

**TESTIMONY OF BRANDI COLLINS-DEXTER
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**Before the
Subcommittee on Communications and Technology and the Subcommittee on Consumer
Protection and Commerce
United States House Committee on Energy and Commerce**

Hearing on “A Country in Crisis: How Disinformation Online is Dividing the Nation.”

June 24, 2020

Good morning Chairwoman Schakowsky, Subcommittee Chairman Mike Doyle, and Members of the subcommittees.

I am Brandi Collins-Dexter, Senior Campaign Director at Color of Change. We are the country's largest racial justice organization, with currently seven million members taking actions in service of civil rights, justice, and equity. For nearly a year, I have been a research fellow at Harvard Kennedy's Shorenstein Center, working on documenting racialized disinformation campaigns.

Freedom of expression and the right to protest are often uplifted as core American values. In schools and in the media, we're told that what makes America “great” can be found in our history of fighting in the name of freedom: from the Revolutionary War to the Civil War to the March on Washington. But often the celebration or condemnation of protest is contingent on who is doing the protesting, as well as how and when they choose to protest. This often dictates whether that protest is seen as a lawful exercise of First Amendment rights, revolutionary, counterproductive, a lawless riot, or “an orgy of violence.”¹ Indeed, contemporary local journalists covering the March on Washington back then speculated that it would be impossible to bring more than “100,000 militant Negroes into Washington without incidents and possibly rioting.”² Only in hindsight is that moment universally accepted as a positive catalyst for change.

Today, people from all walks of life, political leanings, and from around the world have come together under the banner of Black Lives Matter. Black Lives Matter is a call to action rooted in the fundamental belief that the right to life, liberty, and self-determination has to be experienced and felt by all of us. Black Lives Matter is also an acknowledgement that for centuries those values have not been extended to everyone. In theory, it is the continuation of the revolutionary spirit many of you have proclaimed to hold dear. In practice, it is a break from a political, social, and media construct that has privileged white, male, and affluent members of our society over others.

¹ Katy Steinmetz, “‘A War of Words.’ Why Describing the George Floyd Protests as ‘Riots’ Is So Loaded,” *Time*, Jun. 8, 2020, <https://time.com/5849163/why-describing-george-floyd-protests-as-riots-is-loaded/>.

² Marc Fisher, “There was this fear,” *Washington Post*, Aug. 22, 2013, <https://www.washingtonpost.com/sf/local/2013/08/22/there-was-this-fear/>.

While the Internet has provided a means for decentralized media voices to breathe digital oxygen into emerging mobilization efforts, it has also given rise to new tech oligarchies and distortions of political thought. Today, social media companies have consolidated online media and are now in control of how Black and other marginalized voices are represented online. Disinformers using media manipulation tactics see social media platforms as an integral part of their plan to destabilize the work of organizers.

Cultural conversation drivers Facebook (which owns Instagram and WhatsApp), Google (which owns YouTube), and Twitter replicate models of discrimination and voter disengagement by facilitating the spread of content geared toward changing behavior and altering the psychology behind voting, which in 2016 led to voter depression.³ These companies often operate with almost no government scrutiny.⁴ The disappearance of community-owned media, tech, and communications infrastructure have further compromised the ability to engage in safe and secure Black organizing.⁵ On major platforms, our data and information is not our own.⁶ It's not secure.⁷ And these companies have maintained nontransparent relationships with a variety of actors who have sought to infiltrate both explicit organizing places as well as spaces for quasi-political conversations.

What we're seeing is how values and principles collapse when administered in the context of companies built to monetize human emotion. We have heard leadership from myriad tech companies say that their commitment is to free speech. I would submit that not only are there other values that we as a society have embraced that are not honored on those platforms, but that also even *that* public pledge to uphold free speech rings hollow on a number of fronts.

Societal Values Essential

Tech companies have routinely failed to uphold at least three core societal values.

1. Transparency. There are no clear processes for challenging the decisions of tech companies.
2. Accountability. Currently, policies are implemented at the discretion of platform companies, and are not uniformly applied especially to those in positions of political power.

