having had these
4 experiences on incredibly gray cases and incredibly huge issues, I was very prepared and
5 knew not to expect anything and, if anything, to expect a lot more of the same. And so I
6 was shocked that the action was taken.

7 Q I got it.

8 And I know you can't answer this with anything more than what you personally
9 know, but we talked a lot about the dynamics surrounding the President's account and its
10 unique treatment by Twitter. What do you think resulted in this different outcome on
11 January 8th?

12 A I think that January 8th happened and the permanent suspension happened
13 because Twitter knew -- and knew that they knew -- that they had missed the mark and
14 ignored what became January 6th.

15 And I believe that, having ignored the warnings that violence was going to occur
16 on January 6th and seeing the massive extent of violence that occurred and literally an
17 attempted insurrection occurring, I believe that that might have upped the stakes to such
18 a point that Twitter and Twitter leadership recognized that, when myself and my team
19 said again, "This is going to happen, and individuals will be harmed," we were actually
20 listened to, because I think that Twitter leadership recognized they did not want to be on
21 the hook for this happening again.

22 Q So, at the end of the day, do you think that the decision to permanently ban
23 President Trump was a result of the fact that his account was actively serving as a
24 continuing hub for coordinated calls to violence even after January 6th?

25 A Yes. Yes. I believe that the -- I believe and argued that the suspension of

1 Donald Trump's account needed to occur because the language that we saw happening
2 on January 8th was a continuation and a culmination of the language that we saw
3 happening before January 6th and leading up until January 6th.

4 [REDACTED] Well, I think we can go towards our more general concluding
5 questions, unless Mr. Jackson or Ms. Phoenix or Ms. Connelly have any questions before
6 we go there?

7 All right. So --

8 Ms. Ronickher. Actually, I just wanted to add something with regard -- if that's
9 okay -- with regard to --

10 [REDACTED] Of course.

11 Ms. Ronickher. -- the attorney-client privilege. And I can hold that for the end,
12 after your questions, or I can do that now. I just didn't know general your questions
13 were going to be for concluding.

14 [REDACTED] Yeah, I don't think that any of these questions are going to touch on
15 attorney-client privilege, so --

16 Ms. Ronickher. No, no. I was actually going to --

17 [REDACTED] Oh.

18 Ms. Ronickher. Because, you know, I have instructed her not to answer
19 questions about purported attorney-client privilege, particularly with regard to, you
20 know, the memo she drafted and certain decisions. But, you know, I wanted to perhaps
21 have a couple of minutes to follow up with her, when you're all done, on the record, just
22 to clarify, you know, information about that, in case it's an issue that comes up for you all.

23 [REDACTED] Sure, yeah. Why don't we save that for the end, and you can --

24 Ms. Ronickher. Great.

25 [REDACTED] Great. And thank you all for your patience.

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BY [REDACTED]

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Q So, given our very long conversation here today, could you summarize for us your feelings about Twitter's responsibility for the violence that occurred at the Capitol on January 6th?

A Yes.

I do not believe that January 6th would've happened if not for the decisions and content moderation practices that were implemented, or not implemented, and put into place at Twitter in relation to not just the former President but to the entire service.

My headphones also just died. So do you mind repeating that question while I take one of them out, please?

Q Sure. So, given our conversation here today, could you summarize your feelings about Twitter's responsibility for the violence at the Capitol on January 6th?

A Uh-huh. Yeah. Twitter was the home and the host for the individual who was the leader and main organizer that was responsible for the attack on the Capitol on January 6th. I believe that Twitter relished in their positionality of being the preferred platform, by use, by the former President.

And their inability to disassociate and disconnect with the clout or power or privilege that that esteem brought to its platform allowed it to become a cesspool of incitement to violence by individuals who were not only ready but motivated and highly riled on the service in order to actively commit violence.

January 6th was planned and orchestrated openly on twitter.com for any- and everyone to see.

Q Given that, what actions do you think your team could have taken that would've made a difference in preventing that violence and that open planning? And why weren't you able to take them? Obviously, broad strokes.

1 A Yeah.

2 Q We've covered a lot of this already.

3 A Yeah.

4 I believe that the safety policy team, as the team that was responsible on Twitter
5 for finding and maintaining the balance between free expression and safety, was tasked
6 with the responsibility of ensuring that the language and content that was hosted on the
7 Twitter platform did not become violative and did not spill over into a place of real-world
8 violence.

