Tennessee v. Meta
Case No. 23-1364-IV
PX-04046

Nov. 17, 2020 Final

Senate Judiciary Committee Holds Hearing on Censorship and the 2020 Election

LIST OF PANEL MEMBERS AND WITNESSES

GRAHAM:

Good morning, everybody. I think we have Senator Blumenthal remotely. Is that correct?

BLUMENTHAL:

Mr. Chairman.

GRAHAM:

Is it okay, Senator Blumenthal, if we move forward?

BLUMENTHAL:

Absolutely. Thanks very much.

GRAHAM:

Okay, I'll make a brief opening statement. And this is about censorship, suppression and the 2020 election, sort of a deep dive when it comes to Twitter and Facebook about the platforms and the decisions they make, how they make them, can we do better? Do we need to do better?

So the first thing I want to talk about here is health risk associated with social media. A 2018 Pew Research Center survey of nearly 750 13- to 17-year-olds found that 45 percent are online almost constantly, and 97 percent use social media platforms such as YouTube, Facebook, Instagram or Snapchat. So why are we having this hearing? The products that

these two companies offer, people like and they use. So the bottom line is, they've probably been more successful than their wildest dreams, and they're having to make decisions that offend people on the left and the right, and what we're trying to do is look at section 230 and to see if it needs to be modified or changed because section 230 basically allows social media platforms like Twitter and Facebook to pass on information without legal liability.

If a newspaper does something you don't like, you think they've slandered you in a certain way, you can sue them. If a news program does something that you think is out of line, even as a politician with a high bar, you can sue them. These companies have liability protection when it comes to the content that their users engage in. You can sue the person who gave the tweet, but you can't sue Twitter who gave that person access to the world in terms of what they said. And we've got to find a way to make sure that when Twitter and Facebook make a decision about what's reliable and what's not, what to keep up and what to take down, that there is transparency in the system. And I think section 230 has to be changed because we can't get there from here without change.

But in 2019, a study of more than 6,500 12- to 15-year-olds in the U.S. found that those that spent more than three hours a day using social media might be at heightened risk for mental health problems. Another study, 12,000 13 to 16-year-olds in England found that using social media more than three times a day predicated poor mental health--predicted poor mental health and well-being in teens. Other studies also have observed links between high levels of social media use, depression or anxiety. The average millennial checks their phone 157 times daily. I don't know how members of the Senate, I don't know where we fall.

Social media is designed to sustain users' attention with a mix of good user interface design and psychology, creating an addictive mix for users. It's called the slot machine effect, a technique which utilizes a pull to refresh and scrolling mechanisms on newsfeeds similar to a slot machine. The like button, a feature to provide social validation through a positive feedback loop by measuring and comparing the number of likes a user's content obtains.

Gamifying social interactions, employing gamification to engage users and keep them coming back. For example, streaks is the one causing the most concern and using elongating redlines to display the number of days since two users interacted. Guess what these technologies do is try to keep us engaged. The more we engage the technology, the more advertising benefit to the company. Is that a good business practice? Maybe so. Does it create a health hazard over time? Something to look at.

Now the other aspect of this debate is are these companies newspapers? Are they TV stations? Do they have the power of media organizations that have rules and regulations and the current media platforms do not? There are rules about what a television station can do. There are rules about what a newspaper can do. And what I want to try to find out is if you're not a newspaper at Twitter or Facebook, then why do you have editorial control over the New York Post?

They decided--and maybe for a good reason; I don't know--that the New York Post articles about Hunter Biden needed to be flagged, excluded from distribution or made hard to find. That to me seems like you're the ultimate editor. The editorial decision at the New York Post to run the story was overridden by Twitter and Facebook in different fashions to prevent its dissemination. Now if that's not making an editorial decision, I don't know what would be. It's one thing when we do it in our private lives. Nikki Haley made a post about her concerns about mail-in balloting. It was flagged as something--a claim, this hasn't been legitimized. Let me read it to you.

The next question to ask is why is it a crime to raise doubts about the Holocaust? Why should anyone who writes about such doubts be imprisoned while insulting the Prophet is allowed? Now that's the Ayatollah. He's opining that raising doubts about the Holocaust shouldn't be a crime, and he is openly called for the destruction of Israel, his regime has, and his tweet was basically allowed to flourish. Here's what Nikki Haley said. Despite what the media tells us, election fraud does happen, and policies like balloting harvesting and mailing ballots to people who don't request them makes it easier--makes that easier. That needs to stop. This claim about election fraud is disputed.

Well, that's her opinion. She believes, like I do, that mail-in balloting is ripe for fraud if you can't verify the signature and if we just send mail ballots out to the world that are not requested, and you don't have a signature verification system that can be trusted, you have in fact led to harvesting of ballots for nefarious purposes. The question for us as a country, at what point do the decisions by these organizations cross a line? At what point do they have to assume responsibility that section 230 shields them from?

And to the people who are about to testify, I consider your products to have changed the world, mostly for the good. We're able to interact among ourselves. We're able to talk to each other and share life experiences. We're able to in real-time communicate to our neighbors and our friends and those who oppose us what we think with technology that just makes it instantaneous and can literally light up the world.

Section 230 was developed to allow these technologies to flourish. Early on, if you could sue Twitter or Facebook for content on a Facebook posting or a tweet, and they were liable for what somebody else said or what they felt or did, then the company would have probably never been in existence. The companies are trying to help us deal with child pornography. We have the EARN IT Act that to be able to maintain liability protections when it comes to sexual exploitation of media sites, social media sites by sexual predators, this committee has passed a bill saying you can only maintain that liability protection if, in fact, you use best business practices.

And that's where I think we need to be going.

GRAHAM:
My hope is that we change section 230 to incentivize social media platforms to come up with standards that are transparent and opaque, that will allow us to make judgments about their judgments, that the fact checkers be known, that the community standards, who sets them, what are their biases, and give some direction to these companies because they have almost an impossible task. They're literally trying to engage in telling us what's reliable and what's not based on cable news commentary or tweets from politicians for average citizens.

Nobody in a free society has ever had that responsibility before, and the question is how do you control that responsibility. I don't want the government to take over the job of telling America what tweets are legitimate and what are not. I don't want the government deciding what content to take up and put down. I think we're all in that category. But when you have companies that have the power of governments, have far more power than traditional media outlets, something has to give.

And I'm hoping in this hearing today that we can find a baseline of agreement that section 230 needs to be changed, that my bias would be to allow the industry itself to develop best business practices to protect the sites against terrorism and child exploitation and other concerns, that we look at the business practices of these companies through a help prism that some of their practices need to be modified because it can become addictive.

You know, we thought tobacco was a good thing for a long time to the point that we send it to our soldiers in combat. The more we realized about the addictive nature of tobacco, the more we changed our mind about telling the public about the product. So, whether or not we do that with social media platforms, that these platforms can be addictive if used too often, I don't know if we need to go there. But I do know that section 230, as it exists today, has got to give.

And I think there's Republican and Democrat concern about the power that's being used by social media outlets to tell us what we can see and what we can't, what's true and what's not, to the extent that section 230, in my view, has to be rewritten. So, that's the purpose of this hearing, is to find a way forward to bring about change. And when it comes to social media platforms and section 230, change is going to come.

With that, Senator Blumenthal?

BLUMENTHAL:
Thank you very, very much, Mr. Chairman. And thank you for having this hearing today. And I look forward to cooperating with you not only in this hearing but in the upcoming

Congress on our EARN IT bill, and other measures because you're absolutely right. Change must come to social media.

The fact is we meet today in an unprecedented and precarious moment in American history. Daily, the president shocked our conscience and shakes the very foundations of our democracy using a powerful megaphone, social media. The president has used this megaphone to spread vicious falsehoods in an apparent attempt overturn the will of voters.

Every day he posts new threats and conspiracy theories about mail-in ballots and voting machines, lies that contradict his own election security officials and his lawyers. He uses this megaphone potentially to block a peaceful transition of power.

Now, Mr. Zuckerberg and Mr. Dorsey, you have built terrifying tools of persuasion and muniple--manipulation with power far exceeding the robber barons of the last Gilded Age. You have profited usually by strip mining data about our private lives and promoting hate speech and voter suppression. You have an immense civic and moral responsibility to ensure these instruments of influence do not irreparably harm our country.

I recognize the steps, they're really baby steps, that you've taken so far. The destructive incendiary misinformation is still a scourge on both your platforms and on others. In fact, Google has been given a pass from today's hearing. It's been rewarded by this committee for its timidity, doing even less than you have done to live up to its responsibilities.

The recent actions you have taken, in fact, are simply to check the truth of what appears on platforms. Often it is voter suppression and incendiary malicious misinformation, and you've tried to slow its insidious spread. That's not censorship. That's moral and civic responsibility.

Now, I believe, and I hope the chairman agrees, that a series of hearings on big tech is long-overdue on antitrust issues, on privacy concerns, and section 230. I have urged, in fact, a breakup of tech giants because they've misused their bigness and power, breaking off, for example, WhatsApp and Instagram, rigorous privacy protection because consumers should have control over their own data and, indeed, section 230 reform, meaningful reform,

including even possible repeal in large part because their immunity is way too broad and victims of their harms deserve a day in court.

But this hearing is certainly not the serious proceeding that we need. It may become a political sideshow, a public tar and feathering. My colleagues seem to want to ignore the foreign disinformation campaigns intended to interfere in our democracy, and calls for murder of FBI Director Wray and Dr. Fauci. We--what we've seen here are fighting words and hate speech that certainly deserve no free expression protection.

The fact is that the purpose of today's hearing seems as much to bully or browbeat you, Mr. Zuckerberg and Mr. Dorsey, from taking even more responsible action by threatening cuts to section 230. Censorship is really a misnomer for this hearing.

What you've done is to label and to fact check to avoid amplifying misinformation and to, in effect, impose those labels to alert people that what they are consuming may misinform them. And Facebook took down ads for Biden in Michigan and the ACLU in Colorado for mistaken information about voting. In short, there was action that affected both sides.

I have fought for section 230 reform for 16 years from my time as Connecticut's attorney general when I took on the scourge of registered sex offenders grooming children on Facebook and MySpace. With Senator Portman, I have led passage of the only successful revision so far to section 230, the Stop Enabling Sex Traffickers Act, known as SESTA. And Chairman Graham and I have authored the only bill to reform Section 230 that has actually moved out of--out of a committee. The section--the EARN IT Act pass this committee unanimously.

Change is going to come, no question. Change is on the way, and I intend to bring aggressive and targeted reform to section 230. But I am not, nor should we be on this committee, interested in being a member of the speech police. There are real harms and real victims here. And in some ways, this hearing is a betrayal of those real harms and the real victims of them. Those harms have been caused by big tech because you have failed your responsibility, as have others in this industry.

I want to see real reform that will enable these abuses to be reformed, because your platforms have embraced abuse and weaponized child predators, violent white supremacists, and human traffickers. And I've heard heart-wrenching stories from the victims.

BLUMENTHAL:

You've set back civil rights protections for Muslim Americans who live in fear of armed militias organized by white--by private online groups. You have set back consumers in competition, making that kind of antitrust action very, very important. The American public deserves and demands real reform and accountability, national consumer privacy rules, antitrust principles that curb predatory power and reforms as section 230 that shut--that stopped shutting the courthouse door to victims. I look forward to an opportunity for real change, and I think you can meet this moment by putting your power and your money on the right side of history. Thanks, Mr. Chairman.

GRAHAM:

Well, thank you. A lot to unpack there. Senator Blumenthal has been great to work with. I'll continue to work with you. If we keep control of the committee, Senator Grassley would be the chairman next year, and I would encourage him to have the hearings that Senator Blumenthal referenced, that this is an ongoing conversation to get it right to the extent that we can get it right. Mr. Dorsey from Twitter, are you with us, Mr. Dorsey?

DORSEY:

I am. Do you hear me?

GRAHAM:

Thank you. The floor is yours.

DORSEY:

Thank you to the members of the Judiciary Committee for the opportunity to speak with the American people about Twitter and your concerns around censorship and suppression of a specific news article, and generally what we saw in the 2020 U.S. elections conversation.

We were called here today because of an enforcement decision we made against the New York Post based on a policy we created in 2018 to prevent Twitter from being used to spread hacked materials. This resulted in us blocking people from sharing a New York Post article publicly or privately. We made a quick interpretation, using no other evidence, that the materials in the article were obtained through hacking, and according to our policy we blocked them from being spread. Upon further consideration, we admitted this action was wrong and corrected it within 24 hours.

We informed the New York Post of our error and policy update and how to unlock their account by deleting the original violating tweet, which freed them to tweet the exact same content and news article again. They chose not to, instead insisting we reverse our enforcement action. We did not have a practice around retroactively overturning prior enforcements, and in a sense it demonstrated that we needed one, and so we created one we believe is fair and appropriate.

I hope this illustrates the rationale behind our actions and demonstrate our ability to take feedback, admit mistakes and make changes all transparently to the public. We acknowledge there are still concerns around how we moderate content and specifically our use of section 230. Three weeks ago we proposed three solutions to address the concerns raised, and they all focus on services that decide to moderate or remove content. It could be expansions to section 230, new legislative frameworks or commitment to industrywide self-regulation best practices.

Requiring one moderation process and practices to be published; two, a straightforward process to appeal decisions; and three, best efforts around algorithmic choice are suggestions to address the concerns we all have going forward. And they are all achievable in short order.

It's critical, as we consider these solutions, we optimize for new startups and independent developers. Doing so ensures a level playing field that increases the probability of competing ideas to help solve problems going forward. We mustn't entrench the largest companies any further.

Finally, before I close, I wanted to share some reflections on what we saw during the U.S. presidential election. We focused on addressing attempts to undermine civic integrity, providing informative context and product changes to encourage greater conversation. We updated our civic integrity policy to address misleading or disputed information that undermines confidence in the election, causes voter intimidation or suppression or confusion about how to vote or misrepresents affiliation or election outcomes.

More than a year ago, the public asked us to offer additional context to help make potentially misleading information more apparent. We did exactly that, applying labels to over 300,000 tweets from October 27 to November 11, which represented about 2.2 percent of all U.S. election related tweets. We also changed how our product works in order to help increase context and encourage more thoughtful consideration before tweets are shared broadly. We're continuing to assess the impact of these product changes to inform our long-term roadmap. Thank you for the time. I look forward to a productive discussion focused on solutions.

GRAHAM:
Thank you, Mr. Dorsey. Mr. Zuckerberg.

ZUCKERBERG:
Thank you, Chairman Graham, Ranking Member Blumenthal and members of the committee. At last year's hearing--at last month's hearing I spoke about the role internet platforms play in supporting democracy, keeping people safe and upholding fundamental values like free expression. People have deeply held beliefs about these issues and can reach very different conclusions about the right balance. We try to do what's best for our community and the world, acknowledging that there are difficult trade-offs. I believe that

some of these trade-offs and decisions would be better made through a democratic process, and I look forward to discussing that today.

But first, I want to update you on our efforts during the election. At Facebook, we took our responsibility to protect the integrity of this election very seriously. In 2016 we began to face new kinds of threats, and after years of preparation we were ready to defend against them. We built sophisticated systems to protect against election interference that combined artificial intelligence, significant human review and partnerships with the intelligence community, law enforcement and other tech platforms. We've taken down more than 100 networks of bad actors who are trying to coordinate and interfere globally. We established a network of independent fact checkers that covers more than 60 languages. We made political advertising more transparent on Facebook than anywhere else, including TV, radio and email. And we introduced new policies to combat voter suppression and misinformation.

Still, the pandemic created new challenges, how to handle misinformation about COVID and voting by mail, how to prepare people for the reality that results would take time and how to handle if someone prematurely declared victory or refused to accept the result. So in September we updated our policies again to reflect these realities of voting in 2020 and make sure that we were taking precautions given these unique circumstances. We worked with the local election officials to remove false claims about polling conditions that might lead to voter suppression. We partnered with Reuters and the National Election Pool to provide reliable information about results. We attached voting information to posts by candidates on both sides and additional context to posts trying to delegitimize the outcome.

We locked down new political ads in the week before the election to prevent misleading claims from spreading when they couldn't be rebutted. We strengthened our enforcement against malicious and conspiracy networks like QAnon to prevent them from using our platforms to organize violence or civil unrest. Altogether, I believe this was the largest election integrity effort by any private company in recent times. This is what people expect of us. And I'm glad that from what we've seen so far, our systems performed well. But

election interference remains an ongoing threat that will never fully be solved. So we continue to improve with each election.

But our integrity work is really only half the story. We also ran an unprecedented civic engagement program to encourage people to take part in our democracy. We ran the largest voter information campaign in history. 140 million people visited our voting information center including more than 33 million on Election Day alone. We estimate that we helped more than 4.5 million people register to vote and helped states recruit 100,000 poll workers. This was done in a transparent and nonpartisan way as part of our ongoing commitment to supporting the civic process.

And on top of these efforts by Facebook, my wife Priscilla and I personally donated $400 million to support election officials around the country in making sure that they have the infrastructure they needed to enable everyone to vote safely during this pandemic. In my last testimony I said that people would judge us by our performance during this election, and I believe that the full story is not only how we handle bad behavior on our platforms, but also how we encouraged civic engagement more broadly. I'm proud of the work we've done to support our democracy, and I look forward to discussing this.

I also welcome the opportunity to discuss internet regulation. I believe we are well overdue to update the rules for the internet around content, elections, privacy and data portability. There are important questions here, including who should be responsible for what people say online. For any system to work, I believe there needs to be a transparent process that people feel they can trust. And this will be difficult, especially since our country is so divided. But I believe it's the only way to address these issues for the long-term. The challenges that we face are deeper than any one platform.

ZUCKERBERG:
They're about how we want to balance basic social equity that we all care about like free expression, public safety and privacy. This is why I believe we would benefit from clearer guidance from elected officials and I look forward to discussing this today.

GRAHAM:
Well, thank you both. We'll have one round and seven minutes as always; I'll try to be a little bit liberal with the time cause this is very important topic. So let's just get right into it. Mr. Dorsey, you can go first and then Mr. Zuckerberg. When you heard Senator Blumenthal's opening statement and mine, what did you get from it?

DORSEY:
Well, I think you--you pointed out that we are facing something that feels impossible. We are--we are required to help increase the health of the public conversation while at the same ensuring that as many people as possible can participate. And in order to do so we need to make policies so that people feel safe and they feel free to express themselves. To minimize the threats of abuse, of harassment, of misleading information, of organized campaigns to artificially amplify or influence a particular conversation.

