



Additional Answers for the Record

**Subcommittee on Communications and Technology
Subcommittee on Consumer Protection and Commerce
Hearing on
“A Country in Crisis: How Disinformation Online Is Dividing the Nation”
June 24, 2020**

Responses from Ms. Brandi Collins-Dexter, Senior Campaign Director, Color of Change to questions from subcommittee members.

- 1. Response to The Honorable Jan Schakowsky (D-IL): I continue to see critics of reform say that without Section 230, the internet as we know it would end. But you aren't suggesting we eliminate Section 230, are you?**

Thank you for this question Representative Schakowsky,

No, I do not believe we are in a position to eliminate Section 230 without the imminent danger of unleashing a number of unintended abuses.

Section 230 has been crucial to real innovation and business development online in part because it is what preserves an authentic free speech framework online. It is also critical to fortifying ground-breaking journalism from attempts to kill stories that wouldn't be run by traditional media gatekeepers. Contrary to what has been alluded to or contended by some, Section 230 does not offer immunity from illegal acts or intellectual property infringement and potential liability for both companies and/or bad actors abusing the platform. Gutting 230 would chill speech, and stall innovation—including opportunities for the upstart Apple, Facebook, or Amazon to diversify competition in the online marketplace.

However, I believe with any legislation, it is essential that we look at it not just as an artifact or based on what the original authors and supporting members of Congress intended, but how it holds up to scrutiny over time as a living document meant to address societal harms and open up opportunities. To that point, I agree it is important to ask questions about whether Section 230 (as currently written) is sufficient to address the evolving issues and harms emerging on social platforms.

There is work that should be done to make Section 230 stronger and more explicit in ensuring that free speech protections are not falsely pitted against civil, voting, and human rights protections. I believe that Section 230 should not and does not limit the power of government to



hold social media companies accountable for harmful and pervasive data collection and marketing practices, as well as algorithmic bias. However, that sentiment needs to be unequivocal and not open to interpretation. Section 230 can not be a weapon relied on by companies to slice through laws that have existed for generations to ensure protected classes are not unfairly targeted or physically harmed by intention or impact. As such, I would advocate for incorporating clarifying language in Section 230 that states that 230 is not meant to shield companies from State action to preserve the rights and protections bestowed by The Civil Rights Act of 1964, The Voting Rights Act of 1965, and The Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act.

2. Response to The Honorable Bobby Rush (D-IL): We have much about what the platforms have been doing wrong. In your opinion, is there anything the platforms are doing that is working? What can be done to promote those actions?

Thank you Representative Rush for this question, and for representing my family for many years in Hyde Park, Kenwood, and Country Club Hills. I do think there are some promising developments that can and should be promoted. I think giving the pending election and census that it is of course urgent that we ensure that threats to democracy are not paved over. But we have been a part of helping to push third-party “civil rights audits” as innovative models for building long-term infrastructure. At the heart of that, the model and practice brought to Silicon Valley by Laura Murphy, of Laura Murphy and Associates, has helped instill a North Star for willing tech companies. Particularly Airbnb has become a model for innovation, addressing bias, making public benchmarks to which they can be held accountable for, and cultivating authentic relationships with the civil right community from their senior leadership down. Their [first report in 2016](#) and their ongoing engagement groups in and out of the beltway sets the bar against which we hold other companies. Congressional briefings on new projects or innovation in civil rights infrastructure (eg the launch of [AirBnB's Project Lighthouse](#)), as well as members of congress publicly and privately championing meaningful civil rights audits by companies, are key to ensuring the companies are incentivized to prioritize both conducting these sorts of audits and ensuring their success.

The AirBnB model was in fact what we used as a springboard to bring forth the Facebook civil rights audit ask. The final report, [which was released the week](#) after my testimony, provides a clear public roadmap that shows how far the company has come and how far it needs to go. While of course we would appreciate the road to the destination to be significantly shorter than the road from the place of origin, what we do appreciate is that there are clear signs of forward progress. The agreement to finally hire a civil rights officer is an important step— we would like to see every company have a senior level civil rights officer with a legal or policy background that is able to cast a critical eye to products, services, corporate policy, process, and impact that ensures that corporations are upholding the values that Congress has held dear for so long. Values that are not rooted in cynical partisanship power plays but in the bipartisan spirit in which some of our oldest civil rights laws were passed— legislation that was passed under President



Johnson and extended by Presidents Nixon, Ford, and Reagan, and which you of course have championed for decades. Civil rights can not be merely stuffed into Diversity and Inclusion matters, or purely left for policy teams to negotiate but have to be rooted in incentive structures across departments.

In terms of content moderation standards, Twitter most quickly stepped up in terms of their handling of removing COVID-19 disinformation broadly and specifically targeted towards Black communities. Their recent removal of perennial disinformation pushers like David Duke has also been met with our appreciation and approval. Reddit, has also put forward [solid content moderation](#) standards that can help maintain a free marketplace of ideas on the platform without compromising the health and safety of its users and those impacted by dangerous users. As with most things, moderation standards have to be transparent, with built in opportunities for appeal, and applied with a scalpel not not a hatchet, we believe that [Reddit accomplished](#) that.

