

Congress of the United States
Washington, DC 20510

September 25, 2020

Mark Zuckerberg
Chairman and Chief Executive Officer
Facebook, Inc.
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Zuckerberg,

Millions of Americans turn to Facebook to stay informed.¹ Although Facebook does not always create the content its consumers share and read on its platforms, it is responsible for developing and enforcing policies for that content. Unfortunately, it appears that Facebook is failing to protect consumers from misinformation by inconsistently enforcing its policies for its own financial and political benefit.

Companies like Facebook can host information provided by a third party with nearly complete immunity from liability as a publisher or speaker.² The law does not require that platforms adopt particular content moderation policies or that they remain “neutral” when deciding what types of content they allow on their sites. As a result, Facebook has enormous power to publish content from around the world, which underscores the importance of Facebook delivering to consumers the services it promises.

We should all be able to agree that, because of this immunity that shields Facebook from liability, Facebook has a heightened obligation to be straight with its customers about how it will moderate content on its site and to be consistent about how it does so. At a minimum, Facebook must evenly enforce the company’s published policies.

Facebook’s published policies for content moderation are only as effective as its willingness to enforce them consistently. Unfortunately, various reports indicate that Facebook has not done that, and instead, chooses to apply different moderation rules across the platform in deference to right-wing content.^{3,4} Far from being biased *against* one political perspective, it

¹ In 2018, Pew Research Center estimated that 43% of Americans received their news from Facebook. See Elisa Shearer and Katerina Eva Matsa, “News Use Across Social Media Platforms 2018,” Pew Research Center, September 10, 2018. <https://www.journalism.org/2018/09/10/news-use-across-social-media-platforms-2018>.

² Title 47 U.S.C. § 230.

³ See Olivia Solon, “Sensitive to claims of bias, Facebook relaxed misinformation rules for conservative pages,” *NBC News*, August 7, 2020. <https://www.nbcnews.com/tech/tech-news/sensitive-claims-bias-facebook-relaxed-misinformation-rules-conservative-pages-n1236182>. See also Craig Silverman and Ryan Mac, “Facebook Fired An Employee Who Collected Evidence Of Right-Wing Pages Getting Preferential Treatment,” *Buzzfeed News*, August 6, 2020. <https://www.buzzfeednews.com/article/craigsilverman/facebook-zuckerberg-what-if-trump-disputes-election-results>.

⁴ Sarah Frier and Kurt Wagner, “Facebook Needs Trump Even More Than Trump Needs Facebook,” *Bloomberg Businessweek*, September 17, 2020. <https://www.bloomberg.com/news/features/2020-09-17/facebook-and-mark-zuckerberg-need-trump-even-more-than-trump-needs-facebook>.

appears these decisions are actually propelling right-wing voices, including those peddling misinformation.⁵

In addition to reports of the deliberate inconsistent enforcement of Facebook's moderation policies, we also understand that the company has intervened and overturned credible fact-checkers' decisions to protect right-wing viewpoints and speakers.⁶ And, although Facebook has developed tools to prevent the dissemination of divisive information, media reports suggest the company does not always use them because of how they might suppress revenue or arouse political criticism.⁷ These choices, if true, suggest a troubling pattern,⁸ particularly when coupled with the fact that Facebook's platform design is financially motivated to keep its consumers engaged with the platform, a feature that further fuels extreme content and misinformation.⁹

Facebook's reported failures to follow its own policies not only harm its users, but also society as a whole. Even the company's recent civil rights audit highlights inconsistent moderation as posing negative impacts on vulnerable groups.¹⁰ Furthermore, Facebook's poor enforcement of its Community Standards has resulted in women politicians enduring misogynistic and hateful content at far greater levels than their male counterparts, sowing distrust in women's leadership and authority.¹¹ These deliberate actions appear to have eroded public trust in accurate and factual information, deepened societal polarization, and threatened open

⁵ Research has found that right-wing media information spreads further and faster than information from other sources, which highlights how important it is that Facebook protect consumers against this type of information when it is false. For example, CrowdTangle, a data analytic firm owned by Facebook, ranked Fox News and Breitbart, both known for promoting misinformation right-wing content, first and second, respectively, as top performing—which means that they received the most likes, comments, and shares of all U.S.-based news organizations on Facebook. See Oliver Darcy, "Trump says right-wing voices are being censored. The data says something else." *CNN Business*, May 28, 2020. <https://amp.cnn.com/cnn/2020/05/28/media/trump-social-media-conservative-censorship>. If right-wing posts typically have a broad reach and strong user engagement, and might also more often rely on inaccurate sources, it is only logical that this type of content would violate Facebook's moderation policies more often than other types of content and require Facebook to take action.

⁶ Emily Atkin, "Facebook creates fact-checking exemption for climate deniers," *Heated*, June 24, 2020. <https://heated.world/p/facebook-creates-fact-checking-exemption>.

