

United States Senate

May 12, 2020

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

Dear Mr. Zuckerberg:

I write with a series of questions regarding Facebook's disinformation policy, specifically as it pertains to hate speech, discriminatory targeting and the threats such disinformation poses to civil rights and voting rights in advance of the 2020 election. As the coronavirus pandemic continues to claim the lives of many thousands of people around the world and as our nation grapples with the challenge of rebuilding our economy, Facebook, a social media platform with more than 2.5 billion average monthly users, plays a critical role in addressing this ongoing crisis.¹ The COVID-19 pandemic will almost certainly continue to affect most Americans for many months to come. In addition, with federal, state, and local elections slated for November 2020, Facebook has a responsibility to ensure that its platforms do not become a hotbed of disinformation.

The convergence of the COVID-19 crisis with the upcoming election shines a spotlight on the pivotal role that Facebook's management and Board will play in helping to protecting the health and civil rights of its users. While we are aware of recent steps your company has taken to increase public awareness of COVID-19's health impact, we are deeply troubled by the inability or unwillingness of your senior management and the company's Board of Directors to address a number of fundamental civil and human rights issues. These include the company's continued failure to protect users from hate speech and misinformation on the platform,² and its ineffectual policies controlling discriminatory targeted advertising.³ These failings present real danger to people of color, especially with regard to protecting voting rights in the upcoming 2020 elections.

The COVID-19 pandemic has exacerbated the already dire problem of online misinformation, especially at Facebook. Despite highly publicized efforts to police its platform, millions of Facebook users have received posts regarding bogus COVID-19 cures and conspiracy theories

¹ <https://techcrunch.com/2018/07/25/facebook-2-5-billion-people/>

² <https://www.washingtonpost.com/technology/2019/10/23/facebook-mark-zuckerberg-testifies-congress-election-libra/>;

<https://www.commerce.senate.gov/2019/9/mass-violence-extremism-and-digital-responsibility>;

<https://www.vox.com/policy-and-politics/2019/12/3/20965459/tech-2020-candidate-policies-section230-facebook-misinformation-hate-speech>

³ <https://www.propublica.org/article/facebook-ads-can-still-discriminate-against-women-and-older-workers-despite-a-civil-rights-settlement>

<https://www.washingtonpost.com/technology/2019/09/18/housing-companies-used-facebooks-ad-system-discriminate-against-older-people-according-new-human-rights-charges/>;

<https://www.axios.com/online-ad-targeting-political-misinformation-3fac586c-2412-4c2b-a9c9-cbd2d47de6f8.html>;

<https://www.wired.com/story/why-dont-we-just-ban-targeted-advertising/>

about the origins of the coronavirus, according to the independent watchdog organization NewsGuard.⁴ NewsGuard said that in a majority of the false posts it reviewed, “Facebook did not provide any warning, fact-checking language, or links to more credible sources — despite the platform’s recent promises to do so.” A separate investigation by the advocacy organization Avaaz found that pieces of misinformation content it sampled--representing “the tip of the misinformation iceberg”--were shared over 1.7 million times on Facebook and viewed an estimated 117 million times. Avaaz added that it can take up to 22 days for Facebook to downgrade and issue warning labels on misinformation, “giving ample time for it to go viral.”⁵

Meanwhile, Facebook maintains an unprecedented and controversial policy of not fact-checking political candidates’ statements or ads,⁶ allowing them to run false and misleading advertisements on your platform, a policy that is at odds with those of other tech giants. This policy has prompted widespread criticism in many quarters including, apparently, Facebook’s own Board of Directors. According to *The Wall Street Journal*, Kenneth Chenault, former CEO of American Express, is leaving Facebook’s Board because of disagreements with you “over both political advertising and Facebook’s policies related to discourse on its platform.” In the last year, according to the *Journal*, Facebook has announced the departure of four independent board directors, “replacing them in some instances with people who have *preexisting* social or business relationships with Mr. Zuckerberg.”⁷ As summed up by the *Journal*, of the nine Facebook directors at the start of 2019, only four will remain; including yourself and Sheryl Sandberg. We are concerned that the high turnover of leadership at the Board-level at Facebook is contributing significantly to the company’s failure to deliver on basic civil and human rights commitments. In fact, the issue of Board-level oversight and expertise in civil and human rights is the focus of two separate shareholder proposals by Facebook investors, according to the 2020 proxy statement filed recently by the company at the Securities and Exchange Commission.⁸

In 2019 over 40 organizations, including the Leadership Conference on Civil and Human Rights and Color Of Change, urged you to consider the “protection of civil rights as a fundamental obligation as serious as any other goal of the company.” The organizations said: “Despite years of dialogue and a partially complete civil rights audit, Facebook continues to act with reckless disregard for civil rights... Thus, despite grand promises on many fronts, we are left with no guarantee that Facebook can prevent any new product or policy from threatening civil and human rights.”⁹

In light of these concerns, we kindly request that you respond to the following questions:

1. Will Facebook reconsider, prior to the 2020 elections, its policy of not fact-checking the statements and ads of politicians?
2. Has Facebook’s board reviewed the company’s policy regarding fact-checking of politicians’ posts and ads?
3. Will Facebook permit posts and ads by politicians regarding COVID-19 that are factually incorrect?
4. Will Facebook permit posts and ads by politicians regarding the election process that are factually incorrect?

⁴ <https://www.newsguardtech.com/superspreaders/>

⁵ https://secure.avaaz.org/campaign/en/facebook_coronavirus_misinformation/

⁶ <https://www.facebook.com/business/help/182222309230722>

⁷ <https://www.wsj.com/articles/chenault-leaves-facebook-board-after-disagreements-with-zuckerberg-11584140731>
https://www.wsj.com/articles/mark-zuckerberg-asserts-control-of-facebook-pushing-aside-dissenters-11588106984?mod=hp_lead_pos5;

⁸ <http://d18rn0p25nwr6d.cloudfront.net/CIK-0001326801/a5bdeea6-726a-409c-8b6d-5ff86863196d.pdf>; pages 73 and 75

⁹ <https://civilrights.org/2019/10/21/more-than-40-organizations-urge-facebook-to-protect-civil-rights/>

5. Please describe in detail Facebook's organizational process for reviewing content related to voter suppression, specifically addressing what you have called "misrepresentations about how to vote." How would this process apply to statements by politicians regarding mail-in and absentee voting?
6. Please describe the steps has Facebook taken to address increases in hate speech on your platform, including misinformation and attacks targeting Asians and Asian-Americans.
7. Will Facebook commit to support the addition of a person with a high-level of civil and human rights expertise to its Board of Directors?

We appreciate your prompt attention to this matter and respectfully request a response by May 22, 2020.

Sincerely,

/s/ Robert Menendez

United States Senator

/s/ Kamala D. Harris

United States Senator

/s/ Richard Blumenthal

United States Senator