And that policy creation that enforcement is challenging but also it is more or less opaque to the public and that's where I think we have a gap. We have transparency around our policies. We do not have transparency around how we operate content moderation, the rationale behind it, the reasoning. And as we look forward we have more and more of our decisions of our operations moving to algorithms which are have a difficult time explaining whey they make decisions. Bringing transparencies round those decisions. And that is why we believe that we should have more choice in how these algorithms are applied to our content--whether we use them at all so we can turn them on and off. And have clarity around the outcomes that they are projecting and how they affect our experience.

GRAHAM:
Thank you. Mr. Zuckerberg, very quickly, please. What did you hear?

ZUCKERBERG:
Senator I--I heard that there are issues around content moderation as well as other areas and frankly, I'm optimistic from the statements that we may be able to move forward and

hopefully update some of the--the rules from the internet around these areas. I have been encouraging and hoping that we would do this for--for a couple of years. And from your opening statements it sounds like there may be now enough common ground on views that real progress can be made here.

GRAHAM:
So from my point of view the question for us is when it comes time to flagged content as being reliable or not reliable do either one of you believe that the government should do that? Is that a solution where the government sets a regulatory scheme that talks about what should be up and what should be down?

DORSEY:
I don't believe so. I--I think that would be very challenging.

GRAHAM:
OK. Do you agree with that, Mr. Zuckerberg?

ZUCKERBERG:
Senator, for certain types of illegal content I think it may be appropriate for--for there to be clear rules around that. But outside of clear harms in--including things like child exploitation and--and areas like that, terrorism I--I would agree with your sentiment that that's not something that government should be siding on a piece of content by piece of content basis.

GRAHAM:
So if we take the government out of the picture at least in noncriminal areas--should we leave it up to the industry to come up with best business practices in terms of how to moderate content?

DORSEY:

(INAUDIBLE) I think we need to align around the problem that we are trying to solve. And there are many solutions to solving those problems. I think we also have to focus our efforts on what is going to have the greatest impact. And we believe that the greatest impact is going to be found in how we deal with algorithms, how we use those algorithms. Cause they are responsible for showing us what we see or what we don't see. And they need to be--there needs to be more choice in--in their use.

GRAHAM:

Do you agree to that, Mr. Zuckerberg?

ZUCKERBERG:

Senator, I think that--that there is a role for regulation on the process even if not defining on a piece of content by piece of content basis. One of the areas that I've advocated for is regulation around transparency. That goes beyond just--just about what the policies are and--and what the process is but also goes towards the results. You know, as an example of this every quarter Facebook releases a community standards enforcement report it's basically a transparency report that breaks down each category of harm--potentially harmful content that we track ranging from terrorism to child exploitation content to incitement of violence to pornography (INAUDIBLE)--

GRAHAM:

Yes, if I may--I don't mean to interrupt but who sets those community standards? How are they set by the company?

ZUCKERBERG:

Senator, we have a policy team that consults with a number of different stakeholders and outside groups to make sure we are getting feedback from broad swaths of our community (INAUDIBLE)--

GRAHAM:

Is that--is that publicly known?

ZUCKERBERG:

Senator, I believe so and our head of--of content policy has testified publicly multiple times.

GRAHAM:

OK. So when it comes to fact checking will you send us a list of people you use to fact check?

ZUCKERBERG:

Senator, yes. We work with a number of independent organizations that are accredited by the--the Pointer Institute. And they include Reuters, the Associated Press, Agence France Presse(PH) United States, USA Today, FactCheck.org, Science Feedback, PolitiFact, Check Your Fact, Lead Stories and the Dispatch in the United States.

GRAHAM:

OK I think it's important for the public to know who sets community standards, how they're set, who does the fact checking, who you rely upon to do that. I think that would go a long way to people having a better understanding of the decisions you make.

Mr. Zuckerberg, do you believe your product can be addictive?

ZUCKERBERG:

Senator, I--we certainly do not design the product in that way. We design the product to be as useful and meaningful as possible. We take steps--

GRAHAM:

That's not my question. My question is there seems to be an ample body of growing medical evidence that social media sites have an addictive nature to them. Do you agree with that?

ZUCKERBERG:
Senator, I don't think the research has been conclusive but it is an area that we care about and study. We certainly do not want our products to be addictive. We want people to use them because they're meaningful. And we take steps to make sure this is the case. So, for example, we don't give the team that's running newsfeed a goal around how much time people spend on our products which goes counter to a lot of the--the memes and misinformation out there on how we operate.

But my goal is to help people connect and find content and interactions that are going to be meaningful to them on our service. And our view is that if--if that is what we deliver over the long-term and people find our services useful then they'll use them more. But I--I don't think that company should be optimizing to just encourage people to spend as much time as possible on them.

GRAHAM:
Time is about up. Have you seen the movie, Social Dilemma?

ZUCKERBERG:
Senator, I'm familiar with it.

GRAHAM:
OK. Have you seen it, Mr. Dorsey?

DORSEY:
No. I have not.

GRAHAM:
I would encourage both of you to see it. So here is what we are going to do on the committee over time I hope--is to ask the question more directly, are these social media sites addictive?

Do they have a public health component that needs to be addressed? For years, we thought tobacco was a great thing. We found out, tobacco is not such a great thing.

The medical science around these websites are becoming very concerning to me particularly among children and that you can manipulate how many times you watch. And you can set these media sites up so that people will constantly interact. So to both of you, I appreciate you coming before the committee. We got a long way to go. I don't think the government needs to regulate what we think or what we say. But we've got to up our game here and I'll end with this last question-- Did both of you support change to 230 reform to section 230?

ZUCKERBERG:
Senator, I do.

GRAHAM:
Mr. Dorsey?

DORSEY:
Yes.

ZUCKERBERG:
Thank you. Senator Blumenthal?

BLUMENTHAL:
Thank you, Mr. Chairman.

BLUMENTHAL:
Let me bring this down to very practical terms. We're in the middle of another election. This election in Georgia could determine, in fact, which party controls the United States Senate.

I'm concerned that both of your companies are in fact backsliding or retrenching, that you are failing to take action against dangerous disinformation, exactly the same kind of voter suppression tactics that existed in the last election, and that you are in fact reducing content modification.

The fighting words and hate speech in the last election could inflame violent and send poll workers into hiding, discourage people from coming to the polls, we have to expect the same kinds of malign tactics. In fact, they are already visible. And I'm going to ask, Mr. Chairman, that these post and tweets be entered into the record, if there's an objection, that are aimed at delegitimizing the election in January.

My question to you is will you commit to the same kind of robust content modification playbook in this coming election including fact checking, labeling, reducing the spread of misinformation, and other steps even for politicians in the runoff elections ahead?

ZUCKERBERG:
Senator, our policy is to have a similar approach in the upcoming Georgia special elections that we took during the--the general election.

BLUMENTHAL:
Mr. Dorsey?

DORSEY:
Yes, we do. We--and we intend to learn from what we experience with the selection and bring all that learning going forward to making it more robust.

BLUMENTHAL:
During the past election, there was rampant disinformation on social media in Spanish speaking sites repeating QAnon conspiracies and false claims of election rigging. In my view, you need to do better. Will you commit to taking steps to improve content modification for Spanish-speaking communities before the Georgia runoff?

ZUCKERBERG:
Senator, this is something that we are--we are already working on and worked on ahead of the general election. We have multiple fact checkers who focus on the--on Spanish as--as a language. And we made sure that we translated our voter information center into Spanish, which we showed at the top of--of Facebook and--and Instagram to everyone who uses those products in Spanish in--in the U.S. Those are a couple of the steps that we've taken, and we're certainly committed to focusing on this.

DORSEY:
And yes, we will, and in partnership with Latinx civil rights groups.

BLUMENTHAL:
I'd like to know, and perhaps you could submit to me within one week, what additional steps you're going to take because this Georgia runoff is underway. And as I've indicated, I've seen a backsliding and retrenchment that is very deeply troubling that have enabled the spread of this disinformation, the restarting of certain algorithms, for example, that promote or amplify misinformation is very, very troubling. And I think--I want to know within a week what additional steps you are taking to enhance the efforts to stop this kind of amplification and spread.

Let me ask about Facebook community standards, which banned language that "Incites or facilitates serious violence." As you know, on November 5th, Stephen Bannon in a Facebook Live video, called for beheadings of Dr. Fauci and FBI Director Wray for not acting more favorably toward President Trump. Twitter banned Bannon for these remarks.

You removed the video, Mr. Zuckerberg, but on Thursday you reportedly told Facebook employees that Bannon had not violated enough policies that he should be banned from Facebook. My question to you is how many times is Steve Bannon allowed to call for the murder of government officials before Facebook suspends his account?

ZUCKERBERG:
Senator, as you say, the content in question did violate our policies and we took it down. Having a content violation does not automatically mean your content--your--your account gets taken down, and the number of strikes varies depending on the amount--the--the type of offense. So, if people are posting terrorist content or child exploitation content, then the first time that they do it, then we will--we will take down their account.

For other things, it's--it's multiple. I'd be happy to follow up afterwards. We--we try not to disclose--

BLUMENTHAL:
--Will you--

ZUCKERBERG:
--These--

BLUMENTHAL:
--(INAUDIBLE) down his account?

ZUCKERBERG:
Sorry, I didn't hear that.

BLUMENTHAL:
Will you commit to taking down that account, Stephen Bannon's account?

ZUCKERBERG:
Senator, no, it's--that--that's not what our policies would suggest that we should do in--in this case.

BLUMENTHAL:
According to the internal records that are on the record now leaked by NBC News, Facebook has removed fact checks and forgiven infractions for conservative pages and pendants such as Breitbart, Donald Trump Junior, Eric Trump, and Gateway pundit-based on a fear of accusations of bias. Has Facebook avoided penalizing or fact checking conservative pages that--that violated its policies based on concerns of political bias and allegations of bias?

ZUCKERBERG:
Senator, no, we--we haven't done that. And I think that those reports mischaracterized the actions that we take. I--I'm not aware of any instance where we have overturned a fact check specifically, and certainly no action like that would be taken for the reasons that--that--that you're saying.

What we do sometimes is, if--is apply some judgment on whether the repeat offender policies would--would--would render too harsh of a penalty, but that's different from overturning a--a specific fact check and--and is not done for the reasons that you said.

BLUMENTHAL:
Well, I'm very concerned that, in fact, Facebook seems to have a record of making accommodations and caving to conservative pressure. And the president has tried to use an executive order on Section 232, again, bully or browbeat and exert pressure on you and others in this industry. They're, in effect, working the rest and they're winning.

Let me ask you about antitrust issues. In 2013, Facebook bought Onavo, which is a virtual private records network that claimed it to protect users' privacy. In fact, Onavo's access to private information about its users provided Facebook with unparalleled ability to track potential competition. I want to know whether Facebook used data from Onavo when it decided to purchase WhatsApp in 2014.

ZUCKERBERG:

Senator, I believe that data from Onavo was one of the sources that the team looked at. But I--I don't think it would have taken using Onavo to understand that WhatsApp was a great product, and I don't think that was determinative in--in my decision to pursue that.

BLUMENTHAL:
Well, in fact, the House antitrust report says Onavo data was used to determine whether WhatsApp was "killing Facebook Messenger." My time has almost expired, but let me just say finally that antitrust action by the Federal Trade Commission is long-overdue.

I believe that decisive action is necessary, including very likely breaking up Facebook as a remedy. All options ought to be on the table, including divestment of Instagram and WhatsApp. The FTC ought to impose strict conditions on how Facebook uses consumer data and competes with rivals, because the abuse of competition must end.

BLUMENTHAL:
Mr. Chairman, I ask that three letters from civil rights groups regarding disinformation and hate speech on Twitter, Facebook, and YouTube and also a letter from a coalition of children's protection advocates on the EARN IT Act and child sexual abuse material on digital platform be entered into the record. Thank you both for being here today.

GRAHAM:
Without objection. Senator Cornyn.

CORNYN:
Thank you, Mr. Chairman. Well, I'm glad to hear both of our witnesses today say that section 230, that they are open to reform because I think it's fair to say the internet has outgrown section 230. And while we've made some modifications when it comes to terrorism and when it comes to child exploitation, I think there's more to do.

But I think the question is going to be how this regulation is going to come to pass. I know there's some, including on this committee, who suggest that maybe we ought to create a private right of action so that individuals can sue over claims of violated rights on your platforms. I think that's one form of regulation. It's called regulation by litigation. But it's certainly not my first choice, and it's not optimal. And I don't think it's something we ought to be embracing in the first instance.

But I do think it's critical that each of you and your counterparts work with us to try to come up with something that will address the concerns, and the basic concern I have is it's hard to know exactly how to classify your business model. We have a provision in the Bill of Rights protecting freedom of the press, but yet here, while we would never let the government regulate what the press writes or doesn't write, essentially we are allowing private companies, which are now de facto public forums, to regulate that speech. And I'm no more comfortable delegating those decisions to you than I am delegating to you my vote in the last or upcoming elections.

You know, Louis Brandeis famously said that the solution for bad speech is not less speech; it's more speech. And it seems to me like the practices that you are engaging in to tag, remove and otherwise sensor speech on your platforms violates that principle, and I'd like to know why that shouldn't be a better approach by allowing more speech rather than censoring what is perceived as bad speech.

And then, as I think I've discussed with you, Mr. Zuckerberg, the--I think we're all sort of struggling to come up with what the appropriate analogy here is to your business model. We know as newspapers have become less profitable and many of them gone out of business there's been consolidation in the news media. There is a proliferation of cable TV shows and people being able to get information through a variety of sources. But there's no Walter Cronkite or the big TV networks with the trusted anchor person who people have confidence in who will--that they will shoot with them straight. And so I know it's a very difficult thing to manage, but I would just encourage both of you not to wait for the lawsuits.

We saw what happened to Microsoft. I think Bill Gates said that was one of his biggest mistakes, failing to engage with some of the antitrust concerns when it came to Microsoft, and he learned that the hard way, and I think there is a better way for the American people, and that's if we work on this together.

Mr. Zuckerberg, I believe that Facebook publishes on a quarterly basis a report of its actions in this area. Is that correct?

ZUCKERBERG:
Senator, that's correct.

CORNYN:
And could you describe that for us and what motivated you to undertake that sort of transparency?

ZUCKERBERG:
Yes. Senator, I believe that in order for people to trust that we're doing a good job they have to be able to see the results, and we have to be able to break down content on a kind of category by category basis across all of the different categories of harm, whether it's terrorist content, or child exploitation, or incitement of violence, or pornography or intellectual property violations, how much of the violating content is on our platforms and how effective our systems are at removing it. And what we hold ourselves accountable towards is getting as high a percent of this harmful contents down and addressing it before real people have to experience it and report it to us themselves.

So in categories where we do quite well, for example, in fighting against terrorist content, our AI systems and counterterrorism teams are able to remove 98 or 99 percent of that harmful content before anyone has to report it to us. In other categories it's more challenging and we're still making more progress. But I think that as part of a regulatory framework here it would be good if every company had to issue a transparency report outlining what they're seeing on their platforms and the results and effectiveness of their

content moderation system so that way the people who are responsible for holding all of us accountable, whether it's journalists, Congress, academics, could have an apples to apples comparison about how all the different companies are doing and potentially as part of the law, require that companies even maintain a certain level of effectiveness.

CORNYN:
Thank you. Mr. Dorsey, when Twitter decided to take down the story, the New York Post story on Hunter Biden's laptop, did you do that under your terms of service, or did you do it under some other claim of authority?

DORSEY:
We did it under our terms of service, which as you know everyone agrees to when they sign up for Twitter, and this was a policy around distribution of hacked materials. We did not want to Twitter to be a distribution point for hacked materials.

CORNYN:
Well, you do realize that by taking down that story you probably gave it more prominence and more visibility than it ever would have gotten had you left it alone?

DORSEY:
We realize that, and we recognize it as a mistake that we made, both in terms of the intention of the policy and also the enforcement action of not allowing people to share it publicly or privately, which is why we corrected it within 24 hours.

CORNYN:
And Mr. Dorsey, why isn't Justice Brandeis's formulation in Whitney v. California, why shouldn't that apply to the internet platforms like yours? In other words, the cure for bad speech is not censorship; it's more speech. Why wouldn't that principle apply in to Twitter?

DORSEY:
I think it does apply. All of our policies are focused on encouraging more speech. What we saw and what the market told us was that people would not put up with abuse, harassment and misleading information that would cause off-line harm, and they would leave our service because of it. So our intention is to create clear policy, clear enforcement that enables people to feel that they can express themselves on our service and ultimately trust it.

CORNYN:
So it was a business decision?

DORSEY:
It was a business decision.

CORNYN:
Thank you.

GRAHAM:
Senator Feinstein.

FEINSTEIN:
Thanks very much, Mr. Chairman. Mr. Dorsey, in recent hearings before the Senate Commerce Committee you said, I think, that Twitter has a policy against misinformation relating to civic integrity. President Trump and his allies have tweeted hundreds of false claims about the 2020 election. The pre--Trump has falsely claimed victory and alleged widespread voter fraud. So here's the question. Does misinformation about the results of an election and voter fraud relate to civic integrity? Why or why not?

DORSEY:

Yes, it does, and we label those tweets when the election has not been called yet or multiple sources have called it differently.

FEINSTEIN:
I'm sorry; I didn't understand that. Did you say you have been able to tweet?

DORSEY:
No, we have labeled the tweets that would indicate a different result in the election called by multiple sources.

FEINSTEIN:
I see. At what point was that done?

DORSEY:
Throughout the period, October 11 up till today.

FEINSTEIN:
So when the tweet was initially came in, how long was it before you, quote, updated it?

DORSEY:
We didn't update it.

DORSEY:
We put a label on it pointing to the broader conversation. Our goal is to connect people with more information around what's happening with the election and--and that occurred anywhere from five minutes to 30 minutes. But as quickly as we--as quickly as we can.

FEINSTEIN:

Thank you. Is 30 minutes the maximum time?

DORSEY:
I don't know, we can--we can get you that information (INAUDIBLE)--

FEINSTEIN:
Would you? I'm--I'm--I'm interested in this. Does misinformation about the results of an election and voter fraud relate to civic integrity, why or why not?

DORSEY:
Yes, it does and we also label those tweets that would--that would indicate whether fraud was happening. And again we--we connect those to larger conversations on the platform. We want to provide context here. That is our goal providing more context, providing more information.