³ Peter Noel Murray, Ph.D, "Will Social Media 'Hijack' Your Vote in 2016?," *Psychology Today*, Oct. 27, 2015, <https://www.psychologytoday.com/us/blog/inside-the-consumer-mind/201510/will-social-media-hijack-your-vote-in-2016>.

⁴ See, e.g., 47 C.F.R. §73.1943 (requiring disclosure of political advertising purchases).

⁵ Sydney Ember and Nicholas Fandos, "Pillars of Black Media, Once Vibrant, Now Fighting for Survival" *New York Times*, July 2, 2016, <https://www.nytimes.com/2016/07/03/business/media/black-owned-media-companies-struggle-to-adapt-to-a-digital-world.html>; Glenn H. Burkins, "Where have all the black digital publishers gone?" *Columbia Journalism Review*, Spring 2017, https://www.cjr.org/local_news/where-have-all-the-black-digital-publishers-gone.php.

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⁷ Laurence Dodds, "Facebook was repeatedly warned of security flaw that led to biggest data breach in its history," *The Telegraph*, Feb. 9, 2020, <https://www.telegraph.co.uk/technology/2020/02/09/facebook-repeatedly-warned-security-flaw-led-biggest-data-breach/>.

3. Fairness. Social media platforms talk about democracy, but fail to uphold its principles.

Due Process Lacking

As recently as last week, Black Lives Matter activists continue to report to journalists the ways in which their content is often censored on platforms without due process.⁸ Two studies released last year show that AI trained to identify hate speech may actually amplify racial bias.⁹ Meanwhile people who have blue checks or other credentials by their account name push disinformation to the masses with few, if any, repercussions. White nationalists, including leaders who organized the Charlottesville Rally that resulted in the death of Heather Heyer, were routinely credentialed as valid influencers on platforms like Twitter until journalists began to report on it.¹⁰ But that has not stopped the problem. Within the last month a Twitter validated Colorado assemblyman circulated on his platform a doctored flyer calling for a civil war that was falsely attributed to Color Of Change, Antifa, the Colorado Democratic Party, UnidosUS, and others. Validation through Twitter blue checks or other authentication tabs matter because it's a signal of credibility and authenticity. This is why tech companies refusing to regulate disinformation from prominent figures is especially dangerous. Not only is the information often going out to a wide swath of people— giving it accelerated reach— even if a user may be inclined to consider the content suspicious, seeing the mark of approval can make false information appear infallible.

Intelligence committees have investigated and released a comprehensive number of documents outlining how Russia and other countries have attempted to weaponize social media to destabilize our democracy.¹¹ We now know how interference can play out, and yet tech companies are clearly not ready to handle the onslaught of attacks. Just this past March, researchers and journalists had to alert Facebook and Twitter that there are still Russian-led networks of professional trolls that are now being outsourced to Ghanaian and Nigerian operatives.¹² Like the Internet Research Agency and Blactivist accounts from 2016, these accounts explicitly targeted Black people in America on topics such as black history, black

⁸ Craig Silverman, "Black Lives Matter Activists Say They are Being Silenced by Facebook," BuzzFeed, Jun. 19, 2020, <https://www.buzzfeednews.com/article/craigsilverman/facebook-silencing-black-lives-matter-activists>.

⁹ Devin Coldewey, Racial Bias Observed in Hate Speech Detection Algorithm from Google, Tech Crunch, Aug. 14, 2019, <https://techcrunch.com/2019/08/14/racial-bias-observed-in-hate-speech-detection-algorithm-from-google/>.

¹⁰ Eli Rosenberg, "Twitter Was Slammed for Verifying a White Nationalist. It Just Took Away His Blue Check Mark," Washington Post, Nov. 16, 2017, <https://www.washingtonpost.com/news/the-intersect/wp/2017/11/15/twitter-unverifies-prominent-white-nationalists-saying-check-marks-were-not-meant-as-endorsements/>.

¹¹ Russia's Use of Social Media, Senate Intelligence Committee https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume2.pdf; Exposing Russia's Effort to Sow Discord Online: The Internet Research Agency and Advertisements, House Intelligence Committee, <https://intelligence.house.gov/social-media-content/>.