As we have seen at least over the last month, companies too big to fail have layered economic, political and social harms on marginalized communities, workers, small business owners, developers, and entrepreneurs. That is why the regulation conversation can't be sidelined with the hope that self-regulation will be enough. Yet it is also clear that regulation or the threat of regulation is not enough. A company from the top and down has to be whole-heartedly committed to a vision that works in service of democracy and decentralized innovation, not against it. Otherwise any rules put in place by the government will just be an invitation to game the system. I echo your sentiment that there needs to be more models upheld that show what's possible when Silicon Valley operates at its finest, and we at Color Of Change continue to negotiate with companies in service of speedy justice, and meet with congress in service of sustainable justice.

3. Response to The Honorable Anna Eshoo (D-CA): What are the long-term impacts of census disinformation on underserved, undercounted, or otherwise neglected communities?

You each discuss the harms of political ad microtargeting in your testimonies. I've proposed banning political ad microtargeting in H.R. 7014, the Banning Microtargeted Political Ads Act, because lesser regulatory interventions, such as requiring disclosures, just won't solve the problem.

How are marginalized communities impacted by political ad microtargeting? What is your view on prohibiting the microtargeting of political ads, as I've proposed in H.R. 7014?

Thank you for these questions Representative Eshoo,



There is a long history of Black people being undercounted in the Census even when we don't have to worry about digital disinformation. For example, approximately 6.5 percent of young Black and Hispanic children were not counted in the 2010 Census. That's nearly twice the undercount rate for young white children. The implications for that include:

- Black and Hispanic communities locked out equitable distribution of federal funds for programs such as SNAP, CHIP, Head Start, and the National School Lunch Program;
- Inaccurate data that can skew our history for future generations and their ability to learn about our past;
- And obstacles to equitable political representation and fair districting lines for Black and Hispanic communities.

In an era of COVID-19, Census participation or non participation can lead to under-resourced or non-existent hospitals in our communities, an increase in food deserts to the thousands of Black people who don't even have homes to shelter in, and Black communities stand to be left out of emergency preparations before the emergency even fully sets in.

Census disinformation, cutting off the Census early, and attempting massive voter suppression campaigns are all efforts we've seen operate without enough crack down on social media platforms. The plethora of disinformation stands to create confusion and, as the Urban League noted last year, Black and Hispanic communities are still on track to be significantly undercounted this year. As such, precise, up-to-date information about how to participate is crucial. Similarly, political disinformation like fallacies about Vote-By-Mail— something that has bipartisan support, and is shown to increase turn out across the political spectrum— runs the risk of depressing voter turnout at scale, or forcing people to make the choice of voting in person in spaces and conditions that significantly increase the chance of exposure to COVID-19.

While companies have updated their policies on census and voting disinformation, Facebook's "newsworthiness" political exemption or label, allows for statements that violate the company's community standards to stay up. When false statements come from members of government and people or entities with significant organic and paid reach, the damage is that much harder to contain, address and combat. Even in the best case scenario disinformation that goes out to millions in an instant, as opposed to hundreds, increases the likelihood that before moderation can even work the content has already been screen shot, shared, or communicated off the platform and moved out into the real world at mass scale. As Congressperson Eshoo notes, even when disinformation is identified and labeled, [studies show](#) that when people look for the label and don't see it, that means their guard is down and they are even more susceptible to disinformation that hasn't yet been flagged or labeled. Given the very [public challenges of content moderation at scale](#) at companies like Facebook, this means at any given moment there is census and political disinformation circulating that hasn't yet come onto a moderator's radar.



Representative Eshoo has been such a vital Hill champion for privacy and digital rights and we deeply admire her commitment to fighting for an uncompromised democratic process. There are a number of harms that stem from disinformation in micro targeted advertising. For that precise reason Color Of Change's position is that blanket bans on political ad microtargeting will have an unintended negative impact on the communities most in need of information that resets the narrative. In an era of rampant disinformation and suppression efforts, that are particularly targeted at Black communities, the ability of trusted groups to cut through the noise and reach those audiences quickly is extremely important. Bans on microtargeting can be a barrier especially because of all that would be required by social media companies— already doing a bad job— to bring this to scale with an equitable outcome. Instead, what we have seen too often are overly broad definitions of “political” advertising that end up hurting LGBTQ+, disabled, rural, religious minorities and other communities, as well as race neutral applications that directly result in more harm to protected classes. Particularly, the content and context must always matter. Historically suppressed voters have more to gain from investment in ethical microtargeting practices.

We absolutely echo Representative Eshoo's sentiment that disclosures are not enough and believe that the fight must be to ensure responsible microtargeting standards and verification, as well as swift action— including account banning or invalidation— in instances of chronic misuse. Better standards can work to incentivize ads that contain accurate information about candidates, voter registration, and where or how to vote (regardless of party). In the moment that we're in, it is even more important to support microtargeting that contains public health, safety, and factual news information that is tailored to specific communities that are either disproportionately harmed by the impacts of inaccurate information or are disproportionately targeted for disinformation. All ads should of course be made available in platform ad galleries, in a manner that allows for intuitive searching by the general public, and should be subject to a timely and transparent appeal or repeal process.

Thank you once again for the invitation to testify and for inviting me to respond more in depth to your questions. My colleagues and I am happy to answer any follow up questions, please let us know if there is more information needed.

Sincerely,

Brandi Collins-Dexter