⁷ Deepa Seetharaman, "Facebook to Revamp 'Trending Topics' Feature to Reduce Bias Risk," *Wall Street Journal*, May 23, 2016. <https://www.wsj.com/articles/facebook-shifts-trending-topics-feature-amid-bias-fears-1464051610>. See also Jeff Horwitz and Deepa Seetharaman, "Facebook Executives Shut Down Efforts to Make the Site Less Divisive," *Wall Street Journal*, May 26, 2020. <https://www.wsj.com/articles/facebook-knows-it-encourages-division-top-executives-nixed-solutions-11590507499>.

⁸ Ben Smith, "How pro-Trump forces work the refs in Silicon Valley," *New York Times*, August 9, 2020. <https://www.nytimes.com/2020/08/09/business/media/trump-facebook-google-twitter-misinformation.html>. See also Craig Timberg, "How conservatives learned to wield power inside Facebook," *Washington Post*, February 20, 2020. <https://www.washingtonpost.com/technology/2020/02/20/facebook-republican-shift/>.

⁹ Brandi Collins-Dexter, "Ricky Byrdsong And The Cost Of Speech," *TechDirt*, August 19, 2020. <https://www.techdirt.com/articles/20200813/13163145106/ricky-byrdsong-cost-speech.shtml>. See also Amber Case, "The Problems with Facebook are inherent in its design, but that can change," *Tech Crunch*, April 16, 2018. <https://techcrunch.com/2018/04/16/the-problems-with-facebook-are-inherent-in-its-design-but-that-can-change>.

¹⁰ Laura Murphy, "Facebook's Civil Rights Audit – Final Report," July, 8, 2020. <https://about.fb.com/wp-content/uploads/2020/07/Civil-Rights-Audit-Final-Report.pdf>.

¹¹ Rebecca Heilweil, "What women in Congress want from Facebook," *Vox*, August 7, 2020. <https://www.vox.com/recode/2020/8/7/21358079/facebook-sexism-algorithms-discrimination>.

democratic discourse—all of which are at odds with Facebook’s purported mission of giving users “the power to build community and bring the world closer together.”¹²

This is unacceptable. Facebook should quickly and consistently address violations of its Community Standards, no matter the political motivation of a user. Although the First Amendment limits the ability of the government to dictate what information platforms host on their sites, Congress still has an important role to play in ensuring platforms are accountable to consumers and transparent about the products they offer. Please answer the following questions on how Facebook is ensuring that all Americans receive accurate information by October 9, 2020:

- 1) Does Facebook ever waive its own moderation policies against users that violate Facebook’s Community Standards and does it intervene on behalf of a user to reverse a moderation decision? If so, under what circumstances, and how? How does Facebook track those instances? Why are statistics related to the waiving and non-enforcement of the Community Standards not part of Facebook’s quarterly transparency reports?
- 2) What recent research or assessments has Facebook conducted to determine whether its products and services, including its use of algorithms, lead to or exacerbate political polarization or societal division? How does Facebook intend to revise its policies in light of any relevant findings to mitigate those impacts?
- 3) Facebook stated that it is committed to putting most recommendations from its Civil Rights Audit “into practice.” Has Facebook evaluated how its application of different standards to right-wing misinformation may impact the platform, including the civil rights of its broader user base?
- 4) How does Facebook evaluate the performance of third-party fact checkers, including those with known political viewpoints, and does it make such evaluations publicly available? What notice do consumers receive if one of Facebook’s fact checking partners makes an error or revises its conclusion?
- 5) What tools does Facebook have that would help reduce divisiveness on its platform? How does Facebook utilize these tools? Are there any reasons for Facebook not to use them?
- 6) Capturing user attention and time is key to the business model of Facebook’s platforms and products. Has Facebook conducted any financial analysis on the impact of its moderation policies? How does enforcing Facebook’s moderation policies against widely-shared misinformation financially impact Facebook?
- 7) How does Facebook provide notice to its users that it may have promoted and/or recommended content that was later found to be in violation of Facebook’s Community Standards or terms of service?

¹² Facebook, Investor Relations. <https://investor.fb.com/resources>.

- 8) How does Facebook use research and data, including from internal and external sources, in the refinement and application of its moderation policies? Please provide the most recent CrowdTangle trend report and any other relevant Facebook-funded research that reflect data on news organizations' content performance.
- 9) Will the Facebook Oversight Board provide more clarity on Facebook's moderation enforcement related to illegal or harmful content, including content that has been amplified or suppressed, on Facebook's platforms or products? Will decisions of the Board establish precedent for future violations? What assurances can Facebook offer to Congress that it will not interfere in the decisions made by the Board?

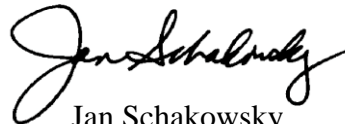
Sincerely,



Brian Schatz
U.S. SENATOR



Jackie Speier
MEMBER OF CONGRESS



Jan Schakowsky
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