¹² Elizabeth Culliford, "Facebook, Twitter remove Russia-linked accounts in Ghana targeting U.S.," Reuters, Mar. 12, 2020, <https://www.reuters.com/article/us-facebook-content/facebook-twitter-remove-russia-linked-accounts-in-ghana-targeting-u-s-idUSKBN20Z3LW>.

excellence and fashion, celebrity gossip, U.S. news and LGBTQ issues. They shared negative content about oppression and police brutality and falsely claimed to belong to people in the United States in places like Brooklyn or New Orleans- one account even posed in a Facebook group as the cousin of an African American who died in police custody.

As Harvard professor Dr. Joan Donovan testified to late last year, malicious groups from in and outside the United States have used social media to inflame racial divisions and hostilities through disinformation and media manipulation campaigns. Even as those imposters are identified by some members of the communities they are targeting, the speed at which these companies move to right wrongs is often not as quick as the speed with which they have drilled gaps into our democracy. Even one manipulation or disinformation campaign can create incredible strain on breaking news cycles, and puts the onus on journalists and targeted groups to operate as unpaid content moderators. Too often the weight of that comes with post-traumatic stress and anxiety in already crisis-inflicted communities.

Corporate Actors Will Always Limit Speech—Except when Black Lives are at Stake

While many corporate actors claim they are protecting free speech; but this is an illusion. Every day companies make a choice about what's allowed and what's not. Facebook's massive content moderation infrastructure, for example, already limits and polices what every single user can post. This is why Facebook feeds aren't overrun with pornography and other explicit content. So Facebook's position that they are not willing to remove certain things, what they are really saying is that addressing white nationalism, disinformation, and anti-Blackness simply doesn't rise to a level of urgency for them. Their inaction perpetuates anti-Black racism and endangers the lives of many who use their platform.

It was not urgent for them when five years ago Color Of Change and other racial justice groups urged them to make changes when Black organizers' lives were threatened by white nationalists after their personal information and addresses were shared by racists in closed neo-Confederate Facebook groups. Even when people from these online groups congregated offline and showed up outside these activists' homes and places of work with guns, it was not urgent for Facebook's leadership. It wasn't urgent when our colleagues at Muslim Advocates were vocal about Facebook's hesitation to remove anti-Muslim event pages encouraging armed protest outside their house of worship.¹³

Free speech and the right to life did not ring true when the speech belonged to Korryn Gaines. Facebook colluded with Baltimore police to cut off Korryn Gaines' Facebook live stream before police gunned her down in her own home in front of her five year old son.¹⁴

¹³ Letter to Facebook, YouTube, and Twitter, Muslim Advocates, et al., Feb. 22, 2018, <https://muslimadvocates.org/files/FINAL-Letter-to-FB-YouTube-and-Twitter-022218.pdf>.

¹⁴ Baynard Woods, "Facebook deactivated Korryn Gaines' account during standoff, police say," *The Guardian*, Aug. 3, 2016, <https://www.theguardian.com/us-news/2016/aug/03/korryn-gaines-facebook-account-baltimore-police>.

As part of the Change the Terms coalition, Color of Change and other coalition members have met with several decision-makers at tech companies, including at Facebook, urging them to make critical policy changes that would enhance the safety of, and access to truth by, everyone on the platform—regardless of political affiliation. Many of those policy recommendations have been flatly refused, and our communities are forced to pay the cost through acts of violence.

On the platform we often see conspiracy theories coupled with threats and calls to violence. The most popular of those conspiracy theories are those involving anti-semitic tropes about George Soros and Black activist groups. The idea that Black people are the puppet of Jews is a familiar frame, one that has been played up by white supremacists like David Duke, to undermine the credibility and impact of Black organizations.

These threats are personal to me. Online I have been called everything but a child of God. Our former chief operating officer had to grapple with whether or not to tell me when he intercepted a letter from someone threatening to run me down with a truck the next time he saw me. Even actions that should feel innocuous, like filing my testimony for Congress, are accompanied by fear that putting my home address on a public document— or any document circulated within the halls of Congress— could send an unhinged hate-monger to me and my husband's front door.

