

Additional Questions 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**

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The Honorable Jan Schakowsky (D-IL)

1. 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?

Neither I, nor anyone that I know, is suggesting that we eliminate Section 230. We are, as was emphasized in this most recent hearing and in previous hearings, suggesting modest changes that hold the technology sector responsible for harms arising from their services when their services are poorly designed or managed. This simply realigns the technology sector with every other industry that operates under threats of liability when their products cause harm to individuals, the environment, or society.

The Honorable Bobby Rush (D-IL)

1. In your opinion, would changes to section 230 interfere with innovation. If so, how?

There are certainly some changes to Section 230 that might interfere with innovation. I reject, however, those that claim that even modest changes---to this now more than two decades old statute---will stifle innovation for the existing titans of tech, or emerging small startups. As was repeatedly stated in this most recent hearing, as well as in previous hearings, small and modest changes are being proposed that would hold the technology sector responsible for harms arising from their services when their services are poorly designed or managed. This simply realigns the technology sector with every other industry that operate under threats of liability when their products cause harm to individuals, the environment, or society.

2. 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?

There are, of course, many positive aspects of technology. Social media was critical in fueling the Arab Spring in the early 2010s. And most recently, social media is where the original video of George Floyd's murder was broadcast to the world. Social media has been

critical in giving voice to millions around the world. As with nearly any product or service, there are positive and negative components to social media. Mitigating the negative can be accomplished with modest reforms that hold services liable for blatant failures. Promoting the positive can be accomplished with a healthier eco-system that provides room for competitors that are not immediately swallowed or crushed by the current titans of tech.

The Honorable Anna Eshoo (D-CA)

1. What are the long-term impacts of census disinformation on underserved, undercounted, or otherwise neglected communities?

Census disinformation is of grave concern to many of us as it is likely to disproportionately impact underserved people and communities for the next decade. Most social media platforms have publicly stated that they will ban census-related disinformation.¹ However, given past broken promises and failures, it is critical that we continue to monitor and hold social media responsible for any failures to protect the US Census.

2. 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.

- a. How are marginalized communities impacted by political ad microtargeting?

The danger of micro-targeting is that it can be used to specifically target marginalized and underrepresented communities by, for example, discouraging people from voting, providing inaccurate voting information, or more generally trying to disenfranchise voters. We saw precisely this type of manipulation in 2016. In my opinion, the major tech platforms have not done enough to ensure that we do not have a repeat of this type of voter suppression in 2020, and beyond.

- b. What is your view on prohibiting the microtargeting of political ads, as I've proposed in H.R. 7014?

I am supportive of this approach as I believe that it finds the right balance between political speech and political manipulation. The counter argument will be that smaller campaigns will not be able to afford the same level of advertising as the larger campaigns. This, however, can be addressed by adjusting the political advertising pay structure to give all campaigns equal and affordable access.

¹ On Census, Facebook And Instagram To Ban Disinformation And False Ads (December 19, 2019) (<https://www.npr.org/2019/12/19/789609572/on-census-facebook-and-instagram-to-ban-disinformation-and-false-ads>)

The Honorable Tom O'Halleran (D-AZ)

1. In light of social distancing requirements from COVID-19, many online platforms have adapted their workplace structures from employing human content moderators to relying heavily on artificial intelligence algorithms to moderate online content instead.²

- a. Do you believe online platforms have shown an ability thus far to properly balance effective content moderation between employing human moderators versus algorithms?

No. It is clear that not enough resources have been provided for either. Human moderators, who are largely out-sourced to, at times, sketchy, third parties, are woefully over-worked, under-trained, and not provided with appropriate resources to manage their well-being. At the same time, algorithmic moderation is woefully under-performing for even the simplest tasks. In the aftermath of the horrific Christchurch shooting, for example, Facebook, YouTube, and Twitter, struggled to remove re-uploads of the live-streamed shooting. The simple fact is that the incentives are not in place to encourage these online services to invest in human and algorithmic moderation.

2. Reports show that thousands of human content moderators, including many enforcing the spirit of Section 230 of the Communications Decency Act in Arizona³, suffered from mental health trauma such as PTSD. This trend was underscored when Facebook reached a landmark \$52 settlement with impacted human content moderators on May 12, 2020 for mental health trauma suffered on the job.⁴ The lawyer representing the moderators described the threat from human content moderation as “real and severe”.

- a. How can new or existing labor or content moderation statutes be evaluated and updated by Congress to better protect the mental health and workplace safety of human content moderators?

The issue of horrific working conditions for human content moderators has been a long-standing stain on the industry. I am, however, not an expert on labor practices, so I am not in a position to offer an opinion other than saying that this is a critical issue that I strongly encourage Congress to take up.

² Brookings, *COVID-19 is triggering a massive experiment in algorithmic content moderation* (April 28, 2020) (<https://www.brookings.edu/techstream/covid-19-is-triggering-a-massive-experiment-in-algorithmic-content-moderation/>).

³ The Verge, *The Trauma Floor: The Secret Lives of Facebook moderators in America* (Feb. 25, 2019) (<https://www.theverge.com/2019/2/25/18229714/cognizant-facebook-content-moderator-interviews-trauma-working-conditions-arizona>).

⁴ NPR, *In Settlement, Facebook to Pay \$52 Million to Content Moderators with PTSD* (May 12, 2020) (<https://www.npr.org/2020/05/12/854998616/in-settlement-facebook-to-pay-52-million-to-content-moderators-with-ptsd>).