

TERMS Act Stops Big Tech from Canceling Conservatives

The TERMS Act, S. 2010, originated with an investigation led by then-Ranking Member Ted Cruz of the U.S. Senate Committee on Commerce, Science, and Transportation. His April 2024 report revealed how some Online Service Providers (OSPs) weaponized terms of service to deny conservative organizations access to common business technologies.

The report criticized EveryAction, a customer relationship management (CRM) provider for nonprofit organizations, for barring conservatives from its platform. The company's Terms of Service prohibited denying "rights to the LGBTQ community," "a woman's right to reproductive choice," "racial justice," or "climate change."¹ Under the guise of this policy but without sufficient explanation or notice, EveryAction canceled service for dozens of mainstream groups like the Independent Women's Forum, forcing them to scramble to find replacement services.

This year, the Committee reviewed internal EveryAction emails that further underscore the need for the TERMS Act. The documents reveal that the company refused to renew the contracts of Wisconsin Right to Life, Idaho Family Policy Center, Deaconess Pregnancy & Adoptions, and Stand for Health Freedom, among others.² EveryAction discriminated on the basis of viewpoint, citing purported Terms of Service violations but refusing to go into detail to avoid public scrutiny.³ Rather than reviewing customers' use of the platform, EveryAction relied on groups like the discredited Southern Poverty Law Center (SPLC) to justify viewpoint-based discrimination.

Figure 1 - EveryAction Canceled Contracts for "Not Progressive Aligned" Orgs.

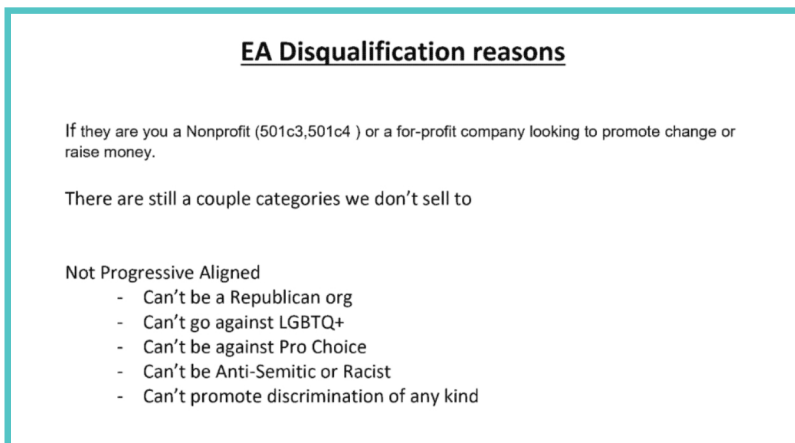


Figure 2 - SPLC Got to "Pick and Choose" Who Was Deplatformed

Hi Dr. Morse - It pains me to say that we cannot move forward with the Ruth Institute. It makes it even harder as I am aligned with the beliefs of your Organization and I think it's absolutely RIDICULOUS that the SPLC gets to pick and choose who is a hate group. Doesn't make any sense and they should be shut down. My CEO agrees that you shouldn't be on there, she took it up to our board and they said that is one rule they will not make an exception on. If an Organization is on the SPLC website, we cannot work with them.

I'm really sorry and I wish that wasn't the case. I hope you are able to find something that works for the Organization.

¹ *Terms of Service*, EVERYACTION (Jun. 15, 2021), <https://web.archive.org/web/20230815123115/https://www.everyaction.com/terms-of-service/>.

² Emails between EveryAction employees (Aug. 31, 2021, to May 25, 2022) (on file with the Committee).

³ *Id.*



U.S. SENATE COMMITTEE ON

COMMERCE, SCIENCE, & TRANSPORTATION

CHAIRMAN TED CRUZ