FEINSTEIN:
OK. Now, a specific question. And I'm not sure actually what the answer to this should be but on November 7, President Trump tweeted and I quote, "I won this election by a lot," end quote. Obviously, that's not true. President Trump lost the election. The warning label that Twitter has applied to the tweet says and I quote, "Official sources may not have called the race when this was tweeted." End quote. Do you believe that label goes far enough to prevent the tweet's harms when the tweet is still visible and not accurate?

DORSEY:
I do because it's not just the surface level label. It points to a collection of news articles, of information and conversation that gives you an expansion on what is happening with the election.

FEINSTEIN:

My concerns are that these tweets arouse people. And it seems to me that the entity that runs this operation ought to have an understanding that when there is major situation that the tweets can play a unique role in either reassuring or stirring people up to unacceptable levels. Could you comment on that?

DORSEY:
Well, I--I agree in spirit. Our policy is focused on misleading information around the election and the civic process to provide greater context, to provide additive information so that people can make decisions around what's happening with the--the election and that is three phases--that is the run up to the election, that is election day. And also the phase we are in right now, post election. So our policies and enforcement are focused on providing more information, more context to people in those three phases.

FEINSTEIN:
Well, let me give you a specific on November 7, President Trump tweeted this-"I won this election by a lot." End quote. That's obviously not true. President Trump lost the election. The warning label that Twitter has applied to the tweet says, and I quote, "Official sources may not have called the race when this was tweeted." End quote. Now, here is the question--does that label do enough to prevent the tweet's harms when the tweet is still visible and is not accurate?

DORSEY:
I believe it's really important that we show people a broader context and that is the intention of the label. It is not just text below a tweet it is a link to connect to a much larger conversation and news articles across the spectrum.

FEINSTEIN:
Well, give me an example. What would have to happen before the situation would warrant a stronger response?

DORSEY:
Well, we did have stronger responses during election day and--and the week after where we did put an interstitial meaning that we had to click through to see the content of the tweet and limit its spread for any--anything that went against our civic integrity policy including premature calls to the--to election results.

FEINSTEIN:
Well, let me give you one more. On November 12th, President Trump tweeted a conspiracy theory that 2.7 million votes for him were deleted. The warning label that Twitter has applied to that tweet says quote, "This claim about election fraud is disputed." Now, here's the question and--and I think it is a tough issue--do you believe this label does enough to prevent the tweet's harms when the tweet is still visible? It's a highly emotional situation but the tweet has no factual basis?

DORSEY:
But the tweet has a link to more information, to more conversation and more context that informs the situation what's--what's happening. So I--I do believe that connecting people to the larger conversation, giving them more context is the right path here.

FEINSTEIN:
But they have to move to solicit that contact, right? It's not contained as an addendum to the original tweet.

DORSEY:
The label is an addendum to the original tweet and if you tap on it or click it you will go to an expansion of the information.

FEINSTEIN:
I see. Can I ask a question of Mr. Zuckerberg?

GRAHAM:

Yes, you may. One more if that would be OK.

FEINSTEIN:

OK. Mr. Zuckerberg, at the recent hearing before the Senate Commerce Committee, you said that Facebook has a quote, "Policy in place that prevents any candidate," end quote from, quote, "Trying to delegitimize the result of the election," end quote. But the hashtags, stealthevote, and voter fraud garnered more than 300,000 interactions on your platform in the hours after Mr. Trump falsely declared victory. So here's the question--do you believe Facebook did enough to prevent Trump's efforts to delegitimize the election result? If so, why have you reached that conclusion?

ZUCKERBERG:

Senator, I believe that we have--we have taken some very significant steps in this area not just the--the adding additional context to specific posts and making it so that when--when people search for--for different hashtags we show additional information. But we also took the unprecedented step of putting the voter information center at the top of Facebook and Instagram for everyone in the U.S. that showed them reliable information about the election including partnering with organizations like Reuters and the National Election Pool to show them accurate information about the results of the election.

So all taken together I think that we really went quite far in terms of helping to distribute reliable and accurate information about what was going on during this election.

FEINSTEIN:

OK. Let me give you one more along this line. After President Trump falsely claimed that the election was being stolen a group called Stop the Steal, was started on Facebook. It grew to more than 300,000 users in less than a day making it one of the fastest growing groups, I understand, in Facebook history. You shut the group down but substantial damage already had been done.

Trump supporters, some of them armed with assault weapons, held Stop the Steal rallies outside of election offices. In Philadelphia, two armed supporters who had traveled from Virginia were arrested on their way to the city's vote counting center. Here's the question, and this is a tough one--what are your concerns about the spread of misinformation no matter how innocent it is like or it is not innocent like Trump's claims about the election that they may incite violence?

ZUCKERBERG:
Senator I'm--I'm very worried about--about this. Especially, any misinformation or content that could incite violence and during such a volatile period like this one of our top priorities is making sure that people don't' use our platform to--to organize any violence or civil unrest. And that was the basis under which we took that group because there were a--a number of members who were posting potentially violent or--or encouraging violent comments that violated our--our policies. We also have broader policies in place around trying to slow the spread of misinformation more broadly even when it's not going to lead to some kind of violence or eminent harm.

ZUCKERBERG:
And that's why we've created this independent fact checking program where we work with more than 80 partners around the world to help do fact checking because people in our community have told us they don't want to see misinformation, but they also don't want us to be deciding what is true and false. So we--so we've taken the step of building this program, which I believe is more sophisticated than what anyone else in our industry has. So I'm very focused on these issues.

FEINSTEIN:
Well, I'm happy to hear that because I'm really struck by it, that people armed with assault weapons as a product of a tweet could rally outside an election office, and I think it's really a serious issue that needs to be considered, and there need to be, once you signal that and

people respond to it, it has to be in some way abated or some way pointed out or restructured on the internet itself. Now can you respond to that?

GRAHAM:
Senator Feinstein, I--

FEINSTEIN:
--and concerns?

GRAHAM:
I hate to--we're almost double the time. Could we--

FEINSTEIN:
I'm sorry.

GRAHAM:
That's all right. We're going to have a vote come up, and I apologize. Senator Lee.

LEE:
Thank you, Mr. Chairman. First, I'd like to note that as far as the president's arguments about the election and how they turned out, inciting violence, I'd like to point out that the only violence that I'm aware of has occurred in connection with Antifa, Antifa's response to pro-Trump peaceful rally attenders. So I don't quite understand that. Maybe we'll have a chance to dwell on that more in a minute.

But first I want to talk a little bit about federal law, existing federal law and what it requires. Section 5 of the Federal Trade Commission Act prohibits businesses from engaging in unfair or deceptive trade practices. Compliance with this particular law requires that there be some consistency between what a company represents as their practices and their

products and what they actually are. In other words, you can't sell one thing and provide another under the guise of providing something different than what's being sold.

Both Twitter and Facebook represent and have represented for years to their users, their customers, that they take a neutral approach to election content moderation. However, as we've heard today and as we will continue to hear today and into the foreseeable future, there are instances in which your platforms are taking a very distinctively partisan approach and not a neutral one, to election related content moderation.

For example, just days before the election Twitter suspended the account of Mark Morgan. Now Mark Morgan is the commissioner of the U.S. Customs and Border Protection Office, and they suspended Commissioner Morgan's Twitter account specifically for a tweet celebrating the success of the U.S. southern border wall. Apparently Commissioner Morgan's tweet, his comments about the border wall, violated Twitter platform rules governing what it calls hateful conduct.

Now I've read the offending post, and the offending post from Commissioner Mark Morgan reads as follows: As CBP and the Army Corps of Engineers continue to build new wall every day, every mile helps us stop gang members, murderers, sexual predators and drugs from entering our country. It's a fact; walls work. Period, close quote. Mr. Dorsey, can you tell me in one sentence what exactly is hateful about Commissioner Morgan's tweet that I just read?

DORSEY:
Well, we evaluated this tweet again, and we found that we were wrong. That was a mistake, and it was due to the fact that we had heightened awareness around government accounts during this time. So that was a mistake. We reverted it.

LEE:
Thank you. I appreciate that, and we're going to get back to more of that in a minute and get back to the fact that, you know, I understand that mistakes happen, but what we're going to see today is that mistakes happen a whole lot more, almost entirely on one side of the

political aisle rather than the other. Now Commissioner Morgan's statement in that tweet, as was initially taken down, is factual. There's nothing remotely hateful about it, and yet it was taken down.

Now on October 15 Facebook relied on a third-party fact checker's assessment to ban two advertisements from Facebook for, quote, partly false information. Both of these advertisements were factual in nature. They revealed Joe Biden's and Kamala Harris's views on late-term abortion. Joe Biden has stated that he won't accept any restrictions on abortion, and Senator Harris's views are such that she voted against requiring care for a child born alive during a botched abortion.

The very next day the third-party fact checker issued a statement retracting the assessment and re-tracking it as erroneous. However, it stunningly took Facebook almost two more weeks until October 29 when voting had already started in many jurisdictions to lift the ban on these legitimate ads, ads that the fact checker had already declared a couple weeks earlier were erroneously taken down. So Mr. Zuckerberg, why on earth did it take Facebook two weeks to correct this error?

ZUCKERBERG:
Senator, I'm not familiar with the details of us re-enabling that ad, so I can follow up with you after. It's possible that this was just a mistake or delay, and unfortunately when we handle millions or billions of pieces of content a day while we strive to do as well as possible and be as precise as possible, we will make some mistakes.

LEE:
Thank you. I appreciate your acknowledgment of the fact that there are mistakes. As I've noted previously, those mistakes sure happen a whole lot more on one side of the political spectrum than the other. Now this is understandable. We're humans. But it's also understandable why this might occur. Maybe some of it has to do with your employees. 92.83 percent of Facebook employees who have donated to federal candidates gave to Democrats. At Twitter it's even more stark than that, as if it could get much more stark, but

99.3 percent of Twitter employees who have donated to federal candidates gave to Democrats. And so these mistakes, they may be mistakes, but they are mistakes that rhyme. They may not repeat themselves, but they rhyme, and the consistent theme happens to be Republicans, conservatives and pro-life activists.

Now I'd like to ask both of you, is there a list of every user or every content creator who has been de-platformed or had their contents reach altered or had some other adverse action taken by either Facebook or Twitter altered? Is there some list that identifies each user for which that has happened? Mr. Zuckerberg, let's hear from you, just yes or no question. Does such a list exist?

ZUCKERBERG:
Senator, I'm not aware of anything like that existing.

LEE:
Mr. Dorsey, how about you?

DORSEY:
I'm not exactly sure what you're asking, but we certainly--

LEE:
Simple question. Do you have a list of people, your users or content creators who have had some adverse action taken against them, either being de-platformed or having their reach altered or something because of the content of their posts?

DORSEY:
Well certainly whenever we take an action it's recorded somewhere in a database, but I'm not sure if that's your intent.

LEE:

No, that's helpful. So what I'm hearing from both of you is that while there may not be an actual list, and I'd like you both to check to see if such a list exists--but even if there isn't, there is a de facto list because you have within your databases records of occasions when this has occurred, and so I'd like to ask both of you if such a list exists, please send it to me. I'd like to see it. If such a list does not exist, you certainly do have the data necessary in order to generate some. I request as a member of this committee that you generate such a list and provide it to me.

Thank you very much, Mr. Chairman. Senator Graham, the chairman of the committee, has stepped out momentarily. I've been directed to recess the hearing momentarily so that we can go and vote, and then we will pick up back here in just a few minutes. I would like to, as long as I have the gavel momentarily, I'm going to ask one more question before I leave to go vote, and then we'll recess the hearing after this--

LEAHY:
And could I ask when we're coming back? I've been waiting to ask questions for an hour now.

LEE:
Yeah, we'll be coming back as soon as Senator Graham returns--he left to vote and--just a moment ago. He'll be back.

Mr. Zuckerberg, in September Facebook tagged an ad run by the American Principles Project in Michigan that criticized Joe Biden and criticized Senator Gary Peters. And the--the--the ad was tagged because it was "missing context." Now, the next day the ad was shut down entirely by Facebook. Facebook relied on a supposed effect track from PolitiFact, which is a nice way for you to avoid taking accountability for the problem, except that the fact checking question literally said that the ad, quote, makes "predictions we can't fact check."

Apparently, this had to do with collecting context. When it did lacking context become a new standard for political ads? I mean, all political ads, all ads in general but certainly all political ads, lack context. Ben Sasse just finished a resounding victory in Nebraska, and I haven't seen his TV ads but I'm sure they're brilliant. Those guy's made for television, he's--with or without the beard.

And I'm sure his ads didn't say Ben Sasse, great senator but not that great of a hockey player or--there is always context that is lacked out--that is lacking, left out, in any advertisement. So, what does that mean? And have you applied the missing context label to any Democratic ads, a single one that you can identify?

ZUCKERBERG:
Senator, I'm--I'm not familiar with that specific standard. But as a--as kind of a background on the--the fact checking program, the basis of this is that we have heard resoundingly from our community that people do not want to see this information and believe that it is a problem. But people also believe that they do not want Facebook to be the arbiter of truth in deciding everything that is true and false. And for what it's worth, I strongly agree with that, and--and I do not think it is the right thing for us to assume that role.

So, within those bounds, we've tried to create a fact checking program that works with independent third parties who've been accredited by the--the Poynter Institute for--for Journalism, which I--which I think is widely respected. And we--we give those fact checkers the latitude to determine whether ads or other content on our service is--is accurate. And--and if not, we--we apply some demotions or we prevent them from being run as ads. I can follow up in--in more detail afterwards on--

LEE:
--Thank you--

ZUCKERBERG:

--On the specifics of--of--of your question, since I'm--I'm not as familiar with them right now.

LEE:
I--I would appreciate that very much, if--if you'd be willing to do that because it's--it's not only consistent with--with logic and with what--the standards that apply in every other advertising context that I'm familiar with, it's also inconsistent with what Facebook itself does.

Just to give you some context for that while we're talking about missing context, I recently posted something about the election on Facebook. In my Facebook post was almost immediately tagged with the following. "Election officials say that voter fraud, which is historically rare, has not affected the outcome of--in this election. They have confirmed that mail-in voting was conducted in accordance with state voting rules."

Now, I find this a little disturbing. The town--tag, to me, sounds a whole lot more like state run media announcing the party line rather than a--a neutral company, as it purports to be, running an open online forum. This kind of editorializing insulates people from the truth, and it insinuates that anyone concerned about voter fraud must be crazy. It also states it as if it were an irrefutable, neutral, objective fact.

Now, maybe these kinds of concerns are out of the mainstream in Palo Alto, but they're not out of the mainstream with the rest of America. And I--I--I--I have to reiterate, I--I hope this kind of manipulation wasn't intentional, but it's getting harder and harder for me to accept the premise that it could be anything but intentional. And if it was intentional, it's yet more evidence that Facebook's actions surrounding this election are incongruent with the promises that you've made to your own users, and that the problem.

Consistent with the directions that have been given by Chairman Graham, we're now going to recess. I predict we'll be in recess for no more than 10 or 15 minutes until Chairman Graham returns. We stand in recess.

KENNEDY:
The committee will come to order. Senator Leahy.

LEAHY:
Thank you. Can you hear me all right?

KENNEDY:
Yes, sir.

LEAHY:
Good. Well, let me start by--

KENNEDY:
We can see you, too, Senator. You look great.

LEAHY:
It's my thick head of hair. That's what does it. But I want to say I recognize the challenging position that social media companies are in. Your platforms hosts much of the news that America and actually the world use to stay informed, so you're on the front line of both domestic and foreign disinformation campaigns, and you have to balance American ideals like freedom of speech. You have to limit hate speech. You have to limit dangerous misinformation. That's a significant challenge.

I saw one of the people who came here to demonstrate last weekend in Washington say they're there because they had found out that China had one minute before the polls closed dumped millions of votes for Joe Biden. Somebody said, well, what do you mean? They said, well it was on the internet; it's got to be accurate.

But now your platforms have taken some positive steps. But I mentioned that one thing, and I hear from people all the time who stop me with some of these misinformation, sometimes very dangerous misinformation. They've gotten it from your platforms, and I happen to think you can and must do better. You know, our security, I think even our democracy, our understanding of basic truth depends on you doing a better job.

President Obama described the escalating erosion of the acceptance of facts of science of clear evidence as truth decay. It's a--you know, without facts it's hard to imagine how a government by and for the people can exist, and your platforms can bring together. I think often they act as a form of driving people apart. Now, during this election President Trump has emerged as the most prominent distributor of false and misleading election information. He still does it. It's nothing short of propaganda.

Without evidence, he routinely claims the election was rigged, says the states actually cheated and fixed the results, even claims that millions of Trump votes were deleted. And he's doing that while his own Department of Homeland Security is saying the election was the most secure in American history. And there's no evidence any voting system deleted or lost votes, changed votes or was in any way compromised.

That's what our own U.S. government is saying. Then the head of government, the president is saying just the opposite. So it may make him feel better about the fact that he lost badly, but we shouldn't have to put up with it. So I have a question for both of you. Has Facebook or Twitter conducted an in-depth postmortem review of election misinformation spread onto your platforms, not just what you labeled, but how far the misinformation reached? Have you done that kind of a postmortem?

ZUCKERBERG:
Senator, we will do that analysis, and also we are commissioning and working with independent academics to enable them to do the studies themselves and to publish what they find without any intervention or permission required from Facebook.

LEAHY:
Thank you, and.

DORSEY:
And we are doing the same, including opening up our APIs to researchers to make sure that others are able to see what we may not--we may not see ourselves.

LEAHY:
Will that be made available to us? Can other people see that results of that study you're going to do? Both of you, I'd ask.

ZUCKERBERG:
Senator, yes, the academic research is going to be public and the academics are going to be able to publish this themselves without even having to get Facebook's approval over what they publish.

LEAHY:
Thank you. Mr. Dorsey.

DORSEY:
We'll make our reports and findings public, as well, so everyone can learn.

LEAHY:
I look forward to reading them. I'm actually one member of the Senate who will actually read them. So thank you. Because you know, you look at some of the things that went on, there was--I know Senator Blumenthal and others have raised this question about the Steve Bannon putting on a video. Think of what it did. It called for the murder, the beheading of Dr. Fauci and the director of the FBI Christopher Wray. Just think what that does. I mean,

the FBI director travels with security all the time. Dr. Fauci and his family are private citizens. They're calling for their beheading.

And it was seen by I think 200,000 people on Facebook. Now if you're going to have somebody threatening to murder somebody, what do you do about that? I mean, how do you catch that in a hurry because I mean I was a prosecutor. I prosecuted murderers, and we didn't have to face this kind of threat at that time. But what do you do when hundreds of thousands of people see a threat go murder somebody?