9 I believe that if our team would have been given the permissions and been
10 empowered to do our jobs the way that we knew how to do them, the way that we were
11 equipped to do them, and the way that we had always done our jobs, we would have
12 been able to create and implement a coded incitement to violence policy that most likely
13 would have removed the majority of content that was on the Twitter service that led to
14 that incitement to violence.

15 I cannot say that our team could have prevented January 6th from happening. I
16 believe there are so many other circumstances and situations at play that, again, led up to
17 the full culmination of events of January 6th.

18 But I do believe that it could've happened at a smaller scale and that there could
19 have been less violence or less -- less accessibility for violence to occur if this mass
20 organizing had not been allowed to happen on the Twitter platform and service.

21 Q Thank you.

22 And so I have two more questions. And the first is, do you think that Twitter's
23 unwillingness to consider serious action, beyond interstitial messages, against President
24 Trump's account throughout 2020 contributed to the proliferation of violent calls to
25 action by the far right during the course of that year and leading up to January 6th?

1 A Yes. Yes. I believe that -- sorry, my headphones just died. Can you hear
2 me?

3 Q Uh-huh.

4 A Let see if I have a headphone jack. Give me one second.

5 [REDACTED] And we can go off the record briefly at 6:16.

6 [Discussion off the record.]

7 [REDACTED] And we can go back on the record at 6:16 now.

8 The Witness. Would you remind repeating your question, please?

9 BY [REDACTED]

10 Q Sure.

11 Do you believe that Twitter's unwillingness to take more dramatic action against
12 President Trump's account throughout the chaos of 2020 worsened the spread of calls to
13 coordinated violent action by the far right on the platform and on the internet more
14 broadly?

15 A Yes, very much so. I believe that -- I -- Donald Trump's rhetoric has led to
16 violence against a variety of number of people, especially on the Twitter service.

17 And I know that we are specifically talking about January 6th here, and I will also
18 say it is -- it is also -- it is large, right? It is -- I think -- my brain is thinking very much
19 about hate crimes that have happened towards members of the Asian-American
20 community specifically connected towards Donald Trump's rhetoric. And having been a
21 member of the team who argued that that content at the time should've been seen as
22 dehumanizing and as a violation of the hateful conduct policies, I see within that arena
23 how much the fanning of the flame and of the rhetoric has led to direct violence and has
24 led to direct hate crimes.

25 That sort of same approach and this Twitter's unwillingness to rein in Donald

1 Trump and/or apply their standard operating procedures and policies to his account and
2 this desire, instead, to label or create interstitials I very much believe allowed the content
3 and the information to, again, proliferate. It did not stop engagement in any way,
4 shape, or form. Instead, it fanned the flames and very much allowed for these calls of
5 action to continue unfettered.

6 I believe if Twitter would have made the decision to take action and use a public
7 interest interstitial or something along the lines of -- that would have stopped
8 engagement, we would've seen a less dramatic action and it very much would have
9 helped with the spread of the content.

10 Q Thank you.

11 So my last question is forward-looking. And we've talked a lot about the ongoing
12 threat of coordinated violence being planned on social media in the immediate aftermath
13 of January 6th and in the year and a half since.

14 And my question is, as you look at the social media ecosystem today, what are you
15 most afraid of for the future?

16 A I am -- I am most afraid that there will, in fact, be a civil war that breaks out
17 within the United States and that it will occur soon.

18 I also am very much concerned, based upon my knowledge and understanding of
19 social media services and platforms, not just Twitter but the larger social media
20 ecosystem -- I am concerned, again, that January 6th will happen again. And not only
21 will it happen again, but it will happen at a bigger scale and with much more carnage than
22 what happened before.

23 Because the content moderation practices and policy philosophies that
24 undergirded the decisions that were being made at Twitter during 2020 now exist outside
25 of Twitter. They exist at small social media services, they exist at streaming services,

1 they exist within gaming services. And they are within -- this understanding and
2 thinking is steeped within this ecosystem in a way in which it has proliferated and has
3 become the dominant line of thinking.


4 And without a serious reflection and understanding of how those philosophies and
5 those decisions and that approach led to direct violence and led to direct incitement,
6 those of us and those individuals who continue to work within this sector and continue to
7 work on policies and continue to work in content moderation are only doomed to repeat
8 the past, because we have not learned our mistakes.

9 The information that I am sharing with you is only known by a handful of people.
10 There is no transparency, there is no accountability within these social media services.
11 And so there is no information-sharing. There is no information- or knowledge-sharing.
12 And so each individual social media company believes itself to be different and unique
13 and special and immune from the problems and controversies of its competitors. And
14 they are not.