Social Media Companies Ignore and Suppress the Problem

At Color Of Change, we have collected hundreds of complaints from our members about the censorship, harassment, and vile racist threats they received on Facebook. Media outlets have documented white nationalists and police groups sharing violent hate speech in their Facebook groups, even intercepting plans to attack mosques. Facebook is well aware of all of these things.

Instead of acting in response to this information, Facebook executives— who still hold tremendous decision making authority within the organization— hired The Definers, a questionable public relations firm, for the express purpose of undermining us and other organizations who have held Facebook accountable for their harmful public practices.¹⁵ The Definers pumped anti-Semitic tropes and false conspiracy theories to far right-wing press. While they may not have planted the seeds of hatred, they have certainly watered those seeds and enshrined them in a digital greenhouse that flourishes like white snakeroot and poison hemlock all over their platform. They don't have to walk outside with the weight of their lies on their shoulders- but we do. The president of my organization has recounted the fear he felt on the street when accosted by a stranger on the street shouting slurs and George Soros-related insults at him.

¹⁵ Sheera Frenkel, et al., "Delay, Deny and Deflect: How Facebook's Leaders Fought Through Crisis," New York Times, Nov. 14, 2018, <https://www.nytimes.com/2018/11/14/technology/facebook-data-russia-election-racism.html> (describing Facebook hiring of political-opposition researchers).

Similarly, when executives at Facebook were alerted that their algorithms were dividing people in dangerous ways, they rushed to kill any efforts to create a healthy dialogue on the platform.¹⁶ One would think in a world where we all have more information at our fingertips than at any other point in history, that the truth could shine as a beacon of hope, helping fuel democracy, justice and equity. Instead, we have heard Mark Zuckerberg testify in front of Congress that politicians would not be fact checked but that politicians and others would not be allowed to engage in voter suppression. Unfortunately, those two statements have not and can not live in harmony.

Disinformation has run rampant, allowing people and bots to impersonate Black activists. Voter suppression has thrived on a global scale. A genocide in Myanmar and deadly religious-based violence in India, Christchurch, and the United States have been orchestrated on Facebook's platform. Journalists like Maria Ressa have repeatedly urged tech companies to pay attention to what is happening in places like her home country the Philippines. Ressa met with Mark Zuckerberg years ago to discuss the ways in which democracy was under attack by authoritarian Rodrigo Duterte, endangering not just voting freedom but people's lives. When she told him that it was urgent for Facebook to be accountable for their level of impact, since 97% of the population is on Facebook, Zuckerberg's response was "What are the other 3% doing, Maria?"¹⁷ Ressa, who was named one of Time Magazine's persons of the year for her reporting, last week was convicted in her home country on trumped-up charges of cyber libel.¹⁸ She now faces up to six years imprisonment for her reporting on government and institutional corruption. We can not allow any journalists to face assaults on press freedom.

It is important to ensure free speech is a fundamental right. But in these times we have been too willing to conflate free speech with disinformation, allowing disinformation to be about politics when it should be about the truth and facts that exist above the political fray. It is important that we recognize the need to still set boundaries. We have said that you can't yell fire in a crowded theater. We have said that freedom of speech is not absolute, with walls that include defamation, incitement, right to dignity and the right to privacy. And we have said both that private companies are not obligated to let any sort of speech reign free in their domain and that freedom of speech does not mean freedom from the consequences of speech.

In this vein, I urge you to move quickly to fix our democracy before it's irretrievably broken.

Congress should:

¹⁶ 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>.

¹⁷ Eric Johnson, "Memo from a 'Facebook nation' to Mark Zuckerberg: You moved fast and broke our country," *Vox*, Dec. 11, 2018, <https://www.vox.com/2018/11/26/18111859/maria-ressa-rappler-facebook-mark-zuckerberg-philippines-kara-swisher-recode-decode-podcast>.

¹⁸ Jason Gutierrez and Alexandra Stevenson, "Maria Ressa, Crusading Journalist, Is Convicted in Philippines Libel Case," *New York Times*, June 14, 2020, <https://www.nytimes.com/2020/06/14/business/maria-ressa-verdict-philippines-rappler.html>.