ZUCKERBERG:
Senator, in that case that content violated our policies and we took it down, and as has been the subject of some of the other questions, if someone had multiple offenses like that we would remove their whole account.

LEAHY:
I'm sure that's a--the threat that do mul--if they multiple times say go out and murder somebody, cut off their head, you know we're going to face a real problem. Facebook will take down our posting. Oh my goodness, what a deterrent.

ZUCKERBERG:
Senator, what we try to do is identify content that violates our policy before anyone in the community has to see it or even report it to us. And for some categories like terrorism, which I have cited before, you know, about 98 or 99 percent of the content that we take down, our AI and human systems find before anyone even has to report it to us. On hate speech, we're up to 94 percent of the content that we take down our AI systems and content reviewers find it before people have to report it to us. What we try to drive on more effectiveness is basically funding more and more of that harmful content earlier before it is seen broadly across our system.

LEAHY:

Let me ask you about that because, you know, we've had these discussions before. I'm deeply concerned about Facebook's role in spreading hate speech in Myanmar, hate speech that helped fuel a genocide against the Muslim Rohingya people, and I mean horrible. I've seen the pictures. I've seen some of the genocide. You've made some progress about this since you and I talked about it last, but my understanding is that Facebook shuts down specific accounts that violates your content related policy, but then the user can of course just create a new account.

In Myanmar, for example, on October 8, Facebook took down 38 inauthentic accounts created and controlled by members of Myanmar military in part to to promote anti-Rohingyan content. And I compliment you for doing that. But Myanmar military just turned around and created new accounts that promote the same content. So in some way you've got a whack-a-mole problem here. But is there a way that we can--you can stop these things, not just at the account level, at the user level? And I use that as an example because people are being murdered in a systematic genocide.

GRAHAM:
Please answer Senator Leahy's question. Then we'll need to move on. But go ahead.

LEAHY:
And I'm sorry to take--but--but the previous questioner took all his time, plus all the time that--

GRAHAM:
--No, no, I agree--

LEAHY:
--Had been allotted to me.

GRAHAM:
Yeah. No, no, we're at 2.5 minutes, and let's just wrap it up. But to go ahead and answer the question.

ZUCKERBERG:
Senator, you're correctly pointing out that we did disable certain generals in the--in the Myanmar military as dangerous figures and they are not allowed to sign up. But as you point out, these kind of integrity problems are not ones that there's a silver bullet or where you can never fully solve them. You will--we will always be working to help minimize the prevalence of harm.

In the same way that a city will never eliminate all crime, you try to reduce it and--and get it--and--and have it be as little as possible. And that's what--what we try to do through a combination of building AI systems to identify purple content up front, hiring thousands of people and tens of thousands of people to do content review, and partnering with organizations, whether it's in the intelligence community, law enforcement, election officials, or in Myanmar, local society to help us like things that we should be aware of and--and--and on high alert about.

LEAHY:
Thank you. Mr. Chairman, I'll have some questions for the record for both of the witnesses.

GRAHAM:
Thank you very much, Senator Leahy. I appreciate that. Senator Cruz?

CRUZ:
Thank you, Mr. Chairman. Facebook and Twitter and Google have massive power. They have a monopoly on public discourse in the online arena. I will say it's dismaying listening to the questions from our Democratic colleagues, because consistently the message from

Senate Democrats is for Facebook and Twitter and Google to censor more, to abuse their power more, to silence voices that Senate Democrats disagree with more.

That is very dangerous if we want to maintain a free and fair democracy, if we want to maintain free speech. There was a time when Democrats embraced and defended the principles of free speech. There was a time when Democrats embraced and defended the principles of a free press. And yet, there's an absolute silence from Democrats speaking up for the press outlets censored by big tech. There's an absolute silence for Democrats speaking out for the citizens silenced by big tech. Instead, there is a demand, use even more power to silence dissent, and that the totalitarian instinct that I think is very dangerous.

At the same time that big tech exercises massive power; it also enjoys massive corporate welfare. Through the effect of section 230, special immunity from liability that nobody else gets, Congress has given big tech, in effect, a subsidy while they become some of the wealthiest corporations on the face of the planet.

Mr. Dorsey, I want to focus primarily on Twitter and ask you initially is Twitter a publisher?

DORSEY:
Is Twitter a publisher?

CRUZ:
Yes.

DORSEY:
No, we are not. We--we distribute information.

CRUZ:
So, what is a publisher?

DORSEY:

An entity that is publishing under editorial guidelines and decisions.

CRUZ:
Well, your answer happens to be contrary to the text of a federal statute, particular section 230, which defines an in--information content provider as any person or entity that is responsible in whole or in part for the creation or development of information provided through the Internet or any other interactive computer service.

Let me ask you, was Twitter being a publisher when it censored the New York Post?

DORSEY:
No. We have very clear policies on the conduct we enable on the platform. And if there's a violation, we take enforcement action. And people choose to commit to those policies and--and to those terms of service.

CRUZ:
Except your policies are applied in a partisan and selective manner. You claim it was hacked materials, and yet you didn't block the distribution of the New York Times story that alleged to talk about President Trump's tax returns, even though a federal statute makes it a crime to distribute someone's tax returns without their consent. You didn't block any of that discussion, did you?

DORSEY:
Our policy was focused on distribution of the actual hacked materials.

CRUZ:
Did--did you block the--

DORSEY:
--And in the New York Times--

CRUZ:
--Discussion of the president's tax return material?

DORSEY:
And in the New York Times case, we interpreted it as reporting about the hacked materials, not distribution of the--

CRUZ:
Did--did you block Edward Snowden when he--he illegally released material?

DORSEY:
I'm--I--I don't have the answer to that.

CRUZ:
The answer is no. You have used this in a selective manner.

Let me ask you, where you being a publisher when you forced Politico, an another journalistic outlet, to take down their tweets on a topic that you had deemed impermissible?

DORSEY:
No. We were enforcing our--our policy and our terms of service.

CRUZ:
So, on October 15th, Jake Sherman, a reporter at Politico, tweeted the following. I tweeted a link to the New York Post story right after it dropped yesterday morning. I immediately reached out to the Biden campaign to see if they had any answer. I wish I'd given the story a closer read it before tweaking it. Twitter suspended me.

So, you actually have a reporter reporting on a story asking the other side for comment. And Twitter says, hi, Jake Sherman, your account, at JakeSherman, has been locked for violating

Twitter rules. Now, what did the--what did the Politico reporter do? He immediately tweets after that, "My goal was not to spread information." Well, that's a little worrisome just on an--in and of itself. "My goal was to raise questions about the story."

Oh, my overlords in Silicon Valley, I was attacking the New York Post. You don't understand. I was attacking them as I did in subsequent tweets and see how the Biden campaign was going to respond. They later did respond. And then not long after, Jake Sherman comes back with my account is clearly no longer suspended. I deleted the tweets.

When Twitter is editing and censoring and silencing the New York Post, the--the newspaper with the fourth highest circulation in the country, and Politico, one of the leading newspapers in the country, is Twitter behaving as a publisher when it's deciding what stories reporters are allowed to write and--and publish and what stories they're not?

DORSEY:
No, and that account was not suspended. It fell afoul of the hacked materials policy. We realized that there was an error in that policy and the enforcement. We retracted that within--

CRUZ:
--Hold--hold on. I'm--I'm literally--

DORSEY:
--24 hours--

CRUZ:
--Looking at the tweet from Twitter that says your account has been locked. You're--you're telling me that this is not accurate--

DORSEY:

--That's a--that's a lock--that's a lock and can be unlocked when you delete the erring tweet.

CRUZ:
I understand that you have the Star Chamber power. Your answer is always, well, once we silence you, we can choose to allow you to speak. But you are engaged with publishing decisions.

Let--let me shift to a different topic. Mr. Dorsey, does voter fraud exist?

DORSEY:
I--I don't know for certain.

CRUZ:
Are--are you an expert in voter fraud?

DORSEY:
No, I'm not.

CRUZ:
Well, why then is Twitter right now putting purported warnings on virtually any statement about voter fraud?

DORSEY:
We are--we're simply linking to a broader conversation so that people have more information.

CRUZ:
No--no, you're not. You put up a page that says "Voter fraud of any kind is exceedingly rare in the United States." That's not linking to a broader conversation. That's taking a disputed policy position. And you're a publisher when you're doing that. You're entitled to take a

policy position, but you don't get to pretend you're not a publisher and get a special benefit under section 230 as a result.

DORSEY:
That link is pointing to a broader conversation with tweets from publishers and--and people all around the country.

CRUZ:
Mr. Dorsey, with the following statement violate Twitter's policies? "Absentee ballots remain the largest source of potential voter fraud."

DORSEY:
I imagine that we would label it so that people can have more context and read through it.

CRUZ:
Okay. How--how about this quote? "Third party organizations, candidates, and political activists--voter fraud is particularly possible where, quote, third party organizations, candidates, and political party activists are involved in "handling absentee ballots." Would you flag that as potentially misleading?

DORSEY:
I don't--I don't, you know, know the specifics of how we might enforce that, but I imagine a lot of these would--would have a label pointing people to a bigger conversation about our policy.

CRUZ:
Well, you're right. You would label them because you taken the political position right now that voter fraud doesn't exist. I would note both of those quotes come from the Carter-Baker Commission on Federal Election Reform. That is Democratic president Jimmy Carter and

former Secretary of State James Baker, and Twitter's position is essentially voter fraud does not exist. Are you aware that just two weeks ago in the state of Texas a woman was charged with 134 counts of election fraud? Are you aware that?

DORSEY:
I'm not aware of that.

CRUZ:
If I tweeted that statement with a link to the indictment, would you put a warning on it that says, well, the Democratic Party position right now is voter fraud doesn't exist?

DORSEY:
I--I don't think it's useful to get into hypotheticals but I don't believe so.

CRUZ:
You--you don't believe so. Well, we are going to test that because I'm going to tweet that and we will see what you put on it. All right. Yesterday Mr. Dorsey you and I spent a considerable amount of time on the phone and you said that you wanted to embrace transparency so I want to ask you--I've asked twitter, I've asked Facebook multiple times how many times have you blocked Republican candidates for office their--their tweets or their post in 2016 and 2018 and 2020? How many times have you blocked Democratic candidates for office?

How many times have you blocked Republican officeholders? How many times have you blocked Democratic officeholders? Twitter has repeatedly refused to answer that question with specific hard data and--and cataloging the examples in the interest of transparency which you said you want to embrace will you commit in this hearing right now to answer those questions in writing?

GRAHAM:

(INAUDIBLE) last question.

CRUZ:

I'm sorry Mr. Dorsey I didn't hear you.

DORSEY:

That is exactly what we're--we're pushing for as we think about building upon 230 the transparency--

CRUZ:

Is that a yes that you will answer those questions in writing?

DORSEY:

Transparency not just of outcomes but also a process as well.

CRUZ:

Is--is that a yes that you will answer those questions in writing?

DORSEY:

We will certainly look into it and see what we can do.

CRUZ:

And actually answer them and not give lawyerly doublespeak about why you are not going to give specifics, answer them will you commit to this committee that you will answer those questions?

DORSEY:

We are going to work to answering broader transparency around outcomes.

CRUZ:
All right, that's a no. Mr. Zuckerberg, how about you? Will you commit that Facebook will answer those specific Russians cataloging the number of instances in which Democrats in 16, 18, and 20 have been silenced versus the number of instances in which Republicans have been silenced on Facebook?

ZUCKERBERG:
Senator, I'm not sure if we have that data available but I will follow up with you or your team.

CRUZ:
Okay. I'm going to take that as a yes and I'm going to take twitter we will see if it's a yes or transparency is bogus and we don't intend to provide it.

GRAHAM:
Senator Durbin?

DURBIN:
Thank you, Mr. Chairman. We live in a dangerous world. Issues of national security, the worst pandemic public health crisis in modern times in America, and we are being challenged as to whether there's going to be a peaceful transition of power in America in the presidency.

At that moment in time we decided none of those topics were important and what was important was to determine whether or not social media was discriminating against Republicans. It's an interesting question. I think there are more important and timely questions. We have a recount underway in Georgia, we have allegations made by the election officials there where they the Republican allegations, Republican election officials where they have faced literally death threats. We are trying to determine whether or not the social media instruments of America are fair to the Republican Party.

I am trying to struggle with this issue because I want to put it in a context and maybe I can't, maybe it's this is unique. We certainly know what the Constitution says when it comes to free speech and we know what it meant over the years the New York Times versus Sullivan and others with publications, we certainly didn't just suggest that anyone that use a telephone line for nefarious a legal band activity somehow implicated the telephone company into it by--by its nature.

And then came radio and TV and we had to come up with new rules in terms of that one time equal time fair content and so forth and now we have this new relatively new mechanism of communicating information and we are trying to determine what to do with it, whether to treat it like a newspaper publishing or treat it like some sort of a communications network alone section 230 is an attempt to do that and I am sure everybody finds some fault with it.

I would like to ask the two witnesses if they would comment on the historical aspects of this particular debate, if they have any thoughts. Mr. Zuckerberg?

ZUCKERBERG:
Senator, one of the points of the discussion that I find interesting is people asked if the regulatory model should be more like kind of they news industry or more like telcos but from my perspective these platforms are a new industry and should have a different regulatory model that is distinct from either of those other two. I think it is not the case that we are like a telco and that there are clearly some categories of content whether it's terrorism or child exploitation that people will expect us to moderate and address but we are also clearly not like a news publisher in that we don't create the content and we don't choose up front what we publish, we give people a voice to be able to publish things.

So I do think that we have responsibilities and it may make sense for there to be liability for some of the content that is on the platform but I don't think that the analogies to these other industries that have been created previously will ever be kind of fully the right way to look at this. I think it deserves indeed its own regulatory framework to get built here.

DURBIN:
Thank you. With the other witness care to respond?

DORSEY:
From a historical perspective to 30 has created so much goodness in innovation and you know if we didn't have those protections when we started Twitter 14 years ago we could not start and that is what we are most concerned with is making sure that we continue enable new companies to contribute to the Internet, to contribute to conversation. And we do have to be very careful and thoughtful of about changes to 230 the cause going one direction might box out new competitors and new startups, going another might create a demand for an impossible amount of resources to handle it and going yet another might encourage even more blocking of voices or what is being raised here which is censorship of voices and changing the Internet dramatically so--

DURBIN:
Go ahead.

DORSEY:
So I--I believe that we can build upon 230. I think that we can make sure that we are earning people's trust by encouraging more transparency around content moderation in our process of it. I think we need much more straightforward appeals and I think the biggest point to really focus on going forward is algorithms and how they are managing and creating these experiences and being able to have choice in how to use those algorithms on platforms like ours.

DURBIN:
Let me get into a specific, Mr. Zuckerberg. October 10 Detroit Free Press reported 13 men charged Thursday in a conspiracy to kidnap Michigan Governor Gretchen Witmer used Facebook and secure messaging apps to connect and plot their attack. The groups use of

Facebook spans almost a full year. Members began to use the social media platform as a recruitment tool in November 2019 according to an affidavit by Brian Russell Detective Sergeant Michigan State police. Once recruited members communicated via a secured encrypting message platform. According to news reports Facebook alerted the FBI about the Michigan kidnappers online activities several months before the arrest, thank goodness.

However, in August a Facebook page for the Kenosha guard militia which advocated violence in the aftermath of the shooting of Jacob Blake was reportedly flagged over 455 times to Facebook however the page was deemed non-violating and left up. More than 4,000 people responded to that event, hundreds of armed militia members showed up, a member of this group, a teenager from Illinois later shot and killed two people on the streets of Kenosha.

Mr. Zuckerberg, you describe Facebook's handling of this militia page as an operational mistake. Can you explain the exact reason why the Kenosha militia page was not taken down?

ZUCKERBERG:
Senator, yes, and first and what happened in Kenosha was obviously terrible. What--what happened here was we rolled out a strengthen policy are round militia pages in general whereas before that we would have allowed a group that was a militia as long as it wasn't planning or organizing violence directly in the lead up to the election, we strengthened the policy to disallow more of those groups because we were on high alert and were treating the situation as very volatile around potential civil unrest around the election.

We just put that policy into place, and for a number of reasons it had not yet been fully rolled out, and all of the content reviewers across the company hadn't been fully trained on that, so we made mistakes in assessing whether that group should be taken down.

But upon appeal, when it was escalated to a more senior level of content review folks who have more specific expertise in these areas, we recognize that it did violate the policy, and we took it down. It was a mistake. It was certainly an issue, and we're--we're debriefing and

figuring out how we can do better, although one other piece that I would add is that the person who carried out the shootings was not in any way connected to that page or linked to any of the content there from anything that we or others could tell.

DURBIN:
Mr. Chairman, if I may ask one more question. Yesterday, the FBI released its annual hate crime incident report. The report found that more people were killed in hate motivated violence in 2019 than any year since the FBI began collecting hate crime data in 1990. The report also found that race-based hate crimes remain the most common type of hate crimes last year.

And documented increase in religion-based hate crimes, anti-Hispanic hate crimes and hate crimes targeting individuals based on gender identity. Given these statistics, it appears to me that it's more important than ever for social media companies to combat hate on their platforms, and I might add to one of my colleagues who stated earlier this is not Antifa. But these are documented hate crimes from FBI.

Muslim advocates, Muslims reached out to you many times, Mr. Zuckerberg, about this issue relating to published content that reflects on certain religious groups, and you said at a hearing you do not allow Face--hate crimes on Facebook. Yet in May 2020 the Tech Transparency Project found more than 100 American white supremacist groups, many of them explicitly anti-Muslim, active on the platform both in their own group pages, as well as auto generated content. Facebook did nominally alter some of the content, but the hate groups largely remained. Are you looking the other way, Mr. Zuckerberg, at a potentially dangerous situation?

ZUCKERBERG:
No, Senator. This is incredibly important, and we take hate speech, as well as incitement of violence, extremely seriously. We banned more than 250 white supremacist organizations and treat them the same as terrorist organizations around the world, and we've ramped up

our capacity to identify hate speech incitement of violence before people even see it on the platforms.

Our AI and human review teams, as you can track our results in the transparency reports that we issue, now take down about 94 percent of the hate speech that we find on our platforms before anyone has to even report it to us, which is a dramatic amount of progress from where we were a few years ago where when we were just starting to ramp up on this, were taking about 20 percent of it down before people had to report it to us. So there is still more progress to make. We're very invested in this, and you have my commitment that we view this as an issue of the highest severity and one that we are very focused on.

