STATEMENT OF
THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS

"A COUNTRY IN CRISIS: HOW DISINFORMATION ONLINE IS DIVIDING THE NATION"

SUBCOMMITTEE ON COMMUNICATIONS AND TECHNOLOGY
SUBCOMMITTEE ON CONSUMER PROTECTION AND COMMERCE
HOUSE COMMITTEE ON ENERGY & COMMERCE

June 24, 2020

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 220 national organizations to promote and protect the civil and human rights of all persons in the United States, we thank you for the opportunity to submit our views regarding online disinformation in voting and are pleased to submit this statement for the record of the hearing entitled "A Country in Crisis: How Disinformation Online is Dividing the Nation," scheduled for Wednesday, June 24, 2020.

Founded in 1950 by A. Philip Randolph, Arnold Aronson, and Roy Wilkins, The Leadership Conference works in support of policies that further the goal of equality under law through legislative advocacy and public education. The Leadership Conference provides a powerful unified voice for the many constituencies of the coalition: persons of color, women, children, individuals with disabilities, LGBTQ individuals, older Americans, labor unions, major religious groups, civil libertarians, and human rights organizations. The Leadership Conference's coordinating role among so many diverse organizations allows for the sharing of different perspectives, as well as the development of broader strategies that occur within the purview of any individual organization. Our work draws on the expertise of the cross-section of national organizations and examines the impact of civil rights policy on a broad range of constituencies.

Given the breadth of our coalition, The Leadership Conference is ideally positioned to address how online disinformation affects civil rights and racial justice, including around voting rights and voter suppression. The spread of online disinformation presents a serious threat to our democracy. The Leadership Conference is fully engaged with a broad group of stakeholders to find solutions to address this threat. Working with coalition partners, federal/state government stakeholders, the public, and social media platforms, we are focused on eliminating intimidation, disinformation, and targeted information on social media platforms that are designed to manipulate voters and suppress voting rights, particularly in communities of color.

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Ensuring a fair and inclusive election demands extreme vigilance and Congress must ensure that tech platforms do everything they can to meaningfully address and counter online voter suppression. We believe the record compiled in this hearing will show that tech companies should: (1) Improve and enforce their current community standards policies on voter engagement and civic activities; (2) Model for voter content the positive steps already taken to both provide accurate information and prevent disinformation about COVID-19; (3) Prevent disinformation in political ads; and (4) Enact structural reforms to ensure accountability and commitment to civil rights.

Background

From information sharing to community engagement, social media has become an integral part of everyday life. Social media makes a global community smaller and establishes connectivity with the click of a button. While these tools can be used to uplift and build community, they can also be used for nefarious purposes – to spread misinformation and to sow division and rancor. Election interference during the 2016 presidential election is a clear example. Evidence from the 2016 presidential election shows that false information is often being spread by domestic and foreign actors who have vested interest in suppressing the vote of communities of color.[1] News reports and government investigations confirmed that Facebook and other social media platforms were used as instruments in coordinated and systematic attempts to suppress voting participation, particularly among Black and Brown voters, during the 2016 election. Despite these findings, Facebook was simply unwilling to acknowledge its role in facilitating civil and human rights violations on its platform.

In May 2018, at the urging of civil rights groups, Facebook committed to a long-overdue civil rights audit. Two reports from the audit have been released, with a third scheduled for later this summer. Both reports addressed the company's deficiencies with respect to U.S. election-related work. The audit's second report provided important context for Facebook's and the audit's work in this area:

> *First, voter suppression and intimidation have a long history in this country. The tactics used in such campaigns have evolved and will likely continue to do so. As a result, voter suppression and intimidation will require ongoing focus and attention. Second, harmful manipulation and suppression tactics have been used on Facebook and other online platforms. In 2016, foreign actors used a network of fake Facebook accounts to sow discord and spread misinformation. The Senate Select Committee on Intelligence and the Mueller investigation found that the Russian Internet Research Agency's (IRA) efforts were specifically targeted at communities of color. Those findings are consistent with concerns expressed by the civil rights community: that foreign actors exploited the platform by using fake accounts to run ads that encouraged racial and religious animus, attempted to suppress minority voter turnout, and targeted communities of color and racial and ethnic minorities. Third, Facebook acknowledges the harm to communities of color caused by these activities on the platform. Facebook says it was alarmed by the manipulative tactics deployed by the IRA and how its advertising platform was used to foster racial discord, and is committed to preventing such harms in the future.*

