



KARL A. RACINE  
ATTORNEY GENERAL  
DISTRICT OF COLUMBIA



KWAME RAOUL  
ATTORNEY GENERAL  
THE STATE OF ILLINOIS



GURBIR S. GREWAL  
ATTORNEY GENERAL  
THE STATE OF NEW JERSEY

August 5, 2020

Mark Zuckerberg, Chairman & Chief Executive Officer  
Sheryl Sandberg, Chief Operating Officer  
Facebook, Inc.  
1 Hacker Way  
Menlo Park, California 94025

Dear Mr. Zuckerberg & Ms. Sandberg:

We, the undersigned State Attorneys General, write to request that you take additional steps to prevent Facebook from being used to spread disinformation and hate and to facilitate discrimination. We also ask that you take more steps to provide redress for users who fall victim to intimidation and harassment, including violence and digital abuse.

Our nation is in the midst of a reckoning on issues of racial justice and civil rights. As State Attorneys General, we have witnessed firsthand how the country's longstanding undercurrent of discrimination has burst into the open, as reports of hate crimes and bias incidents of all kinds have dramatically increased in recent years.<sup>1</sup> And while recent events have further highlighted the systemic injustice that persists in our society, the last few months also have seen millions of Americans join together to call for action against bias and racism.

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<sup>1</sup> See Adeel Hassan, "Hate-Crime Violence Hits 16-Year High, F.B.I. Reports," *The New York Times* (Nov. 12, 2019), <https://www.nytimes.com/2019/11/12/us/hate-crimes-fbi-report.html>; Press Release, AG Grewal Releases Preliminary Number of Reported Bias Incidents in New Jersey in 2019, Showing 65 Percent Increase Over 2018 (Jan. 13, 2020), <https://www.nj.gov/oag/newsreleases20/pr20200113c.html>.

As you know, Facebook is not immune to these problems. Although Facebook has made some progress in counteracting the use of its platform to dehumanize and demean, that is just the beginning of what is necessary.<sup>2</sup> Private parties, organized groups, and public officials continue to use Facebook to spread misinformation and project messages of hate against different groups of Americans. In many cases, these messages lead to intimidation and harassment of particular individuals online.

According to recent surveys, more than forty percent of Americans have experienced some form of online harassment, including cyberstalking, doxing (maliciously publishing someone's personal information), and swatting (filing false police reports to prompt a law enforcement response targeting the victim).<sup>3</sup> Of those Americans who report having been harassed online, more than three-quarters have reported being harassed on Facebook.<sup>4</sup> Much of that harassment is focused on characteristics protected by the civil rights laws that many of us are charged with enforcing, including race, religion, ethnicity, sexual orientation, gender and gender identity, and disability.<sup>5</sup> Recourse is unavailable for too many of these victims, due to limitations on the services that Facebook offers victims and other impediments to securing relief through civil lawsuits or criminal prosecutions.

We understand that Facebook has committed to the public and its users that it will “invest billions of dollars each year to keep [Facebook’s] community safe and continuously work with outside experts to review and update [Facebook’s] policies.”<sup>6</sup> But, as the most recent Civil Rights Audit reveals, the steps you have taken thus far have fallen short. With the vast resources at your disposal, we believe there is much more that you can do to prevent the use of Facebook as a vehicle for misinformation and discrimination, and to prevent your users from being victimized by harassment and intimidation on your platforms.

As State Attorneys General, we are responsible for protecting the safety and wellbeing of all the communities we serve. As part of that mission, we must constantly contend with the impacts of online hate, intimidation, and harassment. Many of our offices enforce the laws that protect our residents from bias offenses, intimidation, and harassment—whether online or on our streets.<sup>7</sup> And

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<sup>2</sup> See Laura W. Murphy & Megan Cacace, *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>.

<sup>3</sup> See Maeve Duggan, Pew Research Center, *Online Harassment 2017* (July 11, 2017), [https://www.pewresearch.org/internet/wp-content/uploads/sites/9/2017/07/PI\\_2017.07.11\\_Online-Harassment\\_FINAL.pdf](https://www.pewresearch.org/internet/wp-content/uploads/sites/9/2017/07/PI_2017.07.11_Online-Harassment_FINAL.pdf); Anti-Defamation League, *Online Hate and Harassment: The American Experience 2020*, at 7, <https://www.adl.org/media/14643/download>.

<sup>4</sup> *Online Hate and Harassment* at 15.

<sup>5</sup> *Ibid.*

<sup>6</sup> Live post on Mark Zuckerberg’s Facebook Profile (June 26, 2020 at 1:49 p.m.), <https://www.facebook.com/zuck/videos/10112048862145471/>.

<sup>7</sup> See Press Release, Attorney General Fox Intervenes in Neo-Nazi Intimidation Case (May 15, 2018), <https://dojmt.gov/attorney-general-fox-intervenes-in-neo-nazi-intimidation-case/>.

many of our offices include units dedicated to serving the victims of unlawful conduct, including helping them access and use tools that allow them to vindicate their rights.

As part of our responsibilities to our communities, Attorneys General have helped residents navigate Facebook's processes for victims to address abuse on its platform. While Facebook has—on occasion—taken action to address violations of its terms of service in cases where we have helped elevate our constituents' concerns,<sup>8</sup> we know that everyday users of Facebook can find the process slow, frustrating, and ineffective. Thus, we write to highlight positive steps that Facebook can take to strengthen its policies and practices. We hope to work with you to ensure that fewer individuals suffer online harassment and discrimination, and that it is quickly and effectively addressed when they do.