DURBIN:
Thank you very much.

GRAHAM:
Senator Sasse.

SASSE:
Thank you, Mr. Chairman. Thank you for hosting this hearing. Clearly important topics around content moderation. I'm a skeptic of the content moderation policies that exist both because I don't think the standards are very transparent, and I don't think the execution is very consistent. That said, I'm more skeptical than a lot of my colleagues, I think on both sides of the aisle, about whether or not there is regulatory fix that will make it better instead of worse.

I especially think it's odd that so many in my party are zealous to do this right now when you would have an incoming administration of the other party that would be writing the rules and regulations about it, and I think it's telling that a number of folks on the other side of the dais--think of Senator Blumenthal, a guy I like, but who seem to almost be giddy about the prospect of a new government regulatory agency to police online speech. And I think a lot of

people on my side should take pause at the idea that so many on the other side of the aisle are excited about having the next administration get to write these rules and regulations.

But to the broader question, first just to get to kind of a level set--and I want to thank both the witnesses for being here today--but when Senator Lee lays out some of the issues he did about, you know, just the every human community is going to be situated in a different place about policy commitments and priorities and beliefs, but when Senator Lee said that 93 percent of Facebook employees who contribute to politics do so on the left, and 99 percent I think it was, of Twitter employees contribute on the left, I would just be interested to see if either of the two of you think that has implications in the shepherding of your organizations?

Again, I recognize fully that you're private organizations, and so again I'm more skeptical of a governmental fix for a lot of the problems we're talking about here today, but I just am curious as to whether or not Mr. Zuckerberg and Mr. Dorsey--and I guess we'll start with Facebook--I'm curious as to whether or not you think it's likely that there is systemic bias inside your organization in the execution of content moderation policies given that your employee base is so unrepresentative of America in general.

ZUCKERBERG:
Senator, I think it's a good question, and certainly I think it means that we have to be more intentional about what we do and thoughtful. Our principle and goal is to give everyone a voice and to be a platform for all ideas. As you mentioned, I do think it's undisputed that our employee base, at least the full-time folks, politically would be somewhat or maybe more than just a little somewhat to the left of where our overall community is where the community basically spends almost--wide varieties of people across society. So I do think that that means that we need to be careful and intentional internally to make sure that bias doesn't seep into decisions that we make.

Although, I'd point out a couple of things. One is that you know people have a lot of different views outside of work, and we expect and I think generally see that people conduct themselves professionally, and second, the folks who are doing the content review work--we have about 35,000 people doing content review--are typically not based in Silicon Valley.

They're based in places all over the country, and all over the world because we serve people in countries all over the world. So I think that the geographic diversity of that is more representative of the community that we serve than just the full-time employee base and our headquarters in the Bay Area.

SASSE:
Thanks, Mr. Zuckerberg. Mr. Dorsey.

DORSEY:
You know, this is obviously not something we interview for, and even have an understanding of when people are in the company, and with that understanding we intend to make sure that both our policy and our enforcement is objective. And I realize that it looks rather opaque, and certainly the outcomes might not always match up with that intention, with our intention, and the perception of those outcomes would--may not match up, but that's why I think it's so important that we're not just transparent around our policies, but the actual operations of our content moderation. If people don't trust our intent, if people are questioning that, that's a failure. And that is something that we need to fix and intend to fix.

And I think it would benefit the industry, as well. But I do, again, point back to something I said earlier on the testimony, which is a lot of these decisions are not being made by humans anymore. They're being made my algorithms, and that's certainly enforcement decisions, but also decisions around what you see or what you don't see, and to me that is the body of work. That is the conversation that we should be focused on because that is the enduring use case for everyone who interacts with these services.

SASSE:
Thank you. And I wish it were true that this would all--that these were all easy, you know, objective questions. The questions were if somebody says is the sky green, that's an objective question that the sky is blue and white, not green. But most of the things we're

talking about here and the places where you're applying content moderation labels are not really simply objective questions.

SASSE:
They're mostly subjective questions. If--if we talked about Medicare for All being, you know, easily paid for inside a 10 year budget window on assumptions X, Y, and Z that don't raise taxes, that's not true. There isn't any math by which Medicare for All pays for itself in some short-term window, but I don't think any of us really think you're going to slap a label on that saying this is disputed, you know, counting or math or policy projections.

And so, really what's happening is there's a prioritization grid that people are going through as they build even the algorithms, even those that aren't driven by humans, and they're driven by policy priorities of situated individuals. I may be wrong about this, but my suspicion is that your employee base is not actually 99 percent left of center. I bet it's less than that.

And I would speculate that part of the reason less than 1 percent of your employees give money to candidates on the right is because there's a social stigma attached to having conservative views inside your organization. And I would guess that the same sort of internal cultural biases inform the subjectivity of which issues end up labeled.

So, again, this is sort of an odd place to be, in that I am skeptical that the content moderation policies are thought out well. They're not transparent enough for us to really know. But I'm definitely skeptical that they're consistently applied. And yet, I'm not really on the side of thinking there's some easy governmental fix here. There's a lot about section 230 that we could debate.

I think some of the things Senator Durbin said about how, in the era of telephones, nobody blamed the phone company for other people having spread misinformation by the phone; exactly. That's what would be the case if section 230 were actually neutral. But you're applying content moderation policies and seemingly in a way that's not objective.

So, I know that I'm--I'm nearly at the time, but I think it would be useful for us to hear from both of you to give a sort of three or five year window into the future, if there isn't new legislation, what is changing what besides just saying we're moving from humans to more AI? What qualitatively is changing in the way content moderation happens inside your organizations short of a new regulatory scheme? Can you tell us where you think you're actually improving and what problems you're trying to solve? Mr. Zuckerberg, you first, please.

ZUCKERBERG:
Senator, one of the areas that we are very focused on is transparency, both in the process and in the results. So, we're already at the point where every quarter we issue a community standards enforcement report that basically details the prevalence of--of each category of harmful content and how effective we are at addressing it before people have to even reported to us.

Over time, we would like to fill that out and have more detail on that and make it more robust. And we've already committed to an independent external audit of those metrics so that people can trust them even more. People have lots of different kinds of requests for where we might go with that in the future, whether that's breaking down the--the stats by--by country or--or language or into more granular buckets, adding more data around precision.

But I think that that would all be very helpful so that people can see and hold us accountable for how we're doing. And for what it's worth, I think that that would be a valuable part of a regulatory framework that would not feel particularly overreaching to me as something that could be put in law that would create an apples to apples framework, that all companies in this space would have to report on the outcomes and effectiveness of their programs in that way so at least we can see how everyone is doing. That seems like a--a sensible step to me.

SASSE:
Thank you. Mr. Dorsey?

LEE:
Senator Whitehouse?

SASSE:
Oh, sorry, Mr. Dorsey is still answering the same question and then I'll--I'll give it back to you in a hurry, Mr. Lee.

LEE:
So sorry. I missed that.

SASSE:
It's a junior acting chairman. Mr. Dorsey?

DORSEY:
Thank you. Well, I mean, if we're--if we're considering 3 to 5 years out, I think the realization that a centralized global content moderation system does not scale, and we need to rethink how we--how we operate these--the services. And I would point to we certainly need transparency around any process that we have an around the practice and the outcomes of those moderations.

But I think having more control so that individuals can moderate themselves, you know, pushing the power of moderation to the edges and to our customers and to the individuals using the service is something we'll see more of. And I also believe that having more choice around how algorithms are altering my experience in creating my experience is important, so being able to turn off ranking algorithms, being able to choose different ranking algorithms that are found--written by third-party developers in somewhat of an algorithmic marketplace I think is important, and a--a future that would excite and--and energize us.

SASSE:

Thank you. I've appreciated my interaction with both of your companies in the run up to this, anything both of you said some meaty the things that are about ways we can move toward greater transparency. So, I'll--I'll follow up again. Thank you, Mr. Chairman.

GRAHAM:
Thank you. Senator Whitehouse?

WHITEHOUSE:
Thank you, Chairman. Gentlemen, let me start with just a moment's history to give some context to my questions. When the tobacco industry discovered that its product was deadly, it responded to that news with a systematized program of denying that set of facts. The upshot for the tobacco industry was not great. It was found in federal court to have been engaged in massive fraud and was put under court order to cease its fraudulent behavior.

At around the same time, the fossil fuel industry began to run into a similar problem regarding the effects of its product. And it picked up the tobacco industry's scheme kind of where it left off, including using some of the same individuals, some of the same entities, many of the same methods as the tobacco industry's denial operation.

These are persistent, highly motivated, very well-funded and complex information operations, not unlike an--a hostile intelligence service would run, and they are quite secretive. And we're now seeing a new form, I guess you'd call it election denial, happening around our country right now.

So, that's a background that I come at this from seeing, and I'm wondering if each of you see a difference between individual error and basically mass disinformation. Is there a difference between odd people with fringe views who offer personal opinions and an orchestrated plan of deliberate misinformation or disinformation that is driven by motivated interests, whether foreign or domestic?

ZUCKERBERG:

Senator, I absolutely think that there is a difference, and you can see it in the--the patterns of the--of use on the--on the platforms. And in our policies and operations, we view these coordinated inauthentic behavior operations, networks of fake and--and--and sometimes combining with real accounts to push out a message but make it seem like it's coming from a different place that it is, or it might be more popular than it is.

This is what we saw the Internet Research Agency out of Russia do in 2016. And since then, a number of other governments and private organizations, including some--some companies like what you've mentioned, having engaged in this behavior. Now, the--the good news is that I think that the industry has generally gotten its systems to be a lot more sophisticated to defend against that in the--in the last several years.

The combination of AI systems that we've built to find networks of accounts that aren't really behaving quite the way that a normal person would coupled with large numbers of content reviewers, sometimes with expertise in counterterrorism or--or counterintelligence, and in some signal sharing, whether it's with the intelligence community, law enforcement, different groups that have expertise in different areas, and with other tech platforms.

But this is a--a big effort on--on I think all of our sides to make sure that we can defend against this kind of interference. And I think we are--we are getting better and better at it.

WHITEHOUSE:
Well, let me encourage you to persist. As you know, the last time you were here, you were asked about advertising paid for on false--Facebook denominated in rubles, which was not a very sophisticated scheme to be able to penetrate, but Facebook was unable to penetrate it. And your upgrade from that original set up was simply to allow a shell corporation to intermediate between the real actor and not. So, I encourage you to continue to try to make sure that real voices are what are heard on Facebook.

Mr. Dorsey, let me turn to you and--and ask you the same question in the context of bots.

WHITEHOUSE:
Brown University recently did a study that showed that about 25 percent of all tweets about climate change are generated by bots most of them obviously push out climate denial as I described that operation how is Twitter's capacity to identify a bot as opposed to a real customer?

DORSEY:
Well, to build off of your previous question I do think there is a difference as Mark said and I do think there's a many coordinated campaigns to manipulate the public conversation, to divide people all around the world, to confuse and--and generally to distract and we do have policies in enforcement to prevent as much of this is possible. It is a growing threat and it shows no signs of slowing down. Thoughts are one way that in today's do this. Sometimes it may look like a bot that it's actually a human that is organized with other humans for a particular agenda so it is challenging. We are doing work right now to better identify thoughts on our service.

WHITEHOUSE:
Let me just interject Mr. Dorsey real quick as a baseline proposition do you agree that a bot does not deserve a voice on your platform, that it should be actual people and organizations?

DORSEY:
I don't agree with that as--as a high level. I--I think we should be labeling bots so that people have greater context for what they are interacting with.

WHITEHOUSE:
Fair enough.

DORSEY:
There are--there are plenty of thoughts on our service that provide a valuable function and I wouldn't want to take that away.

WHITEHOUSE:

Let me ask both of you and maybe you can supplement this with an answer in writing for the record because my time is getting short and this is a complicated question but the question is when does it matter to twitter and when does it matter to Facebook to know who the actual entity is that was using your platform? Let me start with you Mr. Dorsey, since Mr. Zuckerberg went first last time and you can defer to a written answer if you would like the cause my time is running very short.

DORSEY:

We--we will add to this conversation with a written answer but I--I do believe that pseudonymity is important. We have seen its usefulness with activist and with whistleblowers and I think that is critical but certainly there are times and it is judged by severity of potential outcomes where we need to dig into an entity and take actions.

WHITEHOUSE:

We will follow up with that and let me just ask you since my time has expired Mr. Zuckerberg to respond or have your organization respond in writing. Thank you.

GRAHAM:

Thank you. Before we--Senator Whitehouse brought up something very important and I want to add this directly as I ask this as directly as I can. To Facebook and twitter do you have any internal research or evidence to suggest that your platforms can be addictive? Mr. Zuckerberg?

ZUCKERBERG:

Senator, I think we can follow up with a summary of research that we have but from what I have seen so far it is inconclusive in most of the research suggests that the vast majority of people do not perceive or experience these services as--as addictive or have issues but I do

think that there should be controls given to people to help them manage their experience better and this is something that we are very focused on.

GRAHAM:
Mr. Dorsey?

DORSEY:
I am not aware of internal research but we can follow up but I do think like anything else these tools can be addictive and we should be aware of that, acknowledge it and make sure that we are making our customers so aware of better patterns of usage so that the more information the better here.

GRAHAM:
Thank you. Senator Hawley?

HAWLEY:
Thank you Mr. Chairman. In the late 19th century the heads of the biggest corporations in America, the robber barons, got together and they set rates, they set prices, they determined how they would control information flow, they determined how they get rid of competition and I will be darned if we aren't right back there again and except for this time you are the robber barons, your companies are the most powerful companies in the world and I want to talk about how you are coordinating together to control information.

In recent days, my office was contacted by a Facebook whistleblower, a former employee of the company with direct knowledge of the companies content moderation practices and I want to start by talking about an internal platform called Task that Facebook uses to coordinate projects including censorship. The Task platform allows Facebook employees to communicate about projects they are working on together. That includes Facebook censorship teams including the so-called community well-being team, the integrity team,

and the hate speech engineering team who all use the Task platform to discuss which individuals or hashtags or websites to ban.

Now Mr. Zuckerberg you are familiar with the Task platform aren't you?

ZUCKERBERG:
Senator, we use the Task system for I think it is as you say four people coordinating all kinds of work across the company although I'm not sure if I would agree with the characterization specifically around content moderation that you gave.

HAWLEY:
Well, let's get into that and let me see if we can refresh your memory and provide folks that home watching with an example. Here over my shoulder as an example, is a screenshot of the Task platform and use. You will notice if the cameras assume in several references to election integrity throughout on these list of Task again this is shared across Ace books sites, company locations by working groups. What particularly intrigued me is that the platform reflects censorship input from Google and Twitter as well.

So Facebook as I understand it Facebook censorship teams communicate with their counterparts at twitter and Google and then enter those companies suggestions or censorship onto the Task platform so that Facebook can then follow up with them and effectively coordinate their censorship efforts. So Mr. Zuckerberg, let me just ask you directly under oath now does Facebook coordinate its content moderation policies or efforts in any way with Google or Twitter?

ZUCKERBERG:
Senator, let me be clear about this. We do coordinate on and share signals on security related topics. So for example if there is signal around a terrorist attack or around child exploitation imagery or around a foreign government creating and influence operation that is an area where the company do share signals about what they see but I think it's important to be very clear that that is distinct from the content moderation policies that we or the other

companies have where once we share intelligence or signals between the companies each company makes its own assessment of the right way to address and deal with that information.

HAWLEY:
Well, I--I am talking about content moderation, I am talking about individuals, websites, hashtags, phrases to ban. Is it your testimony that you do not communicate with twitter or Google about content moderation, about individuals websites, phrases, hashtags to ban? Just yes or no, do you communicate with twitter or Google about coordinating your policies in this way?

ZUCKERBERG:
Senator, we do not coordinate our policies.

HAWLEY:
Do your Facebook content moderation teams communicate with their counterparts at Twitter or Google?

ZUCKERBERG:
Senator, I'm not aware of anything specific that I think it would be probably pretty normal for people to talk to their peers and colleagues in the industry--

HAWLEY:
It would be normal but you don't do it?

ZUCKERBERG:
No, I--I am saying that I--I'm not aware of any particular conversation but I would expect that some level of communication probably happens but (INAUDIBLE) different from coordinating what our policies are or our responses in specific instances.

HAWLEY:
Well, fortunately I understand that the Task platform is searchable so will you provide a list of every mention of Google or Twitter from the Task platform to this committee?

ZUCKERBERG:
Senator, that's something that I can follow up with you and your team after on.

HAWLEY:
Well, yes or no I am sure you can follow up with a list but why don't you commit while I've got you here under oath? It's so much better to do this under oath. Will you commit now to providing a list from the Task platform of every mention of Google or Twitter?

ZUCKERBERG:
Senator, respectfully I am without having looked into this I'm not aware of any sensitivity that might exist around that so I don't think it would be wise for me to commit to that right now but--

HAWLEY:
So that's a no. How many items on the Task platform reflect that Facebook, twitter, and Google are sharing information about websites or hashtags or platforms that they want to suppress?

ZUCKERBERG:
Senator, I--I do not know.

HAWLEY:
Will you provide a list of every website and hashtag that Facebook content moderation teams have banning on the Task platform?

ZUCKERBERG:

Senator, again, I would be happy to follow up with you or your team to discuss further how we might move forward on that, but without understanding (INAUDIBLE)--

HAWLEY:

Just will you commit to it here? Senator Cruz and Senator Lee both asked you for lists of individuals, website, entities that have been subject to content moderation. You expressed doubt about whether any such information exists, but you've also now said that the Task website--you've acknowledged the Task platform exists, that it is searchable. So will you commit to providing the information you have logged on the Task website about content moderation that your company has undertaken? Yes or no?

ZUCKERBERG:

Senator, I think it would be better to follow up once I've had a chance to discuss with my team what any sensitivity around that would be that might prevent the kind of sharing that you're talking about. But once I've done that, I would be happy to follow up.

HAWLEY:

All right. So you won't--you won't commit to do it here. We could, of course, subpoena this information. But I'd much rather get it from you voluntarily. But I think let everybody take note that Mr. Zuckerberg has now repeatedly refused to provide information that he knows that he has and has now acknowledged that he has that Tasks has under oath. Let me--let me switch to a different topic. Mr. Zuckerberg, tell me about CENTRA. What is the Facebook internal tool called CENTRA?

ZUCKERBERG:

Senator, I'm not aware of any tool with that name.