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[1] https://www.intelligence.senate.gov/sites/default/files/documents/Report_Volume4.pdf

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Disinformation has and will continue to be a huge hurdle to contend with in the 2020 elections, particularly with foreign and domestic actors targeting communities of color.[2] It is imperative that Congress holds digital and social media companies accountable for the role they play in undermining our democracy, considering the significant problems unearthed during the 2016 election. Social media companies must demonstrate they are taking a systemic approach and acting on commitments to enact further improvements, undertake studies, or take new steps to resolve how their platforms are being used to suppress votes and undermine elections.

For the last several years, The Leadership Conference has engaged with the social media platforms, to encourage them to address these issues. We have made a series of recommendations to obviate false content that could lead to voter suppression on the company's platforms. While Facebook and the other social media platforms have made a few changes, they have made little progress to prevent the spread of voter suppression. As the elections get closer, it is vital that Facebook and other platforms fix these problems. Without making changes, disinformation and voter suppression could affect the ability of people to vote and adversely affect the integrity of the election.

Accordingly, we urge Congress to hold tech companies accountable for taking the following steps:

Platforms Must Enforce and Improve Their Current Policies
Congress has an important role to play in ensuring that platforms enforce and improve their current community standards policies on voter engagement and civic activities. The platforms must implement their policies fairly, including removing expeditiously voter suppression content that violates those policies, downranking the content in search results, or labeling content and including correct voting information, regardless of the speaker.

While Facebook has policies to remove content that has false or misleading information on how to vote/participate in the election process[3], the company is not consistently enforcing them. For example, Facebook has taken no action on a post by President Trump on May 26 that contained false information on mail-in ballots in Michigan. The Michigan ballot post violates Facebook's election integrity rules on spreading false information on voting. In sharp contrast, we are encouraged that Twitter took steps to address the president's tweet on the same topic by placing a label on the tweet stating that it did not contain factual information and added a link to the correct information. Twitter has also taken steps to label the president's recent "looting and shooting" tweet directed at protestors and also has taken down a tweet by the president that contained manipulated media.[4] Platforms must take a wider range of affirmative steps such as Twitter has done in recent weeks to address this content, including removal, labeling, and/or fact-checking of inaccurate and misleading posts.

Platforms should also expand and enforce the definition of what constitutes content that leads to voter suppression. Platforms have basic prohibitions of misrepresentations of dates, times, locations, who can vote, and threats of violence – but they should be further expanded universally on all platforms to include:

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[2] https://www.theatlantic.com/magazine/archive/2020/03/the-2020-disinformation-war/605530/
[3] https://about.fb.com/news/2019/10/update-on-election-integrity-efforts/#voter-suppression
[4] https://www.washingtonpost.com/technology/2020/06/18/trump-tweet-label-video/

- Misrepresentations about long lines or equipment problems at voting locations
- Misrepresentations about police or law enforcement activity related to polling places or elections
- Any content containing statements that discourage or block access to voter registration or voting
- Any content that attempts to intimidate voters from participating in elections

Platforms should also expand the voter suppression definition to include instances and content where factual and verified information is used to target historically disenfranchised communities in order to prevent or dissuade them from participating in elections.

Platforms Must Apply COVID Disinformation Prevention Tools to Voting

Platforms must improve processes and work on solutions that prevent the posting and spread of content in a myriad of ways – from user accounts, ads, organic posts, open and closed groups – which could suppress or manipulate voting rights towards African Americans and other targeted communities. Facebook's proactive response to the COVID-19 pandemic models the range of actions that can be taken to effectively combat voter suppression content. Recognizing public responsibility to protect and keep its users safe, the company has worked to push out reliable and factual information about the virus and how to stay safe during its spread. In recent months, Facebook has been working to provide users with accurate information about the coronavirus from health experts while keeping harmful misinformation from spreading on its apps and platforms. Facebook is also taking affirmative steps to inform users that they have interacted with harmful information or myths about COVID-19. Twitter and Google/YouTube have also instituted polices to either label or prevent content that contains misinformation about COVID-19.[5]