1. Convene a series of civil rights-focused hearings with high-level executives and CEOs from all of the major companies, with particular focus on those trafficking in disinformation. It is important that we hear from those making decisions on how policies and practices get implemented and operationalized, how they not only set the rules, but ensure Congress should ask these companies how their governance structures ensure companies are protecting civil rights through board committees, and senior personnel with authority and resources to ensure these companies are proactively protecting civil rights.
2. Restore funding for the Office of Technology Assessment in order to help Congress tackle issues such as data privacy, tech election protection, and set up infrastructure that can facilitate deeper investment in US based innovation and entrepreneurship to combat disinformation and other data hostile practices. Often, members of Congress and the staff do not have the resources, time, technology background or expertise to carry out in depth assessments of the dangers and opportunities for new technologies. This is one meaningful way to generate at scale the congressional knowledge required to key decisions.
3. Ensure that regulators have every power at their disposal to ensure the safety of consumers and users on tech platforms. The Senate must affirmatively ensure civil rights are protected online. There are a number of ways this could occur: Congress should make robust civil rights protections an essential element of any privacy legislation. Congress could also pass Senator Gillibrand's Data Protection Act, which would create a consumer watchdog agency that is resourced to ensure we all are able to have control and protection of our data and that there is a competitive digital marketplace. The United States remains one of the only democracies in the world operating without a Data Protection Agency, despite that fact that the U.S. is second only to China as the country creating, replicating and storing the most data.
4. Most important, Congress should affirmatively empower and resource the Federal Trade Commission to enforce antitrust laws against technology oligarchs. It is clear that the sheer amount of data and information amassed by tech companies, the inability of companies like Facebook and Google to be regulated at scale, and the stakes online, in the voting booth, and on our streets require a serious conversation about, and actionable steps towards, breaking up companies.¹⁹ Last year the Federal Trade Commission levied the largest fine on a company in history when they fined Facebook \$5 billion. Yet

¹⁹ In the last several years Facebook has acquired more than 80 companies that posed a threat to their digital dominance, either absorbing or shutting them down without government intervention rendering most acts of public dissent such as boycotting the company essentially useless. Google owns over 90% of the search market, academics like Safiya Noble and Joy Buolamwini have shown with striking clarity the ways in which algorithms are often manipulated against marginalized communities and create filter bubbles filled with disinformation. Safiya Noble, *Algorithms of Oppression: How Search Engines Reinforce Racism* (NYU Press: 2018); Joy Buolamwini Founder, Algorithmic Justice League, Testimony Before the United States House Committee on Oversight and Government Reform, Hearing on Facial Recognition Technology (Part 1): Its Impact on our Civil Rights and Liberties, May 22, 2019.

not even a year later we are in no better position than we were then— many would say we are worse off.

Conclusion

Color Of Change's goal is to make sure that companies do not run wild at the risk of Black people's health, safety, and stability. Congress's job is to make decisions, policies, and laws that make real our joint aspiration for a more perfect union that establishes justice, ensures domestic tranquility, provides for the common defence and promotes the general welfare so that the blessings of liberty can ring true for *all of us*. That cannot happen when democracy is corrupted. Uncontrolled tech companies pose significant threats to democracy and freedom in the world. We must move with collective urgency to ensure that our data and physical bodies are protected on and offline.

The idea of free speech is an aspirational framework, but when guided absent an analysis of how race, gender, and power operates, it functions on a sliding scale that tilts towards some but not others. On that scale speech is most free for those able to pay the costs— societal, emotional, financial, and otherwise. When the truth becomes harder and harder to find under the pile of conspiracy theories, lies, disinformation, and disingenuous sound bites, it is those who are most in need of protected speech who are strangled by the mythology of it. I would like to humbly submit that it is our duty as a nation to lead the way and signal globally that we value truth, integrity, and the lives of all subjugated people around the world.

Thank you to my colleagues at the United Church of Christ, OC Inc., the Harvard Shorenstein Center, FreePress, and the National Hispanic Media Coalition for their support in the preparation of this written testimony.