



PROPOSAL FOR A SOCIAL MEDIA STANDARDS BOARD

Introduction

The Coalition for a Safer Web (www.coalitionsw.org) (CSW) was established in 2019 to develop innovative policy and technological solutions to accelerate the permanent de-platforming of hate and extremism content from social media platforms. CSW is a non-partisan, not-for-profit 501(c)(3) organization whose advisory board is chaired by Gov. Tom Ridge, first U.S. Secretary for Homeland Security. CSW's founding President is former U.S. Ambassador Marc Ginsberg.

Since its inception CSW has many undertaken ground-breaking initiatives, including:

- **TELEGRAM App:** Commencing a global policy initiative to curtail the role of the mobile app "TELEGRAM" as the principal conveyor of terrorist, anti-Semitic, and racist incitement instigated by transnational extremist groups.
- **RUSSIA & "THE BASE":** Uncovered the role which the Russian Government is playing to support the operations from St. Petersburg of Rinaldo Navarro – the purported leader of the most violent neo-Nazi terrorist group known as "The Base."
- **"THE VIRUS OF ANTI-SEMITISM FEEDS OFF THE "JEW FLU"":** CSW's "Special Report" details how the Covid-19 pandemic has been leveraged by Russian-backed neo-Nazi groups by fabricating anti-Semitic conspiracies and tropes implying Jews are responsible for spreading the corona virus.
- **"NATIONAL STRATEGY TO COMBAT HATE & EXTREMISM":** CSW issued a report proposing specific recommendations for Congress and presidential candidates to consider to expedite de-platforming extremist incitement from social media sites.
- **HOLDING TECH INFRASTRUCTURE COMPANIES ACCOUNTABLE:** In conjunction with the LawFare Project, CSW has developed an international strategy to hold accountable the tech support companies vital to enabling fringe extremist groups to operate on the web.

Executive Summary: Social Media Standards Board

CSW proposes a ground-breaking private sector, voluntary Social Media Standards Board (SMSB) which would serve as: 1) a private/public sector voluntary auditing organization to monitor compliance by social media companies of a new "code of conduct"; and 2) a forum to incubate and promote new technologies to accelerate identification and management of extremist/hate social media content to assist social media companies to fulfill their own customer obligations and public pledges to de-platform extremist content.



The SMSB is loosely modeled after the successful banking industry’s Financial Accounting Standards Board (FASB). The SMSB would represent a voluntary initiative among social media companies, the digital advertising industry, concerned citizens groups, and Congress which would oversee development and compliance with a new social media industry-wide code of conduct, the violation of which result in financial penalties and the possible loss of content immunity under Section 230 of the Communications Decency Act of 1996 (Section 230).

Section 1: Why Create a Social Media Standards Board?

The American people are increasingly victimized by the unaccountability of social media platforms for the unsafe and extremist content uploaded daily on their platforms. Although Section 230 grants blanket legal immunity from content liability, major social media platforms are increasingly censoring the very content they profess they are under no legal duty to monitor. Their decisions to leave up or take down content are haphazard and subjective, without any industry-wide policy guard rails or consistent, accountable third-party monitoring. An entire industry of non-profit organizations has materialized in recent years to shine a light on social media deficiencies.

Despite deploying new technologies and recruiting thousands of content moderators, the terrain of social media content moderation resembles the Wild West. Silicon Valley is determined to preserve its immunity under Section 230, but acknowledges that it is being overwhelmed by adverse content and by an avalanche of demands to make their platforms safer and their content monitoring decisions more transparent.

Facebook recently unveiled a new quasi-independent global “Oversight Board” to adjudicate de-platforming decisions. Whatever may be its merits, Facebook executives reserve to themselves final decisions over content. Meanwhile, no other mainstream social media platform has created such an “oversight board.” The interpretation of each company’s terms of service and customer agreement is undertaken by nameless, faceless, private sector bureaucrats.

Meanwhile, in Europe, Australia and New Zealand, a new regime of laws has been enacted compelling social media companies to submit to government accountability or face major fines for their failures to cleanse their platforms of illicit content. In some new legal regimes social media executives may be subjected to criminal prosecution for failing to comply with these new laws.

The trans-Atlantic divide over social media accountability could not wider.



As Congress considers many legislative proposals to impose more social media accountability --- in the areas of data privacy, political censorship, illicit sale of products, or incitement to violence – the public’s safety is increasingly at risk.

There are no easy answers to the nation’s social media challenges.