In our discussions with Facebook, we have asked the company to utilize the same tools and resources to remove voter suppression content and proactively disseminate truthful information on the ways that voters can cast a ballot safely this year. These requests include:

- A major voter education effort that includes providing easily available/viewable information about how to request an absentee ballot and participate in safe in-person early or election day voting, state-by-state
- Sending correct information to users who have interacted with false voting content (just like Facebook is doing currently for those who interact with COVID-related misinformation)
- Strongly promoting online voter registration
- Providing warnings about not believing everything users read about elections or utilizing other ways to help educate users on the potential for misinformation (akin to what Facebook did in India in its last general election)
- Ramping up enforcement capabilities from now through the November election
- Applying affirmative steps and tactics used for COVID-19 that will expand voter education and participation while countering disinformation

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[5] https://blog.twitter.com/en_us/topics/product/2020/updating-our-approach-to-misleading-information.html;
https://support.google.com/youtube/answer/9891785

At the same time, efforts to exploit fears surrounding COVID-19 can lead to the spread of disinformation and voter suppression content and adversely affect and prevent the ability of citizens to vote this year, particularly for communities of color, who are disproportionately impacted by COVID-19. No single group of Americans was targeted by Russian information operatives, otherwise known as the IRA, in 2016 more than African Americans through the spread of voter suppression content on social media platforms.

In light of the number of states that have recently postponed their primary elections and are considering, at our strong urging, changes to laws and policies around how to cast a ballot safely in November, it is now clear that voters need the most up-to-date information from trusted sources so that they can exercise their fundamental right to vote this year. The election fiasco in Wisconsin – where voters were forced to risk their health and safety in order to vote – underscored the tremendous need to provide additional assistance to voters during this dangerous and challenging time. Unless the public knows the range of options through which to request and submit completed ballots, many voters – particularly people of color, Native Americans, people with disabilities, limited-English proficient citizens, students, and other historically marginalized citizens – simply will not have equal access to the ballot box, and the promise of our democracy will not be filled.

Facebook is taking some steps to address voter education and provide authenticated voter information with the creation of its Voter Information Center. Facebook states that the Center will provide accurate and authentic information about how to vote, including information and deadlines about mail-in ballots, early voting, and in-person voting.[6] If implemented properly, providing factual information on Facebook platforms about voting is a positive step and is an important request that we have asked for in our discussions with Facebook. It is vital that voters receive information that is shared from trusted sources so that they can exercise their fundamental right to vote this year.

However, these efforts do not address the larger issue of the spread of disinformation and voter suppression content on the platforms that adversely affects and prevents the ability of citizens to vote this year, particularly for communities of color. Facebook's establishment and implementation of the Voter Information Center, while well-intentioned, is a half-measure that does not directly tackle content that leads to voter suppression. Facebook has shown us, through its efforts to ensure accurate information on COVID-19, that it is well-equipped to monitor and prevent misinformation. Facebook must make similar efforts to ensure its platform is not used to spread inaccurate and misleading information that suppresses voting rights and manipulates voters.

In addition, the platforms must also prepare for COVID-related contingencies and disinformation that are likely to occur as Election Day approaches. For example, how will the platforms respond if a politician on November 1 falsely states that COVID is surging in Milwaukee and Detroit (where there are high populations of voters of color)? Would the content stay up on Facebook or Twitter because it is from a politician? Would it be labeled or linked to factual information? Or, given that much higher percentages of people will be voting by mail, we may not know the results on Election Day or potentially until weeks

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[6] https://about.fb.com/news/2020/06/voting-information-center/

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after Election Day. What will Facebook/Instagram, YouTube, and Twitter do to address potential rumors, lies, and videos about who the victors are of the presidential and down ballot races? How will the platforms address such mis- and disinformation if it comes directly from politicians? Will the platforms consider that mis- and disinformation to be political speech that is protected?

These are the types of circumstances and voter suppression that Congress must urge platforms to consider and address beyond just providing factual information about voting so that we can maintain the integrity of our democracy during this time of crisis.