Based on our collective experience, we believe that Facebook should take additional actions including the following steps—many of which are highlighted in Facebook's recent Civil Rights Audit—to strengthen its commitment to civil rights and fighting disinformation and discrimination:

- **Aggressively enforce Facebook policies against hate speech and organized hate organizations:** Although Facebook has developed policies against hate speech and organizations that peddle it, we remain concerned that Facebook's policies on Dangerous Individuals and Organizations, including but not limited to its policies on white nationalist and white supremacist content, are not enforced quickly and comprehensively enough.<sup>9</sup> Content that violates Facebook's own policies too often escapes removal just because it comes as coded language, rather than specific magic words. And even where Facebook takes steps to address a particular violation, it often fails to proactively address the follow-on actions by replacement or splinter groups that quickly emerge.
- **Allow public, third-party audits of hate content and enforcement:** To gauge the ongoing progress of Facebook's enforcement efforts, independent experts should be permitted access to the data necessary to conduct regular, transparent third-party audits of hate and hate-related misinformation on the platform, including any information made available to the Global Oversight Board. As part of this effort, Facebook should capture data on the prevalence of different forms of hate content on the platform, whether or not covered by Facebook's own community standards, thus allowing the public to determine whether enforcement of anti-hate policies differs based on the type of hate content at issue.
- **Commit to an ongoing, independent analysis of Facebook's content population scheme and the prompt development of best practices guidance:** By funneling users toward particular types of content, Facebook's content population scheme, including its algorithms, can push users into extremist online communities that feature divisive and

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<sup>8</sup> See Press Release, Division on Civil Rights Calls on Facebook to Monitor Comments on Group Page Encouraging Violence Against Orthodox Jews in Ocean County (Apr. 5, 2019), <https://www.nj.gov/oag/newsreleases19/pr20190405a.html>; Press Release: "Joint Statement by Governor Murphy and Attorney General Gurbir Grewal on Facebook's Removal of Anti-Semitic, Racist Group Page," (Feb. 4, 2020), <https://www.nj.gov/governor/news/news/562020/20200205b.shtml>.

<sup>9</sup> See Tech Transparency Project, *White Supremacist Groups Are Thriving on Facebook* (May 21, 2020), <https://www.techtransparencyproject.org/articles/white-supremacist-groups-are-thriving-on-facebook>.

inflammatory messages, often directed at particular groups. Although Facebook has conducted research and considered programs to reduce this risk, there is still no mandatory guidance for coders and other teams involved in content population. Facebook should commit to an ongoing, independent analysis of its content population scheme, including its algorithms, and also continuously implement mandatory protocols as best practices are identified to curb bias and prevent recommendations of hate content and groups.

- **Expand policies limiting inflammatory advertisements that vilify minority groups:** Although Facebook currently prohibits ads that claim that certain people, because of their membership in a protected group, pose a threat to the physical safety of communities or the nation, its policies still allow attacks that characterize such groups as threats to national culture or values.<sup>10</sup> The current prohibition should be expanded to include such ads.

We also recommend the following measures to improve the supportive services that Facebook offers to users who have been or may become victims of harassment and intimidation on its platforms:

- **Offer live real-time assistance:** Facebook users can report intimidation and harassment but cannot immediately engage a Facebook employee who can promptly address issues that are occurring in real time. Victims of intimidation and harassment would benefit from more immediate access to Facebook employees who can offer prompt assistance. For example, if a user is being doxed, live assistance could help stop the spread of the user's personal information before the damage cannot be undone.
- **Make information about harassment and intimidation more readily available:** Facebook should facilitate evidence preservation and cooperate with victims and law enforcement agencies seeking evidence to prove a case of harassment or intimidation, such as cyberstalking or non-consensual distribution of intimate imagery, when the offenders use Facebook to perpetrate their crimes.
- **Strengthen filtering, reporting, and blocking tools:** Facebook allows users to block individual people, but users should have stronger tools and more choices for filtering out and reporting hateful, intimidating, and harassing content they do not want to see in their feeds. For example, if members of a Facebook group are engaged in an organized campaign of harassment against a single user, the victim should be able to block all members of the group and report batches of posts or users without having to block or report each individually.

We urge Facebook to take these steps to better tackle hate in our society, and address the interests of users who are victimized by others in the online community that Facebook has built.

Sincerely,

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<sup>10</sup> See *Civil Rights Audit* at 23 (noting that advertisers could still “claim[] a religious group poses a threat to the ‘American way of life’”).

GURBIR S. GREWAL  
New Jersey Attorney General

KARL A. RACINE  
District of Columbia Attorney General

KWAME RAOUL  
Illinois Attorney General

XAVIER BECERRA  
California Attorney General

WILLIAM TONG  
Connecticut Attorney General

KATHLEEN JENNINGS  
Delaware Attorney General

CLARE E. CONNORS  
Hawaii Attorney General

TOM MILLER  
Iowa Attorney General

AARON M. FREY  
Maine Attorney General

BRIAN E. FROSH  
Maryland Attorney General



MAURA T. HEALEY  
Massachusetts Attorney General



KEITH ELLISON  
Minnesota Attorney General



HECTOR BALDERAS  
New Mexico Attorney General



LETITIA JAMES  
New York Attorney General



JOSH STEIN  
North Carolina Attorney General



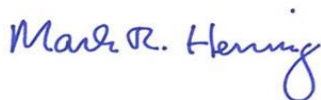
JOSH SHAPIRO  
Pennsylvania Attorney General



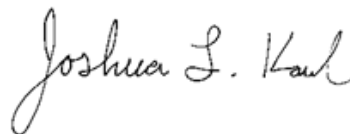
PETER NERONHA  
Rhode Island Attorney General



THOMAS J. DONOVAN, JR.  
Vermont Attorney General



MARK R. HERRING  
Virginia Attorney General



JOSHUA L. KAUL  
Wisconsin Attorney General