HAWLEY:

Well, let me see if this refreshes your memory. There is a demonstrative now over my shoulder. CENTRA is a tool that Facebook uses to track its users, not just on Facebook, but across the entire internet. CENTRA tracks different profiles that a user visits, their message recipients, their linked accounts, the pages they visit around the web that have Facebook buttons. CENTRA also uses behavioral data to monitor users' accounts, even if those accounts are registered under a different name, and you can see a shot here, a screenshot provided to us, of the central platform.

We blocked out the user's name in the interest of privacy, although you can see this individual's birthdate and age when they first started using Facebook, their last login, as well as all manner of trackings. How many different devices have they used to access Facebook? How many different accounts are associated with their name? What accounts have they visited? What photos have they tagged, and on and on and on. Mr. Zuckerberg, how many accounts in the United States have been subject to review and shut down through CENTRA?

ZUCKERBERG:
Senator, I do not know because I'm not actually familiar with the name of that tool. I'm sure that we have tools that help us with our platform and community integrity work, but I am not familiar with that name.

HAWLEY:
Do you have a tool that does exactly what I've described and that you can see here over my shoulder? Or are you saying that that doesn't exist?

ZUCKERBERG:
Senator, I am saying that I'm not familiar with it, and that I would be happy to follow up and get you and your team the information that you would like on this. But I'm limited in what I can--what I'm familiar with and can share today.

HAWLEY:
It's always amazing to me, Mr. Chairman, how many people before this committee suddenly develop amnesia. Maybe it is something about the air in the room. Let me ask you this. When a Facebook employee accesses a user's private information, like their private messages or their personally identifiable data, is a record made of that, Mr. Zuckerberg?

ZUCKERBERG:
Sorry, Senator could you repeat that?

HAWLEY:
Is a record made of any time a Facebook employee accesses a user's private information, personal identifiable information, for example messages? Is a record made any time a Facebook employee does that?

ZUCKERBERG:
Senator, I believe so.

HAWLEY:
Does it trigger an audit?

ZUCKERBERG:
Senator, I think sometimes it may.

HAWLEY:
How many audits have been conducted?

ZUCKER:
Senator, I do not know the exact number of audits on the top of my head.

HAWLEY:
Can you get a list?

ZUCKER:
Senator, we can follow up on that to see what would be useful here.

HAWLEY:
Will you--I'm almost finished, Mr. Chairman--will you commit to giving us a list of the number of times Facebook employees have accessed users' personal account information without their knowledge? Yes or no?

ZUCKERBERG:
Senator, we should follow up on what would be useful here. It is of course in the operations of the company if someone reports something, it's sometimes necessary for people at the company to go review and understand the context around what is happening when someone reports something. So this is fairly frequent, and as a matter of course. We do have security systems that can detect anomalous patterns to flag, but we should follow up in more detail on what you're interested in.

HAWLEY:
Mr. Chairman, I'll just say, in closing, that what we have here is clear evidence of coordination between Twitter, Google and Facebook. Mr. Zuckerberg knows he has the tools to track this, but he won't--he either doesn't remember or won't commit to letting us see it. We have evidence of Facebook tracking its own users all across the web. Mr. Zuckerberg won't answer questions about it, can't remember the name, isn't sure if a tool was deployed in this way and won't commit to giving us basic information.

I submit to you that this is both totally unacceptable and totally predictable because it is exactly what these tech companies have done to the American people and to Congress for

years now, which is why it is time we took action against these modern-day robber barons. Thank you, Mr. Chairman.

GRAHAM:
Senator Klobuchar.

KLOBUCHAR:
I thank you very much, Mr. Chairman. I'm, as you know, the lead Democrat on the Antitrust Subcommittee, and I'm going to take a little different approach here than Mr. Hawley did when it comes to competition policy because I understand why they might be coordinating when it comes to security. What I want to focus on is what I think we're seeing all over this country, not just in tech. We're seeing a startup slump. We're seeing more and more consolidation. And throughout history we've seen that that is not good for small businesses. It's not good for consumers. And it's not good for capitalism in the end.

Even successful companies, even popular companies, and even innovative companies are subject to the antitrust laws of this country. When I asked Mr. Pichai about this at the Commerce Committee hearing a few weeks ago, he said he told me Google was happy to take feedback, and my response was that the Justice Department already provided feedback in the form of a federal antitrust complaint, and I know there is investigation reportedly going on out of the FTC right now regarding your company, Mr. Zuckerberg.

So I want to start with exclusionary conduct regarding excluding smaller competitors by limiting interoperability with the Facebook platform. The investigation that we saw in the House recently gave us a number of examples of companies, excluded companies including Vine, Stackla, MessageMe and Arc (PH), and my view is this conduct, exclusionary conduct, not only damaged the ability of these smaller businesses to compete, but it deprived customers of convenient access. You're one of the most successful companies, biggest companies in the world, Mr. Zuckerberg, Facebook. Do you think that this is fair competition or not with regard to the interoperability and how you've conducted yourself with these other companies?

ZUCKERBERG:
Senator, I'm generally strongly in favor of interoperability and building platform and API access for companies to be able to access. That's why we built the Facebook platform in 2007. Some of the policies that you mentioned, I think came about because what we were seeing was not necessarily startups, but larger competitors like Google and some of our Chinese rivals from trying to access our systems in order to use their scale to compete with us better, and it just felt to us like at the time that that wasn't the intent of what we were trying to enable. It's worth noting--

KLOBUCHAR:
Okay, well we may have a non-Chinese example here. I just want to know--I know that the--maybe we could hear from Mr. Dorsey, and I have concerns about Facebook's treatment of Twitter subsidiary, Vine. It's my understanding is that once Facebook recognized Vine as a competitor after Twitter acquired it in 2013, it cut off Vine's ability to interoperate with Facebook so that Vine users couldn't upload their videos to Facebook. And then I think that Twitter shut down Vine in 2016.

Mr. Dorsey, could you tell me about the actual impact of Facebook's actions on Vine's business, on Vine's ability to compete and on your decision to shut down the service? And I know you're not a Chinese company.

DORSEY:
Well, I don't know about the intent on the other side, but I know our own experience was we found it extremely challenging to compete with Vine, and ultimately decided that the ball moved past us, and we shut it down. Again, I don't know the specifics and the tactics and what was done, but we did find a very, very challenging market to enter, even though we existed prior to some of our peers doing the same thing.

KLOBUCHAR:

Okay, I'm going to move to something else quickly. Instagram and WhatsApp, we have some released internal Facebook emails in which you, Mr. Zuckerberg, wrote that Instagram was nascent and if they grow to a large-scale they could be very disruptive to us. And in a later email, you confirmed that one of the purposes of Facebook acquiring Instagram would be to neutralize a competitor.

KLOBUCHAR:
You wrote those emails that were mentioned in that House report, is that right, Mr. Zuckerberg?

ZUCKERBERG:
Senator, I--I believe so. And I've always distinguished between two things though. One is that we--we had some competition with Instagram in the--and the growing space of kind of camera apps and photo sharing apps. But at the time I don't think we or anyone else viewed Instagram as a competitor as a kind of large, multipurpose social platform.

In fact, people at the time kind of mocked our acquisition because they thought that we dramatically spent more money than we should have to acquire something that was viewed as a--as--as--as a--primarily a camera and photo sharing app at the time. So, I--

KLOBUCHAR:
--Okay. Well, I mean, here's the issue--

ZUCKERBERG:
--I think it's important to distinguish--

KLOBUCHAR:
--Though. We don't--we don't know how it would've done. And when we look at your emails, a kind of leads us down this road, as well with WhatsApp, that part of the purchase

of these nascent competitors is to--I'll use the words of FTC Chairman Joe Simons, who just said last week a monopolist can squash a nascent competitor by buying it, not just by targeting it with anti-competitive activity.

So, I know that this is a subject of investigation. Maybe we'll be hearing something soon. But I think it's something that committee members better be aware of not just with Facebook, but what's been going on with these deals that have gone through and how it has led to more and more consolidation, and how we as the Senate, and I just talked to Chairman Graham about this last week, could actually do something about this by changing some of the standards in our laws to make it easier to bring these cases and not just involving tech.

So, I want to go to something here at the end, the political ad discussion we had in front of the Commerce Committee. Mr. Zuckerberg, I know you said that Facebook had made over $2 billion on political ads over the last few years. You--you said this was your--"relatively small part of your revenue." I know that, but it's kind of a big part of the lives of politics when that much money is being spent on ads.

This is a bill I actually have with Senator Graham. And yet, we have seen these political ads that keep creeping through despite your efforts to police them on your own. And this is why I would so badly like to pass the anise--Honest Ads Act. One ad that went through, it says, and three battleground states, ballots marked for Donald Trump had been discarded. Poll, will voter fraud only increase closer to November?

So, it stated in three battleground states, a paid ad, ballots marked for Donald Trump have been discarded. This played between September 29th and October 7th, 2020, had up to 200,000 impressions. Does this ad violate Facebook's policy?

ZUCKERBERG:
Sorry. Can you repeat what the ad was?

KLOBUCHAR:

The ad was an American Action news ad. They've advertised a lot on your platform. And it said in three battleground states, ballots marked for Donald Trump had been discarded. This was pre-election.

ZUCKERBERG:
Senator, I--I don't know off the top of my head if that specific ad violates our policies. I'd be happy to--to follow up--

KLOBUCHAR:
--Okay. Could you--

ZUCKERBERG:
--Afterwards on that--

KLOBUCHAR:
--Would you commit to a policy where actual people's eyes, people could review these ads instead of just being hit with algorithm review?

ZUCKERBERG:
Senator, we--we do have review and verification of political advertisers before they can advertise.

KLOBUCHAR:
Okay. So, does every ad to go through a human being, like the--

ZUCKERBERG:
--Senator, I don't know if--

KLOBUCHAR:

--TVs do and--

ZUCKERBERG:
--Every--

KLOBUCHAR:
--Hmm?

ZUCKERBERG:
I--I think every--every--our policy is that we want to verify the authenticity of anyone who's--who is doing political or social issue advertising. And I think it's worth noting that our people reviewers are not in all cases always more accurate than the--than the technical systems.

KLOBUCHAR:
Okay. So, are you saying--

ZUCKERBERG:
--So, I agree that there is something that's--

KLOBUCHAR:
--That a human being reviews every ad? It's just really yes or no or I don't know. That's--it's--

ZUCKERBERG:
--I--I--Senator, I don't know.

KLOBUCHAR:
Okay.

ZUCKERBERG:
I don't think so.

KLOBUCHAR:
Well, we'll follow up then in the written. And then you brought the cease-and-desist order against NYU for publishing a report that--noting over the last two years Facebook had not properly labeled approximately 37 million political ads. Why would you not support this project? Why would you bring a cease-and-desist against them?

ZUCKERBERG:
Senator, is that the project that was scraping the data in a way that might have been against the FTC--

KLOBUCHAR:
--That's your definition, but it's--

ZUCKERBERG:
--FTC consent decree that we--that we have to protect people's privacy?

KLOBUCHAR:
The reason is happening is we haven't passed the Honest Ads Act, but--so, they're trying. They're not violating privacy. They're trying to get the ads so people can see the ads, other campaigns, journalists, every one.

ZUCKERBERG:
Senator, you know that I support the Honest Ads Act and--and agree that--that we should--that we should have that passed, and even before that that we've implemented it across our systems. But I think in the case that you're referring to, that project was scraping data in a way that we had agreed in our FTC consent decree around privacy that we would not allow.

So, we have to follow up on that and--and make sure that we--we take steps to--to stop that violation.

KLOBUCHAR:
Okay. Last, Mr. Dorsey, do you think there should be more transparency with algorithms as part of this is not just--and I'm off of the ads now. I'm--I am on just generically.

Part of this is that people don't know how this data is going across the systems and across the platforms. And people basically are buying access, has been my impression, so that even if you say, like, what's the news in the last 24 hours, old stuff comes up. Something's gone awry from the beginnings of this. Would it be helpful, do you think, if there was more transparency with algorithms?

DORSEY:
I--I do think it would be helpful, but is technically very, very challenging to enforce that. I think a better option is providing more choice to be able to turn off the algorithms or choose a different algorithm so that people can see how it affects one's experience.

KLOBUCHAR:
Okay. Thank you. And I ask that both of you look at the bill that Senator Kennedy and I have, the Journalism Competition and Preservation Act, to help the content providers negotiate with digital platforms. Thank you.

GRAHAM:
Thank you. Senator Tillis?

TILLIS:
Thank you, Mr. Chairman. Thank you, gentlemen, for joining. Mr. Chairman, I know you've asked the question a couple of times about whether or not these platforms can be addictive. I--I think they probably can be, based on what I've read in--in one of two ways.

They could be just the nature of the personality and engagement in a tool that can--that they can somehow relate to. But I also think there is a transactional addiction.

And I think you also mentioned Social Dilemma. I think that's the use of analytics, which I don't criticize, among the--the platforms, but it's the use of analytics to addict you to go down a certain path to produce a certain outcome. And that could either be an outcome forming an opinion or an outcome buying something you didn't even think about 30 minutes before you started going down that path. So, I think there are things that we've got to look at, and I do agree with Mr. Zuckerberg and Mr. Dorsey. It's not conclusive, but common sense would tell you it's a--it's a problem already and it could become a bigger problem.

Mr. Zuckerberg, we--I--I'd like to go back to the--the Task platform for a minute. When I looked at the--the screenshot that Senator Hawley put up, it looked a lot like a work management tool. Can you tell me a little bit about that and how many people are actually engaged as users on that platform at Facebook?

ZUCKERBERG:
Senator, yes. Thank you. I--I was a bit surprised by Senator Hawley's focus on our Task system, because all this is, it's a--of the basic internal project management tool. It's exactly what--what the name sounds like. It's used by companies--by--by people across a company thousands of times a day to assign projects and--and track them. It's used for all manner of different types of--of Tasks across different people and teams.

TILLIS:
And do you know roughly how many Facebook either contractors or--or full-time employees are actually users of the Task platform?

ZUCKERBERG:
I think that probably the majority of Facebook employees and people we work with have some interaction with the Task system as--as part of some part of their work. It's--it's

basically just a companywide to-do list.

TILLIS:
The--the other platform that Senator Hawley mentioned was the CENTRA platform. You said you weren't familiar with that one, but I think that is something that would be helpful, maybe as a follow-up, to really understand the nature of that platform. I won't pressure on it today because you said you weren't specifically familiar with the name of the--the tool, but I would be more interested in how it's used.

But Mr. Dorsey, does Twitter have a platform similar to the Task platform for work management communication among staff?

DORSEY:
Absolutely. I mean, a--a--even the smallest companies use these tools. We use a tool called Jira.

TILLIS:
Yeah. I was involved in implementing these in--in my time technology sectors, so I could see why you have these platforms.

But Mr. Zuckerberg, you mentioned you didn't think there was a systematic coordination between Google and Twitter but you could conceive of how people in similar professions you know may have a discussion, have a relationship, maybe talk about it over a beer or so could you see why--how the skeptic could see how these platforms could be used across platforms to force certain outcomes?

Let's say you had 100 people at Facebook, 100 people at Twitter and 100 people at Google that all had a political event, they get together, they share notes and then they go back and make decisions that could make it appear like it's a corporate initiative but it could be an initiative by may be some well-intentioned but misguided staff. Could you at least conceive of that being possible?

ZUCKERBERG:

Senator, I--I understand the concern and I think that coordination specifically on writing the policies or enforcement decisions could be problematic in the way that you are saying which is why I really wanted to make sure that it was clear that what we do is share signals around potential harms that we are seeing whether it's you know specific content in the aftermath of that terrorist attack that people are trying to share virally so that way if one platform is seeing it another platform can be prepared that they will probably see that content soon, to; you know signals around foreign interference in elections but I think it's quite important that each company deals with those signals in the way that is in line with their own policies and that I think is very different from saying that the companies are kind of coordinating to kind of figure out what the policies should be.

I understand what the concern would be around that and that is why I wanted to be clear about what we do and don't do there.

TILLIS:

No, I agree with that I would find it horribly irresponsible to think that this was some sort of a systematic approach across the platforms but just with the sheer numbers of people that you all employ now I could see how some of what has been suggested here in the hearing could actually occur with just small groups of people trying to manipulate certain outcomes. You know I don't want to get into details there except to know that these--the Task platform if it is similar to ones that I have experience with has a lot of logging has a lot of data to where maybe you could do yourself a service by saying you know I hear what has been suggested here but in analyzing the interactions between groups of people and seeing may be some aberration some people being more active and more geared towards one outcome or another it could actually help you a leave some of our concerns with the way these platforms are being manipulated.

I'm not going to have time to drill down into some of the specific questions. I am glad to hear that you all are open on some regulatory outcome. I will tell you if you listen to my

colleagues on both sides of the aisle today I fully expect that Congress is going to act in the next Congress, that we are going to produce an outcome and some people think that that's not possible because maybe the Republicans and Democrats are far apart but if you listen to what they are asking you they are concerned with the kind of outcome that they didn't like on social media in equal measure.

So I do believe that you would be well served to come to the table as--as an industry and identify things. Mr. Zuckerberg I like what you have said about transparency and Mr. Dorsey I do think that the algorithms when you talk about the sheer scale are probably the most sustainable way to go but we are still going to have to have some confidence. I like your concept on choice as well but we are going to have to have more visibility into what has occurred and what has produced certain outcomes like a Veterans Day post that I did after the election. It was actually after my opponent had conceded.

I just posted a picture thanking veterans and for a period of time I think it was suspended and directing people towards election results. I would like to think if that was a result of an algorithmic decision that my opponent who almost certainly posted a veterans ad and every other person who was up for election got a similar treatment because if they didn't it would seem to me that there was some other factor in place if these algorithms are being applied to the base of in that case political commentary from elected officials or candidates.

So I--I viewed this hearing as an opportunity to seek your commitment on two things. One I mentioned to you all yesterday. I have got an intellectual property subcommittee hearing in the middle of December. I would like to have a Facebook and Twitter representative there. I know you are very different platforms but I think you play very prominently in a hearing that Senator Coons who is sitting across from me now would like to have you represented it. I think I can speak for Senator Coons that that would be helpful and we would like to get your commitment to have witnesses for that hearing in the middle of December. Mr. Zuckerberg, can I get that commitment?

ZUCKERBERG:

Senator, yes, we will make sure that we have the right subject matter expert to join your-- your hearing.

TILLIS:
Thank you. And, Mr. Dorsey?

DORSEY:
We will follow up with determining the best course of action.

TILLIS:
Thank you and then we will be following up on a series of questions that I would like to ask that let me get my head around some of the analytics information that I think you almost certainly have and hopefully be willing to share it but we will do that in a collaborative way in my office. Thank you for being here today.