On July __, 2020, The Hill newspaper published a [CSW op ed](#) entitled “Facebook Ad Boycott is unlikely to solve the problem – a social media standards board would.” Public demand for reform and regulation of social media platforms has dramatically escalated, but there is little consensus in Congress or in the Executive Branch what form reform and regulation should take. Meanwhile, the #StopHateForProfit coalition ad boycott’s recommendations to Facebook were rebuffed by Mark Zuckerberg, leaving the digital ad industry uncertain what their ad boycott will achieve.

Facebook’s refusal to consider the coalition’s reasonable recommendations coupled with Congress’ inability to reach consensus how to hold social media companies accountable compelled CSW to undertake a review of existing private sector organizations which have succeeded in promoting voluntary, private sector solutions in industries where arbitrary and dysfunctional compliance with desirable harmonized standards was deficient.

Sometimes, government intervention compelled industries to bring order out of chaos; other times industries recognized the urgent need to voluntarily self-regulate because of public pressure and corporate interest.

Highly respected Silicon Valley entrepreneur turned social media critic Roger McNamee correctly observed that hate speech, conspiracy theories, misinformation, rabid political discourse, and illegal product sales have all served as “... the lubricant for their business” because it drives up customer usage, and thus, digital ad sales McNamee. No wonder when it comes to reducing dangerous content social media executives wind up taking down the bare minimum to keep their critics at bay.

Section 2: The Financial Accounting Standards Board as a SMSB Model

Established in 1973, the Financial Accounting Standards Board (FASB) is the independent, private-sector, not-for-profit organization based in Norwalk, Connecticut, which establishes financial accounting and reporting standards for public and private companies and not-for-profit organizations that follow Generally Accepted Accounting Principles (GAAP). The FASB is funded via annual grants from its banking industry stakeholders.

The FASB is recognized by the Securities and Exchange Commission as the designated accounting standard setter for public financial companies. FASB standards are recognized



as authoritative by many other organizations, including state Boards of Accountancy and the American Institute of CPAs (AICPA). The FASB develops and issues financial accounting standards through a transparent and inclusive process intended to promote financial reporting that provides useful information to investors and others who use financial reports.

The FASB created a new collaborative initiative between the financial and banking industry and a non-governmental oversight organization which harmonized disparate industry accounting and reporting standards into a coherent, transparent system of standards.

The following is lifted from the FASB Website:

FASB MISSION

The collective mission of the FASB, the Governmental Accounting Standards Board (GASB) and the Financial Accounting Foundation (FAF) is to establish and improve financial accounting and reporting standards to provide useful information to investors and other users of financial reports and educate stakeholders on how to most effectively understand and implement those standards.

The FASB, the GASB, the FAF Trustees, and the FAF management contribute to the collective mission according to each one's specific role:

- The FASB and the GASB are charged with setting the highest-quality standards through a process that is robust, comprehensive, and inclusive.
- The FAF management is responsible for providing strategic counsel and services that support the work of the standard-setting Boards.
- The FAF Trustees are responsible for providing oversight and promoting an independent and effective standard-setting process. Transforming the FASB Model to Promote Private Sector Social Media Customer Standards Harmonization

Section 3: The Digital Advertising's Global Alliance for Responsible Media

CSW proposes forming a SMSB working group to develop a plan of action to kickstart the launch of the SMSB among social media companies, and representatives of the Global Alliance for Responsible Media (GARM) — an initiative of digital corporate advertisers, major U.S. corporations, and public advocacy organizations.

GARM is a new digital advertising concept to voluntarily compel social media companies to better protect corporate brands from migrating onto illicit and extremist content. The symbiotic relationship between social media companies and digital advertisers results in



billions of dollars of ad revenue generated for social media companies. In recent years, many digital consumer advertisers, notably AT&T, Nestle, and others have withheld digital advertising purchases due to the proliferation of purchased advertising appearing on illicit and extremist content. The 2020 Facebook ad boycott is the latest iteration of public pressure being exerted on digital advertisers withhold ad buys from major social media platforms.

GARM is a welcome corporate ad industry initiative, but it would greatly benefit from a durable structure to adequately fulfill its mission. GARM's creators envision a new code of conduct to establish new "rules of road" by which social media companies would prevent corporate brand contamination from appearing on extremist and illegal content.

Most importantly, GARM's concept behind a new code is to establish industry-wide standards governing technological goals to accelerate extremist content de-platforming and compel more transparency in the metrics social media companies could and should adopt to assuage consumers, impacted private companies, and the U.S. government of the progress (or lack thereof) they are achieving to meet their own extremist content de-platforming customer terms of service and public pledges.