Platforms Must Prevent Disinformation in Political Ads
Online political advertisements are also a large source of disinformation that leads to voter suppression. Disinformation that is included on political ads can often make its way onto platforms as organic content that is spread and leads to voter suppression. Twitter recently announced a prohibition of political ads,[7] while Google/YouTube limits the targeting of ads to age, gender, and general location.[8] Contextual targeted advertising, such as serving ads to people reading or watching a story about a specific issue like the economy, is still allowed by Google.[9] Google states that it will not allow political advertisers to make false claims[10] and has also stated that it will remove election-related content on YouTube that may pose a risk of serious harm.[11] Facebook, however, has not made substantive changes to its political ads policy. Microtargeting based on a large number of characteristics, interests, and demographics are still allowed, and there is scant language in Facebook's policy about addressing false claims in political ads.[12]

Facebook's hands-off policy means that content in political ads is largely unchecked. In addition, despite Google's ban of false claims in political ads and removal of certain types of harmful content, it is unclear how widely it enforces this policy or what types of ads are removed, which can allow false information to still spread widely on YouTube.[13]

Facebook also announced last week that they are giving users more control over the political ads that users can see.[14] But merely giving users more choice over what ads they can see does nothing to address the underlying subject matter and disinformation that is often prevalent in ads and leads to voter suppression. Facebook and other platforms could take affirmative steps to address disinformation in political ads, including:

- Ensuring that any advertisements containing previously verified falsehoods by their standards can be prevented from running again instead of forcing each ad to be individually examined

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[7] https://business.twitter.com/en/help/ads-policies/prohibited-content-policies/political-content.html
[8] https://www.blog.google/technology/ads/update-our-political-ads-policy/
[9] Ibid
[10] Ibid.
[11] https://youtube.googleblog.com/2020/02/how-youtube-supports-elections.html
[12] https://www.facebook.com/policies/ads/restricted_content/political
[13] https://www.nytimes.com/2020/02/03/technology/youtube-misinformation-election.html
[14] https://about.fb.com/news/2020/06/voting-information-center/

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- Preclearing political ads in the 72 hours before the general election to avoid ones with disinformation from going viral before they are detected and taken down

All platforms that run political ads should publish and maintain libraries of such ads that are easily searchable and usable. These ad libraries should contain granular information on engagement, spread, and which communities and groups were targeted and delivered the ad. Facebook has an ad library that contains much of this information, but it is hard to navigate and is not as transparent as it could be. Facebook has made recent changes to address some of these issues, but it must make the library more user friendly. Until the landscape of political ads becomes more transparent, voter disinformation will continue to proliferate on platforms.

Improving Civil Rights Infrastructure
Structural changes within the platforms will also help better protect voting and other civil rights by ensuring platforms can hold themselves accountable to their commitment to civil rights. Among the platforms, only Facebook has undertaken a civil rights audit with outside auditors, though civil rights groups have urged all the major platforms to do so. But even in Facebook's case, without the institutional changes we have been urging the company to make, the audit's impact will be limited and short-lived.

The audit has been an incredible tool for ensuring that Facebook continues to examine its impact on the civil rights of all people in the United States, to identify in real time critical upcoming moments where Facebook's policies and enforcement require modification, and to provide crucial internal and external benchmarks for examining progress. However, without a clear structural commitment from Facebook, the benefits of two years of work on the civil rights audit are unlikely to last beyond its conclusion. And while Facebook's oversight board – if properly staffed and structured – has the potential to be of assistance to Facebook's content moderation decision-making, it cannot substitute for staff internal to the organization whose sole objective is protection and promotion of civil rights.

Adopting structural reforms will go a long way toward demonstrating that Facebook (and other tech platforms) understand that civil rights are not a partisan issue, but instead are fundamental to protecting the constitutional rights of all people and thus should be part of the organic structure and operations of Facebook. Prevention of harm, not damage and after-the-fact repair, must be the goal. This goal cannot be fully accomplished if those with civil rights expertise are not part of the decision-making processes.

Conclusion
The threat of online disinformation to the integrity of our democracy cannot be understated. The threat to safe and fair elections can have a corrosive effect to the fabric of our country. After largely ignoring these issues, social media platforms have taken some small steps in recent months to address the problems. But far more needs to be done and platforms need to be more engaged on solutions to address the proliferation of disinformation. As the election approaches, there is an urgency to fix these issues as soon as possible. The Leadership Conference is continuing its work with the platforms and stands ready to work with Congress and elected officials to find solutions that will keep our democracy safe and stop the suppressive effect that disinformation is having on civil rights and racial justice.