GRAHAM:
Thank you. We are going to take a five-minute break. I think our witnesses have requested a break and they certainly have earned it, and if that's okay with you, Senator Coons, we will come back in about five minutes.

GRAHAM:
Do we have our witnesses on the other end? Mr. Zuckerberg? Mr. Dorsey?

UNKNOWN:
We got both.

GRAHAM:
We got both. Thank you. Sorry we went so long with that break. Senator Coons.

COONS:

Thank you, Mr. Chairman. In the last four years, we have seen some unprecedented attacks on our Democratic institutions, our social norms, the ways in which we conduct ourselves in this democracy and many would say on--on truth itself. And in today's society, you can't talk about truth without also considering the impact of social media and social media platforms.

So if I might, Mr. Zuckerberg and Mr. Dorsey, free expression and open debate are of course core values of our society, but whether you wished for it or not, the inescapable fact is your algorithms, your policies, and your business decisions shape what billions of people across the world and a working majority of people here in our nation understand to be true. That's the case for election integrity, for potential COVID-19 vaccine, for climate change, for hateful and dangerous stereotypes and many other critical issues.

I also want to recognize that it in no small part was the hard work of many led by your ingenuity and resolve that built these impressive American companies and revolutionized the way the world communicates. We need that same resolve to reckon today with what must be done to win our societies battle for truth.

Mr. Zuckerberg, as you know, yesterday I sent you, along with 15 of my--14 of my colleagues, a total of 15 senators, we sent you a letter urging Facebook to do more to address hate speech and calls to violence from the platform. We focused particularly on anti-Muslim bias--bias on an issue that warned specifically specific attention given the tragic consequences of anti-Muslim hate speech in Myanmar and Sri Lanka and New Zealand and right here in the United States. And I appreciate that Facebook has taken actions in response to these issues, but this--this letter points out why we need better metrics and transparency to actually evaluate your actions.

So my colleagues and I urge better enforcement in particular of your call to arms policy, which could have made a difference in a recent tragedy in Kenosha, Wisconsin. You and I spoke last week. I appreciated our conversation. Can I count on you to provide specific and written responses to each of the questions in this letter and then can we discuss them again?

ZUCKERBERG:

Senator, yes. I--I read your letter and I commit to getting back in detail with our team to address the important topics that you've raised and one of your questions that I can actually answer right now, I think it was your second question, about reporting in our--in our quarterly transparency reports about the prevalence of hate speech that we find on our platforms. We will actually be adding that metric into our transparency reports this Thursday when we announce our--our latest round of--our latest transparency report.

COONS:

Thank you, Mr. Zuckerberg. Let me--let me just make sure I hear you right about prevalence because that's one of my areas of concern is the absence from the report of the prevalence of hate content. You mean you will be reporting not just what percentage of hate speech on the platform you're identifying, catching, proactively removing, but the total volume?

ZUCKERBERG:

Senator, it's my it's my understanding is the, yeah, the prevalence of that content is a percentage of content on the platform. And over time, our goal is going to be to get into more detail, which is the subject of some of the questions that you've asked here as well as we've already committed to an independent audit of the community standards enforcement reports so that way people can have full confidence in all of the numbers that we're putting out. And we've been doing this these reports for less than a few years now and will continue to flesh them out and add more details. That way people can--can apply the appropriate oversight and scrutiny to the work.

COONS:

Thank you. I want to move on for a moment if I could about your call to arms policy. You said earlier today that Facebook made an operational mistake in not taking down an event page that called for people to bring weapons to a public park in Kenosha. As I think we all

know, there was a tragic incident of vigilantism in Kenosha where a young man brought his AR-15 from Illinois to Kenosha and ended up with two protesters dead and one injured.

You indicated this was because this operational mistake was because Facebook had just adopted its militia policy a week earlier and contractors without specialized training didn't pick up the violation. And I appreciate your frankness as to that in your answers to questions earlier today from Senator Durbin.

But your response to Senator Durbin didn't mention that the event page also violated a separate call to arms policy in place for over a year that contractors aren't tasked to enforce. So I just have to ask as a follow up, why didn't you before and also today reference the call to arms policy when reviewing what went wrong in Kenosha?

ZUCKERBERG:
Senator, my understanding is that that post did not necessarily violate that call to arms policy at the time. The culture arms policy is not--does not prohibit anyone from saying, you know, let's--let's go get our guns and do something. You know, for example if people are organizing a hunting trip, that's obviously not going to be something that should be against the policies. But what we do on some of these--on some of these policies, which I think it's--I'm glad to get the opportunity to address this.

Some of these are context specific and just require a higher level of context and expertise in the area to enforce. So we don't necessarily have all of the 35,000 reviewers assess every single one of these policies. So I can follow up in more detail if you'd like on the call to arms policy and the nuance there. Specifically, but that's also a bit on how we operationalize these policies.

COONS:
Thank you for that answer. I do want to follow up because just facially, it seemed to me that this was a violation of your own call to arms policy, but I look forward to that--to that conversation. Mr. Dorsey, if I might, at a House Energy Committee hearing I think it was

two years ago, you committed to something that I was just discussing with Mr. Zuckerberg, an independent civil rights audit, but in your case, of Twitter.

The audit released by Facebook in July has proven invaluable to bringing sunlight to some key areas in which Facebook does need to improve. Will you follow through in your commitment and commission to this independent audit of Twitter?

DORSEY:
So we so we work with civil rights groups all over the country and around the world to get feedback. We are in constant conversation with them and we do believe that being more transparent and making our transparency report a lot more robust, which today we still have some gaps is important for any entity to audit independently of us. We believe that's important because an audit like that could take away from the work that we need to do. We'd rather provide the information in a raw format so that people could do that work.

COONS:
If I heard you right, you aren't going to pursue an independent civil rights audit, but you are going to continue to release data and to consult with civil rights groups. I'd--I'd welcome a more thorough answer as to in which way having an independent outside audit would actually harm your transparency efforts.

DORSEY:
I don't mean it would harm it, I mean that we--we want to provide enough information so that people can do this work independently of us on their own timelines.

DORSEY:
And that's where we need to make our transparency report more robust and as I said, we have regular conversations with these groups and take feedback regularly.

COONS:
You do, Mr. Dorsey, have policies against deepfakes or manipulated media, against COVID-19 misinformation, against things that violate civic integrity, but you don't have a standalone climate change misinformation policy. Why not?

DORSEY:
Well, misleading information, as you are aware, is a--is a large problem. It's hard to define it completely and cohesively. We wanted to scope our approach to start to focus on the highest severity of harm. We focused on three areas, manipulated media, which you mentioned, civic integrity around the election, specifically in public health specifically around COVID.

You know, we wanted to make sure that our resources that we have had the greatest impact on where we believe the greatest severity of harm is going to be. Our policies are living documents. They will evolve. We will add to them. But we thought it important that we focus our energies and prioritize the work as much as we could.

COONS:
Well, Mr. Dorsey, and I'll--I'll close with this, I just--I cannot think of a greater harm than climate change, which is transforming literally our planet and causing harm to our entire world. I think we're experiencing significant harm as we speak. I recognize the pandemic and misinformation about COVID-19 and manipulated media also cause harm. But I'd--I'd urge you to reconsider that because helping to disseminate climate denialism in my view further facilitates and accelerates one of the greatest existential threats to our world. So, thank you to both of our witnesses. Thank you, Mr. Chairman.

GRAHAM:
Senator Ernst?

ERNST:

Thank you, Mr. Chair. And Mr. Zuckerberg and Mr. Dorsey, thank you both for being here with us today virtually and for your commitment to constantly improving the way your platforms are serving people across the country.

There has been a lot of talk today, many of us have been listening from our offices or online, about the censorship of ideas and news on your platforms. And these are the things that have been at the forefront of Americans mind's in the lead up to the election, as well as the weeks since our 2020 general election.

And, you know, the people that--that I hear from, of course, believe that conservatives were wrongfully being silenced while those on the left that--were given basically free reign of your platforms. And one of the points of contention that is often brought up is that you do recruit heavily from California, which leads to your employee base skewing quite heavily to the left.

So, my first question is for both of you. Do you have concerns about your ability to monitor disinformation on both sides of the political aisle equally, given that the majority of your employees typically do lean towards the more progressive side? And again to both of you, have you taken any steps then at all to make your employee base more representative of the country as a whole when it comes to political affiliation? And Mr. Zuckerberg, if we could start with you, please.

ZUCKERBERG:
Thank you, Senator. I think that this is a--those are both really important topics. In terms of assessing what is misinformation, I think it's important that we don't become the deciders on everything that is true or false ourselves, which is why we tried to build a--a program of independent fact checkers that we can work with on this.

And those facts checkers are accredited not by us, but by the--the independent Poynter Institute for--for Journalism as--as part of the international fact checking network. And it includes fact checkers that I think span the political spectrum, as well as I think the majority of them who--who call themselves apolitical. So, we've tried to address the--the issue of--of

making sure that there isn't a bias in our actions by actually having us not be the deciders on that type of content ourselves.

And to your second question about taking steps to diversify the--the employee base, we--we--we--this is a--a sensitive area and that I don't think it would be appropriate for us to ask people on the way in as they were interviewing what their political affiliation is, which of course makes it hard to know what the actual breakdown of the--the company is on this.

But one of the areas where I'm more optimistic over time is I think we're going to see more people working remotely around the country and--and also around the world, which will mean that fewer people and smaller percent of our employees will have to come to, you know, the--the see these and--in areas like the Bay Area where our headquarters is, and we'll be able to employee an increasing number of people across all the different geographies in the country.

ERNST:
Very good. Thank you. And Mr. Dorsey?

DORSEY:
First and foremost, the most important thing is that we--we build systems and frameworks independent of any one particular employee or individual in our company. And inclusive in--included in that system are checkpoints, checkpoints to make sure that we are removing any bias that we find, checkpoints to do QA and monitoring of all the decisions that we make, having an appeals process which is an external checkpoint on whether we made the correct enforcement action or not. So, we want to build something that's independent of the people that we hire, and that is our focus building a system.

Second, like Mark, I'm really excited that we are at a stage where we can decentralize our company even more, that we do not need people to move to San Francisco, that we can hire people all over the country. They can stay wherever they want to be, where they--wherever they feel most creative. And that's not just in this country. It's around the world.

And I think the tools are in a state where we can do that more easily. We've obviously been forced to do it with COVID. And I don't think it's a--a state that we will return from. With--the days of having one centralized massive corporate headquarter in any one particular city are certainly over for us at least and I think many other entrepreneurs starting companies today.

ERNST:
Yeah, very good. I really appreciate that, and--and I think that COVID has taught us all a very important lesson. And for those to be able to work remotely, I think you will find greater diversity in thought, which is very important, I think, for the types of platforms that you both represent.

Now, I'd like to move on to an entirely different topic. And since I bolt--began my career here in the Senate, I have been committed to of course protecting those who need it most. And--and folks, our--our children are the most in need, and it's our job as lawmakers to respond to the ongoing threats against them.

And social media has created a whole new world for--for all of us, and it can help us share that information and resources with the public about human trafficking and child exploitation, and it can also help us keep track of sexual predators and ensure our children are safe from those known threats. And in fact, I've been working on legislation that would help update what information sexual predators have to provide about their online identities.

And as we all know, however, social media can also be incredibly harmful. Child sexual abuse material, CSAM, is present on nearly every single social media platform that exists. And in such polarized times, I am grateful that it is this subject that we do find--it doesn't matter if you're on the left or the right. We can come together to find solutions for this issue.

And Mr. Zuckerberg, I know that you and I touched upon this briefly last week will we spoke over the phone. And I do hope, Mr. Dorsey, that you also share Mr. Zuckerberg's commitment to fighting these types of issues on your platforms.

So, just very briefly here as I'm running out of time, but Mr. Zuckerberg, I do understand that Facebook is planning to out foot--outfit Facebook Messenger with end-to-end encryption. And how do you hope to prevent the dissemination of child sexual abuse material if neither law enforcement nor you can access that Messenger data? Is there some sort of apparatus that you will have in--in place that can help law enforcement with those situations? And then Mr. Dorsey, we'll go to you next as well.

ZUCKERBERG:
Senator, thank you for this. I think you are--you are right on--on every count of what you just said, both that child sexual exploitation is--is one of the gravest threats that we focused most on, and it is also an area that will face new challenges as we moved to end-to-end encryption across our--our messaging systems.

ZUCKERBERG:
Of course the reason why we are moving to encryption is because people want greater privacy and security in their messaging systems and over time we are choosing systems that can provide them more privacy and security and that is something that I think it makes sense for us to offer. I think encryption broadly is good but it is going to mean that we are going to need to find and develop some new tactics.

A lot of what we have found around the best ways to identify bad actors on our system is not actually by looking at the specific content itself but by looking at patterns of activity and where is it that so you can flag and review that and we have grown increasingly sophisticated in that, that goes across the foreign interference prevention work that we do and it also will be a factor here and I would be happy to follow up in more detail on what we have planned but overall I would say that this is something that we are very focused on and I--I agree with your concern.

ERNST:

Okay, thank you very much and Mr. Dorsey you as well. So those that are on Twitter making sure that law enforcement would have access if at all possible if you could give me an overview of that please.

DORSEY:
Yes, child exploitation is absolutely terrible and we don't tolerate it on our service at all. We regularly work with law enforcement to address anything that we see inclusive of the patterns that Mark has mentioned. The majority of Twitter is public so we don't have as much activity in private channels so it is a different--a different approach but it is still you know we still see the same activity and we--it is one of our highest priorities in terms of severity of harm.

ERNST:
Thank you both very much for being accessible to us today. I truly appreciate your input. Mr. Chairman, thank you.

GRAHAM:
Thank you and Mr. Zuckerberg I really want to appreciate what Facebook has done in the area of sexual exploitation of children. You all have done a very good job of trying to help law enforcement in that area. Senator Hirono?

HIRONO:
Thank you, Mr. Chairman. Mr. Zuckerberg for the second time in three weeks you have been called before the Senate committee so my Republican colleagues can beat you up over claims that your platforms are supposedly biased against conservatives. The fact of the matter is that these allegations are completely baseless.

Everyone who has systematically looked at the content on social media from Media Matters to the Cato Institute to former Republican Senator John Kyl has found absolutely no evidence of anti-conservative bias and data from proud to tangle(SP) showed that far right

content from the likes of Fox News, Ben Shapiro, David Bongino dominates the daily top 10 most engaged pages on Facebook so all of these allegations about the fact that you hired or all of your employees are left of center is relevant of nothing, certainly not relevant on some sort of anti-conservative bias in terms of your content moderation.

So the way I see it this hearing is a transparent effort by my Republican colleagues to work the refs and unfortunately in my view it is working. Two weeks ago the Washington Post reported that Facebook has bent over backwards to avoid claims that it was biased against conservatives and it removed a strike against Donald Trump Jr's Instagram account that would have penalized him as a repeat offender. Currently one of several strikes removed from the accounts of Trump family members. For Trump's super PAC, American First Action, was allowed to post material rated false by Facebook's third-party fact checkers without penalty and these are just a few examples and they are nothing new.

In 2019 Facebook included Breitbart a website described by its co-founder as a platform for the alt-right as one of its trusted news sources. Early in 2019 Facebook selected the Daily Caller another site with white nationalist ties to being one of its third party fact checkers and the Wall Street Journal has reported how Joel Kaplan(SP) former deputy chief of staff to George W. Bush stopped changes designed to make Facebook's algorithms less divisive because the changes would have disproportionately effected conservative users and publishers according to Kaplan. So Mr. Zuckerberg you founded Facebook, a company with a market capitalization of approximately $80 billion, and you control majority share of the company's voting stock.

Mr. Zuckerberg I am really wondering at what point--at what point you will stop giving into baseless claims of anti-conservative bias and start exercising your control over Facebook to stop driving division and actually build community and bring the world closer together" as you claim is Facebook's mission. My question is to both of you. A recent Harvard study found that President Trump was the single biggest source of voting related misinformation in the run-up to the presidential election. Since the election President Trump has only continued the lies on Twitter and Facebook falsely claiming that he won reelection and that the election is being stolen from him.

But the truth is Joe Biden won the election as major news networks and the Associated Press have confirmed. In response to President Trump's lies you have at most added a warning label while still allowing the presidents misinformation to remain online. In response to questions from Senator Feinstein you defended the labels claiming you appoint people to a broader conversation around the election. I have serious questions about the effectiveness of these labels particularly since President Trump and his allies continue to spread their lies.

For both of you, what evidence do you have that these labels are effective in addressing President Trump's lies? Response please.

DORSEY:
So and I think Mark mentioned this as well earlier we are doing a retrospective on the effectiveness of all of our actions through the election. We believe the labels point to as you said a broader conversation that people can see what is happening with the election and with the results. We don't want to put ourselves in a position of calling and election, that is not our job so we are pointing to sources and pillars that have traditionally done this in the past and that is the intention of the policy, that is the intention of the labeling system.

HIRONO:
Mr. Zuckerberg?

ZUCKERBERG:
Senator, we view the additional context that we put on the post as part of an overall response effort to make sure that people have reliable information about--about the election so we don't expect that it's just going to be when people are seeing a post that may be casting doubt on a legitimate form of voting or may have misinformation that we can correct and help people understand how they could really vote for example so that is why we put the voter information's enter prominently on the top of Facebook and Instagram four months leading up to the election and kept it up afterwards so people can see reporting on the results.

As I mentioned in my opening statement 140 million Americans visited that and I think this was the largest voting information campaign in the history of our country so I think when taken together these actions were quite strong of an effort to communicate accurate and reliable information to people at the times when they needed it about how they can vote in the election, encouraging them to vote, having confidence in the election system, knowing who and--and when the election had been called. That's just part of an overall system.

HIRONO:
My time is running out and so all of the information, the actual information of voter information you provide that is good but we are talking about all of these misinformation and actually outright lies put out by the President and you have these labels and I really have questions as to whether or not this kind of labeling and I'm glad that at least Mr. Dorsey is determining whether these labels do anything to actually create a larger framework for discussion.

I really seriously consider beyond a doubt whether that is actually happening. Since I am running out of time I just wanted to get to, you know Donald Trump is president do consider post get on (PH) whether they contain misinformation especially whether he won the election and COVID, you name it the fraudulent elections that he alleges. What are both of you prepared to do regarding Donald Trump's use of your platforms after he stops being president? Will he still be deemed knows newsworthy and will he still get to use your platforms to spread this misinformation?