15 And I hope -- I hope -- that this information and being able to have the truth be on
16 the record will also allow for us to learn from the past in a way that allows us to make
17 meaningful interventions within these platforms and services in the future in such a way
18 that I hope that I am wrong, that this does not occur again.

19 And having been in a position and having said out loud, this is going to occur, I am
20 back in that position and I am telling you again: Violence and political violence will
21 occur in this country again if there are not serious changes and serious interventions
22 made within the content moderation and policy practices of social media companies.

23 Q Thank you for that. And, as with all of your answers today, that was, I
24 think, very helpful and important for us to hear.

25  So, at this point, I do want to ask if I any of my other colleagues have

1 additional questions.

2 And, seeing none, I just want to ask if you, J. Smith, or, Alexis, if you'd like to say
3 anything -- Ms. Ronickher -- for the record.

4 Ms. Ronickher. Here, maybe we can go off the record just for a moment.

5 [REDACTED] Sure. We can go off the record at 6:25 p.m.

6 [Discussion off the record.]

7 [REDACTED] So we'll go back on the record at 6:28.

8 And, as just mentioned, we have one more question we wanted to ask the witness
9 before we break for the day.

10 BY [REDACTED]

11 Q And that question, J. Smith, is a followup to what you were just saying.
12 What changes do you think social media companies, big and small, need to be making in
13 order to head off the kind of conflict and violence that you are worried about?

14 A Yeah. That's a really -- that's a really, really great question.

15 I don't know if we are -- or how we honestly get to the point of making full-blown
16 change, because I very much, again, believe that we are at the point of not recognizing
17 that a problem has occurred. And I think, in order to be able to get to a place of making
18 change, we have to have that collective retrospective, to look back at the circumstance
19 and look back at the policies and procedures that were put into place or not put into
20 place before January 6th that led us here.

21 I also think that this is a tremendous case study in the rise of politics and this
22 interesting space of political influencers that has become incredibly large in social media.
23 I think that companies need to seriously understand that these individuals and that this
24 content not only exists, but the implication and the long-term impact that it can and will
25 have if left unfettered on a social media platform or service.

1 I also believe that social media companies need to do a much better job of
2 speaking with each other and working in these capacities that I spoke about earlier and
3 off-service and understanding that individuals do not use the internet within a vacuum,
4 right? They exist on the internet in various corners and on various services and on
5 various platforms. And in order to get a full picture and understanding of what the
6 behavior of a user is, it is going to require a full conversation and look into the full
7 internet behavior of these individuals.

8 And I think, without that larger picture moving into these 2020 and 2024
9 elections, again, we are only bound to repeat the past, because we have not learned from
10 those mistakes.

11 Q Thank you for that answer.

12 [REDACTED] And I think that Ms. Ronickher wanted to say something on the record
13 at this point?

14 Ms. Ronickher. Yes. I just wanted to ask a couple of questions of J. Smith with
15 regard to their answers regarding attorney-client privilege, since they did not -- I directed
16 them not to answer questions related to those.

17 J. Smith, can you describe the instructions that you were given with regard to
18 designating documents attorney-client privileged? Was it limited to communications
19 with attorneys?

20 The Witness. No. Our designation at Twitter for privileged and confidential
21 documentation was used for content that was sensitive and not wanting to be seen by
22 the eyes of the public.

23 Ms. Ronickher. And you answered a question earlier about the memorandum
24 prepared for the permanent suspension of former President Trump and to the question
25 that that was designated attorney-client privileged.

1 Was that memorandum prepared for providing information to legal counsel?

2 The Witness. No, it was not.

3 Ms. Ronickher. And did legal counsel weigh in to the preparation of that
4 memorandum prior to -- in the draft that you provided to Del Harvey?

5 The Witness. I believe they may have reviewed it, but they did not provide any
6 sort of legal advice.

7 Ms. Ronickher. And so they may have reviewed it prior to the meeting with legal
8 counsel there.

9 The Witness. Yes. Yes.

10 Ms. Ronickher. Okay.

11 Those are all my questions.

12 [REDACTED] Great. Thank you, Ms. Ronickher.

13 So, at this point, I would like to thank the witness for their time today and for their
14 willingness to work with the select committee, and would like to take a final opportunity
15 to see if anyone else has any questions on the staff?

16 Okay.

17 Seeing none, I wanted to make a final note that we will refer with counsel about
18 the issue of redactions and we will follow up on that, and the deposition will now extend
19 in recess, subject to the call of the chair.

20 And we can go off the record at 6:35 p.m.

21 [Whereupon, at 6:35 p.m., the deposition was recessed, subject to the call of the
22 chair.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date