



State of New York
Executive Chamber
Albany 12224

May 18, 2022

Via Electronic Mail

The Honorable Letitia James
Attorney General of the State of New York
State Capitol
Albany, New York 12224

Re: Executive Law Section 63(8) Referral

Attorney General James:

I am writing in the wake of the mass shooting in Buffalo to request your assistance in investigating the role of social media platforms in this horrific crime. Publicly available information suggests that the alleged perpetrator was active on social media, especially on sites used by white supremacists threatening violence. When the alleged perpetrator started shooting, he livestreamed the incident. The alleged perpetrator himself, in now publicly available material, describes the ways in which social media radicalized him through exposure to violent rhetoric and previous attacks. The alleged perpetrator's manifesto bore the marks of similar writings of other violent white supremacists, including the El Paso and New Zealand killers, which have circulated on platforms on the Internet. We need to respect individual First Amendment rights, but when individuals use online platforms to promote and plan violence, it raises questions about the role of social media platforms in the promotion of the violence. These questions need to be answered.

New York State Executive Law Section 63(8) authorizes the Governor to direct the Attorney General to investigate matters concerning public peace, public safety, and public justice, to subpoena witnesses, and to compel the production of documents. Pursuant to that authority and in accordance with state and federal law, I am seeking your assistance to investigate the specific online platforms that were used to broadcast and amplify the acts and intentions of the mass shooting that took place in Buffalo on May 14, 2022 and determine whether specific companies have civil or criminal liability for their role in promoting, facilitating, or providing a platform to plan and promote violence. The investigation should include, but not be limited to a review of those platforms that may have been used to stream, promote, or plan this tragedy, including but not limited to Twitch (owned by Amazon), 4chan, 8chan, and Discord.

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Given the urgency of this situation, we expect that you will undertake this investigation with all due haste and in coordination with the ongoing investigations of the Buffalo tragedy by the Federal Bureau of Investigation, the Buffalo Police Department, the Erie County District Attorney's Office, and any other applicable federal, state, or local law enforcement.

We look forward to receiving updates on your investigation, as provided for in Executive Law § 63(8), and a final report on the findings of your investigation. We are grateful for your partnership on these critical efforts.

Sincerely,

A handwritten signature in black ink that reads "Kathy Hochul". The signature is written in a cursive, flowing style with a large loop at the end of the word "Hochul".

Kathy Hochul
Governor