John K. Donohue

October 29, 2020

Congress of the United States
House of Representatives
Committee on Energy and Commerce
2125 Rayburn House Office Building
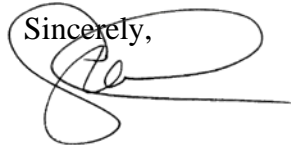Washington, DC 20515-611

Chairman Pallone & Ranking Member Walden:

I am pleased to respond to your request for answers to questions posed by some members of the subcommittee on consumer protection and commerce.

Accordingly, attached hereto you will find my written responses to the Additional Questions for the Record for the Subcommittee on Consumer Protection and Commerce hearing on "Mainstreaming Extremism: Social Media's Role in Radicalizing America" that was held on September 24, 2020. The answers follow the members questions and appear in *italics*.

I wish to thank you for the opportunity to appear before the subcommittee. A also want to take the time to thank the subcommittee staff for all their assistance in the lead up to the hearing. Lastly, if you have any more questions or if I may be of further assistance, please reach out at any time.

Sincerely,

John K. Donohue

Attachment

The Honorable Michael C. Burgess, M.D. (R-TX):

1. Mr. Donohue, you stated that social media platforms are propagating anti-police and anti-government content. This content has led to real-world violent protests that have endangered the lives of law enforcement and civilians.

   a. Have social media companies lost control of the algorithms that allow harmful content to propagate?

I am not knowledgeable enough to comment on the capabilities and limitations of control for the numerous algorithms used by the various social media platforms. But what is simple to understand, even for a lay person, is that in the effort to hold a greater amount of time and attention of a person to a particular platform (to monetize users attention) the platforms collect massive amounts of human behavioral data. That human behavioral data has empowered the companies to push tailored content to the individual user. The algorithms and machine learning that the platforms use are amoral, they push content to without regard to the content, other than it is designed to keep the user engaged.

In other words, the content is irrelevant, keeping the user on platform is the key to the platforms success. Breaking the chain of user behavioral data, platform use, and machine learning will contain the platforms. It will make users have to search more for the content the user wants without the 'suggestions' that the algorithms calculates the user 'wants'.

   b. Should online platforms that host user-generated content be responsible for real-world harm resulting from online posts and discussions?

The social media platforms serve a public need. But even those business who serve public needs (think electric or water companies) are subject to regulation and liability laws. I believe no business entity should be immune from liability, particularly when the product that is being monetized is the user that engages in real-world harm.

2. Mr. Donohue, the discussion around algorithms and algorithmic bias does not matter if there is no content to propagate. Unfortunately, we have seen the effects of cruel and harmful content when posted online.

   a. In your view, what would an appropriate content moderation policy look like?

The moderation of content isn't the issue, breaking the cycle of platform delivered extremist content is the main issue. That can occur many ways. Regulating the collection, retention, use and profiteering of human behavioral data down to the individual level (similar to say HIPPA does for patient specific medical data). The social media platforms are incapable of regulating content, as it is the very reason they exist.

The Honorable Brett Guthrie (R-KY):

I have said before that I believe that emerging technology has the potential to be a useful tool in putting a stop to the bad actors online. That is why I am proud that my bill, the Countering Online Harms Act, was recently included in the American COMPETE Act and passed by the Energy and Commerce Committee.

The Countering Online Harms Act would direct the Federal Trade Commission to study how artificial intelligence may be used to identify and remove deceptive and fraudulent content that is intended to scam or do harm.

1. Mr. Donohue, in your testimony, you talk about some of the challenges that online platforms present to law enforcement. How do you see platforms handling illegal content? In your experience, do the platforms cooperate with law enforcement to help address illegal activities and content taking place on their sites?

The large, major platforms generally work with law enforcement when notified or aware of a situation that involves direct, immediate threat to life. Everything less than that situation, the degree of willingness and capacity to collaborate with law enforcement is far less than optimal. They platforms are more likely to cite privacy concerns than public safety concerns when addressing the issues of illegal merchandise, etc. on the platforms.

2. What do you think is the role of emerging technologies, like artificial intelligence, in helping identify and remove illegal content?

With the massive amount of content published each day, in many languages, in every corner of the globe, it is simply impossible to manually identify, evaluate and remove illegal content. Further, it is important to note that what is 'illegal' is defined differently in different jurisdictions. That said, the 'community guidelines' for content are subject to company interpretation. Giving the platforms ultimate control of the items that are, or are not allowed on their sites.

Some technologies that identify content may help, but ultimately, if the platforms are left to police themselves, they will prove incapable or simply unwilling to do so.