Section 4: The SMSB Represents a Private Sector Remedy to a Public Safety Challenge

CSW is fully cognizant that social media companies have no legal or regulatory obligation to cooperate to create a SMSB. Indeed, their track record to date is to avoid any third-party, independent oversight of their content and zig-zagging moderation policies. Convincing them to test pilot a SMSB for an initial 2-3 years will require leveraging the threat of potential loss of Section 230 immunity, Congressional and state regulation, the digital advertising ecosystem's financial influence over social media companies, and concerned stakeholders, including corporate shareholders.

Digital corporate advertisers either directly via the GARM or independently — have not endorsed a SMSB. However, the GARM's advertising liaisons have requested CSW to submit the SMSB proposal to it for its consideration.

Moreover, the proposed SMSB is NOT a Congressionally mandated public regulatory institution. However, Congress' role as a recipient of SMSB recommendations and reports is vital. Without the leverage of Congressional support and impetus social media companies may refuse to expose themselves to oversight even to a watchdog organization they themselves must help create.



Section 5: The Role of Section 230 in a SMSB Sanctions Regime

Congress' leverage to bring social media companies to the SMSB table exists via Section 230 enforcement and the SMSB's effectiveness depends, in part, on Congress' review of SMSB audit reports.

The SMSB proposal envisions passage by Congress of an amendment to Section 230 delegating to the SMSB the power to suspend Section 230 immunity until a violating social media company restores its compliance with new industry code of conduct. The loss of Section 230 immunity would represent the ultimate penalty imposed on code violators for sustained violations. Lesser sanctions against social media companies imposed by the SMSB code could conceivably include: 1) de-certification from code compliance; 2) forfeiture of digital ad revenue; and 3) a referral by the SMSB for administrative action to the Federal Trade Commission.

Section 6: Overview of Proposed SMSB Mission & Administrative Structure

The SMSB is to serve as a "mission control" to undertake the following public policy goals and objectives:

1. Establish a third party, independent content moderation board to oversee social media company compliance with a new industry-wide code of conduct to be drafted by SMSB stakeholders (social media companies, the digital advertising industry, and concerned citizens groups).
2. Provide the SMSB content moderation board the authority to propose harmonizing the respective terms of service and customer agreements of social media companies with the new industry-wide code of conduct.
3. Determine whether social media companies are maintaining compliance with a code of conduct (i.e., via a certification of compliance issued by the SMSB).
4. Develop a SMSB management architecture, to include:
 - Executive management and content moderation staff oversight structure
 - Schedule for submitting to the public and Congress regular reports detailing code compliance and code violations committed by social media companies and actions taken by the SMSB against violations.
 - Initial annual budget
 - SMSB mission statement
 - Code of conduct sanctions and remedies to provide enforcement authority for the code of conduct (including revoking Section 230 immunity).



Participating social media companies (as defined) would enjoy a presumption of compliance if they are "certified" by the SMSB, but presumption would be overcome by showing of willful and knowing or grossly negligent compliance of a code of conduct.

Section 7: Model SMSB Structure

SMSB Compliance Board Qualifications

- No board member shall have any financial interest in a regulated entity, or have served as an employee, consultant, agent, or adviser for two years prior to service. ●
- Nine (9) Members:
- a. 2 extremist/incitement content experts.
 - b. 2 technology innovation experts.
 - c. 2 representatives from regulated entities to be designated by a social media advisory committee made up of social media companies and web infrastructure management companies.
 - d. 2 representatives from the digital corporate advertising ecosystem (to be designated by the GARM (Global Alliance for Responsible Media) industry group.
 - e. One representative from a citizen advocacy organization knowledgeable in Section 230 issues and extremist and hate speech/incitement.

SMSB Staff

- The Compliance Board shall appoint such staff as may be required to undertake the auditing and prepare compliance reports under the direction of a SMSB Executive Director (ED) who shall report to the Compliance Board. The qualifications and requirements of the ED shall be approved by a Compliance Board.

Web Content Voluntarily Subject to Independent Analysis

- A SMSB Compliance Board shall establish web content parameters to be subject to code regulation and audit focused exclusively on content deemed in support of extremism, incitement, hate and instruction content in support thereof.



SMSB Budget

- An annual budget shall be derived from contributions from social media corporate members and the GARM pursuant to a budget proposed by the Board. Failure to timely meet required donations shall result in loss of certification.

Operational Parameters

- Certification/Compliance/Monitoring/Enforcement

Certification issued bi-annually

- + Annual compliance reviews/audits
- + Interim special code compliance reviews triggered by majority vote of Compliance Board.
- + Annual audit reports
- + Determination and issuance of fines and revocation of "certification."
- + Code standard compliance monitored regularly by staff reporting to Compliance Board.
- + Certification (suspension or revocation) to be published by the SMSB AND prominently displayed by regulated entities.

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