ZUCKERBERG:
Senator, let me--let me clarify my last answer we are also having academic study the effect of all of our election measures and they will be publishing those results publicly. In terms of President Trump and moving forward there are a small number of policies where we have exceptions for politicians under the principle that people should give to hear what their elected officials are saying and candidates for office but by and large the vast majority of our policies have no newsworthiness or political exception.

So if the president or anyone else is spreading hate each or inciting violence or posting content that delegitimizes the election or valid forms of voting, those will receive the same treatment as anyone else saying those things. And that will continue to be the case.

HIRONO:
Remains to be seen. Mr. Dorsey?

DORSEY:
Yeah, so we do have a policy around public interest where are our global leaders we do make exceptions in terms of whether if a tweet violates our terms of service, we leave it up, but we leave it up behind and interstitial and people are not--not allowed to share that more broadly. So a lot of the sharing is disabled with the exception of quoting it so that you can add your own conversation on top of it. So if an account--somebody becomes--is not a world leader anymore, that particular policy goes away.

HIRONO:
So I am running out of time, but you know, I have--Mr. Chairman, I'd like to enter into the record a number of studies, particularly on November 1st 2020 article in the Washington Post titled Trump Allies Largely Unconstrained by Facebook's Rules Against Repeated Falsehoods Submit Pre-Election Dominance, a May 26 2020 article in the Wall Street Journal titled Facebook Executive Shut Down Efforts to Make the Site Less Divisive, three studies from Media Matters finding no anti-conservative bias on Facebook and an article by Dr. Francesca Tripodi titled No, Big Tech Isn't Silencing Conservatism. I would like to enter these items into the record.

GRAHAM:
Without objection. Senator Kennedy.

KENNEDY:

Thank you, Mr. Chairman. Gentlemen, each of you has founded an extraordinarily successful company. And they're both American companies and I think I would be remiss if I didn't say congratulations. I'm very proud of the fact that it was American ingenuity they did this.

I think we can also both agree that both Twitter and Facebook have enormous power as a result of your success. You're not--you're not companies, your countries at least in terms of power. I want to--I want to test a point of view here. I'm unsure I subscribe to it, but I want to get your thoughts on it. Mr. Dorsey, do you believe everything you read?

DORSEY:
No.

KENNEDY:
Why not?

DORSEY:
I think it's healthy to have skepticism about everything and heavy mindset of verifying it and using as much information as possible to do so.

KENNEDY:
Do you have somebody on your staff who protects you from reading things that they think you shouldn't?

DORSEY:
No.

KENNEDY:
Mr. Zuckerberg, do you believe everything you read?

ZUCKERBERG:
No, Senator.

KENNEDY:
Why not?

ZUCKERBERG:
Because a lot of things are incomplete or incorrect.

KENNEDY:
So you exercise your own judgment?

ZUCKERBERG:
Yes, Senator.

KENNEDY:
Okay. Do you have somebody on your staff whose job is to filter things that they think you should not be reading?

ZUCKERBERG:
Senator, not--not externally, although I would hope that the teams that I work with internally do their best to make sure that the information that they're presenting me with are always accurate.

KENNEDY:
Okay. I want to--here--here is a point of view. I'm not sure I subscribe to it, but it is a legitimate point of view I think. And I'd like to know your thoughts on it. You have both, and this is directed to each of you, you have both Democrats and Republicans upset with you.

The Democrats are upset with you, this point of view holds, because they want you to publish, I'm not using that word as a--as a term of art or science here with any special meanings. The Democrats want you to publish stuff on your platforms that they agree with but they don't want you to publish stuff that they disagree with.

And this point of view also holds that the Republicans are upset with you because they want you to publish things on your platforms that they agree with, but they don't want you to publish stuff on your platforms that they disagree with. What if we had a rule--what if your companies had a rule, this is a question, not a suggestion, what if your companies had a rule that said okay, people aren't morons. I would like to treat people as they treat me. That is that I can read what I want to read and exercise my own good judgment about whether I choose to believe it.

So here's the rule we're adopting. If you go on Twitter or Facebook, you can't bully people, you can't threaten people, maybe this is a subset of both of those, but you can't commit a crime with your words, and you can't incite violence. But other than that, you can print any damn thing you want to and we'll let our users judge. Give me your thoughts on that.

DORSEY:
Those are generally the rules we have. I mean, our--our focus on these policies, Senator--

KENNEDY:
--No you don't, Mr. Dorsey. Excuse me for interrupting, but you're censoring like right and left trying to make both sides happy and you're making neither side happy.

DORSEY:
No, that's not the intention. The intention is to--

KENNEDY:
--I know it's not the intention, but it's--the intention, but it's the result.

DORSEY:
I can see why you might say that and why you might perceive that, and that's why we--we, you know, we do think it's important that we add more transparency to how we moderate content, that we give more control to individuals to moderate their own content and focus on out rhythms. But a lot of our policies are focused on making sure that people feel that they can express themselves in the first place and not driven away. Everything you mentioned about bullying, about harassment around illegal content or violence, incitement of violence, that is what our policies are and that is our intent--

KENNEDY:
--I know. And excuse me for interrupting, but my time is limited because--and I want to hear from Mr. Zuckerberg, but you're not just doing that. You're--you started to censor content. Why not have both Mr. Biden and Mr. Trump able to say whatever they want to on their platform? Mr. Zuck--so long as they don't threaten, bully, incite violence, commit a crime?

I'm not justifying the use of either Twitter or Facebook to--to hurt the Rohingyas. Mr. Zuckerberg, what are your thoughts on--on my suggestion? Get out of the censors that business other than the exceptions I talked about.

ZUCKERBERG:
Senator, in principle, I agree with what you're saying, although I think that there are more categories of harm then just the ones that you've mentioned. So--but I think the basic principle behind what you're saying is a--a definition of free expression that says that people should be able to share their opinions broadly except if it's going to cause imminent or irreparable harm to another person, which, now, even the most ardent First Amendment supporters, you know, agree that you shouldn't be able to yell fire in a crowded theater if there's not actually a fire, right, because that could be put people in the risk of imminent harm.

So you mentioned terrorism, you mentioned Child Exploitation and bullying is forms of harm and I think a lot of the debate is around what are other forms of harm. For example, we are in the middle of a pandemic and--and we've assessed that misinformation about COVID and treatments that could put people in additional risk of getting the disease or not seeking the right treatment if they have it that those are also things that could cause imminent harm. We've taken the position that (INAUDIBLE)--

KENNEDY:
--Mr. Zuckerberg, let me interrupt you and I really do apologize, but I'm going to be cut off in a second, and appropriately so. I'm not saying you're wrong by doing what you just described, but that makes you a publisher.

KENNEDY:
And that--that--that creates problems with section 230. And I--I just think it--one point of view is that at some point we--we've got to trust people to use their own good judgment to decide what they choose to believe and not believe and not--not--not try to assume that we're smart and they're stupid and that we can--we can discern believable information and information that shouldn't be believed, but everybody else is too stupid to do it.

GRAHAM:
Okay.

KENNEDY:
I'm done. Thank you, Mr. Chairman.

GRAHAM:
I think you put your finger on a really--maybe the central issue, Senator Kennedy. It's how do we let people make up their own minds without what they're saying creating violence or threats to others, a very complicated endeavor. Senator Booker? Senator Booker?

BOOKER:
Thank you, Chairman. Can you hear me, Chairman?

GRAHAM:
Yes. And to our witnesses, we have two more senators and we'll be done, and I appreciate your patience. Senator Booker?

BOOKER:
I--I appreciate that, Mr. Chairman and have appreciated listening to this--to this hearing. I really want to bring just focus back to what I think is why we're here, which is the 2020 election. And I've been saying in this committee for many months now about the--the tragic consequences of us normalizing things that should express considerable outrage.

There's not a person on this committee on either side that doesn't know who the next president of the United States will be. President-Elect Joe Biden and Kamala Harris will be the president and vice president of the United States come January 20th. But what is going on right now is dangerous and it is a threat to our democracy.

For the first time in American history, we are seeing a sitting president of the United States make wild and baseless accusations that undermine the democratic process, that don't just delegitimize it. What the president of the United States is doing is trying to thwart our democracy. As we speak, Donald Trump is waging an all-out war on the truth and our democratic systems.

And one of his weapons of choice in this disinformation war is social media and specifically the two gentlemen here, their platforms, Twitter and Facebook. You have the tools to prevent him from weaponizing these platforms to degrade our democracy and our democratic institutions and to cause such damage that, even after January 20th, it could be one of the first times that millions of Americans think and believe that this election was what is baseless--baselessly being charged by Donald Trump.

And so, let's be clear on what's happened. Donald Trump's shameful and shameless lies that are persisting about voter fraud and the outcome of this election were some of the most engaged content on social media in the days after the election. By one measure, during the week after the election, his post on Facebook made up all, every single one, of the topmost--top 10 most engaged post in the United States, and 22 out of 25 of the topmost engaged posts in our country.

And his number one post, the top of them all, was a false declaration of victory. On Twitter, his false--his--his tweet on falsely claiming victory was viewed by millions of users. This was and is not just a disinformation campaign by the president of the United States, but literally the most powerful person in our country doing an all-out assault on the constitutional ideal of a democracy that he was sworn to protect.

So, let's take a step back because I--I--I'd think this would be bipartisan if we look to what was happening in another country, if--if we saw--and I'm on the Foreign Relations committee, and I know how we come together on issues like this. If a strong leader--a strongman leader of a democracy had denied his loss in an election, in a democratic election, made consistent in constant baseless claims about fraud, if he fired military leaders while his foreign minister talked about a smooth transition of the defeated leader's next term even potentially in jest, any government looking at this situation, including hours, would be putting out statements urging calm and calling for the peaceful transition of power, for the rule of law, for the honoring of democratic norms and traditions.

And so, we're seeing concrete consequences right now of President Trump's rhetoric. We are actually in the midst of the fourth-largest mass casualty event in American history. This is not just something that should not be treated with calm and normalcy, but we all, people who believe in this country, should be standing up and talking about the consequences.

We have his political appointee, the general service administrator, refusing to designate Joe Biden as President-elect and provide the transition team the resources mandated by federal law. It wasn't that long ago that the 9/11 commission said that one of the things that undermined our ability to meet the terroristic threats to our country happened because of a

transition that was undermined--or, excuse me, the--a transition that did not happen in the normal course.

President Trump's actions since Election Day should shock all of us, all of us who care about the welfare of our democracy, who care about our norms. And I hope the platforms here can maintain the highest levels of vigilance.

And so, to the gentlemen before us today, I'd like to ask specifically have you taken any steps to modify your platform's algorithms to ensure that blatantly false election disinformation posted by election officials and specifically the most powerful person in the United States, Donald Trump, isn't amplified, that his posts that might get a lot of interactions that are dead wrong don't somehow get boosted by your algorithms, if you could both respond to that as quickly as possible?

ZUCKERBERG:
Senator, I'll--I'll go first. And--and I share your concern on this and I--I think it's unfortunate that we had to put in place a policy around premature or false declarations of victory. But--but we had to do that, and we--we anticipated this back in September when we put the policy in place.

And a lot of what we're trying to do is help distribute reliable information, which we attach both to posts on the topic by--by President Trump or any of the other candidates for--or elected officials who--who are talking on the subject. But more importantly, we put that reliable information, including about election results, at the top of Facebook and Instagram for everyone to see. And that supersedes, you know, what--what the algorithm or what newsfeeds chooses to show.

BOOKER:
Okay, I--I--I appreciate that. I--I'd just like to get Jack's--this is information I know--Jack, if you want to just respond on the algorithm--excuse me, Mr. Dorsey, if you want to respond

about the algorithms too, do you have specific measures that you're taking to prevent your algorithms from boosting false content?

DORSEY:
Yes, sir. So, many of the labels did change how they algorithms amplify content.

BOOKER:
And then, you know, President Trump right now is spreading dangerous misinformation about our electoral process. That's going on right now. And--and maybe if you guys--gentlemen would just cogently--through this process, this ongoing process right now, are there steps you will be taking that--that you have not already delineated as we are going into what could be very dangerous waters, unprecedented waters in this country?

Is there any additional steps that you will be taking right now in the coming days or weeks to stop the further amplification and undermining of our--of our--of our democracy? We are--we are heading potentially--depending upon the behavior of a president who shown himself to be erratic, are there steps that you are prepared to take in the--in the coming days and weeks to address this misinformation that we are seeing as coming in an unrelenting manner? Mr. Zuckerberg?

ZUCKERBERG:
Senator, yes, we're--we're--we're--this is unfortunately an eventuality that we--that we planned for. And we've taken a number of steps not just including the fact checking program that--that we have set up broadly, but we've stopped recommending all civic and political groups, as an example, because of the risk of misinformation or--or--or harm growing there. We have temporarily caused a political ads because of a risk of--of potential abuse or kind of inflaming tension or--or potential unrest or--or violence.

And there are number of other steps that we've taken like this as well that we've done in other countries when there are risks of civil unrest and that we've shown--

BOOKER:

--Thank you--

ZUCKERBERG:

--Have worked. So, I--I'd be happy to follow up in--

BOOKER:

--Yes--

ZUCKERBERG:

--In some detail on all of the steps--

BOOKER:

--I appreciate--

ZUCKERBERG:

--That we're taking there.

BOOKER:

Thank you. Your team has--has been helpful. Mr. Dorsey, any new steps that you want to give me? And I'm now treading on the indulgence of the chairman, if you could do really cogent new steps?

DORSEY:

We are going to continue to remain diligent around our enforcement of civilian integrity. I think it is really important that we stay agile and that we learned. We need to learn about like the effectiveness of this work and how to carry it forward.

BOOKER:
Right, and--and if the chairman would indulge me in one more sort of question to Mr. Zuckerberg I was really pleased that the group Stop the Steal, which was a group formed on Facebook with this information trying to delegitimize the election, I was grateful that you all suspended that account after 24 hours but I am concerned about what lessons you have learned because clearly outside groups like the Center for Countering Digital Hate flagged that groups' post containing calls to violence hours before Facebook did.

And I am wondering what--what you all have learned about speed. There's an old saying that a lie can travel halfway around the world while the truth is still putting its pants on. What does Facebook really factor in in terms of speed and trying to combat surges of disinformation about this group and--and maybe another example additional sort of addendum to that question Mr. Zuckerberg you know Mr. Bannon's Twitter for example permanently suspended Mr. Bannon's Twitter account and suspended his shows Twitter account after he made her rend this steps about acts of violence against Dr.--Dr. Fauci and FBI director Wray.

But not only had I guess I am just simply asking why would Facebook not take similar steps and a similar stand so Mr. Zuckerberg very cogently could you talk about that speed issue and then I--when your platforms diverge I--I am really wondering why one platform in Twitter saw that as a standard to remove but you all have left--did not follow in that decision.

ZUCKERBERG:
Thanks, Senator. I am happy to address both of those. On speed you are certainly right that that is important and part of what we focus on is figuring out which types of messages or things that are going to go viral quickest because you--it's not just about trying to get to everything within you know five hours for example it's actually much more important to get to the harms that are going viral quickly within an hour even if some things that are probably not going to get much distribution at all might be de-prioritized for a little bit longer.

So I think making sure that we stay on top of what are the hashtags, what are the groups, what are the messages, who are the bad actors who are trying to spread this content and as we see the thready evolving we are typically able to devolve and move faster as well so we are very focused on that.

GRAHAM:
Thank you very much. Anything--

BOOKER:
Mr. Chairman if I could ask you I just want to give you an amen Chairman Graham the second part of back question I would love to get on the record but I just want to say to you, you mentioned earlier and I know you said that Chairman Graham will be chairman again but I think you really said something really important earlier about the effects of social media platforms on our kids universally I can cite many studies like the University of Pittsburg we said that kids were on social media at about twice the rates of eating disorders and image concerns.

I just real would really say and I know the two gentlemen there would welcome the opportunity to come and discuss that perhaps with other experts but there is something really going on in terms of the self-esteem and well-being and even flourishing of our children who are deeply affected by these platforms whether you want to use a typical term like addiction or not there is enough evidence that these platforms and the children's engagement on them is causing heightened levels of sort of a deleterious effect on their well-being and I would love it if we could do such a hearing sometime soon.

GRAHAM:
We will follow up and to the ever patient Senator Blackburn thank you very much.

BLACKBURN:
Thank you Mr. Chairman I--

GRAHAM:
Last but certainly not least.

BLACKBURN:
That is correct and I appreciate that and even though my colleague from New Jersey went twice his time I am going to--

GRAHAM:
These are Senate minutes.

BLACKBURN:
Yes they are Senate minutes. I will agree with my colleagues who have talked about the impact on children. The distribution of information that damages women and children that leads to violence against women and children human trafficking, the utilization of these platforms by pedophiles this is something that we are going to continue to work on. When I was in the House we passed legislation to put more tools in the hands of local law enforcement to fight this but you all at these social media platforms are going to have to do your part to work with us on this to protect our children.

I will also say that we are keeping an eye and with each of you yesterday I talked about your financial components where there for Mr. Dorsey and Libra with Mr. Zuckerberg and the application of these components to your sites. We are talking about 2020 elections but we are also looking ahead to how we clean up some of what transpired in the '20 and before the 2022 elections.

I think it's fair to say to that you all probably are now fully aware that there is great frustration with the Americans and with this committee with the way you act invincible, the way that your employees act as if you are the invincible gods of the Silicon Valley Facebook and Twitter don't get to be the last word in what counts as real news in this country even though you are beginning to conduct yourself as news publishers and distributors.

My colleagues and I have ask you all repeatedly through the years for greater transparency and to accept responsibility you have chosen to do neither so it is going to be up to us to change existing law and to hold you to account on behalf of the American people section 230 the reforms that we are going to put in place will take away this liability shield that you have turned into an opaque wall that you and your content moderators whether they are algorithmic or human beings or a combination are hiding behind and the online freedom and viewpoint diversity act I thanked Chairman Graham and Chairman Wicker for working with me on this.

This is set up for a markup in this committee on Thursday and Mr. Zuckerberg you were stating earlier that we needed to put some definition in place. We are going to do that. We are going to take away nebulous language and we are going to be specific unlawful, and citing personal harm, inciting terrorism, we are going to do that in clear that up for you.

Mr. Zuckerberg Facebook is more like a government than a traditional company is a statement that you have made, there's a lot of power in that for you so yes or no on a couple of questions here. Does Facebook routinely censor a user's account at the behest of a foreign government yes or no?

ZUCKERBERG:
Senator I am not sure there's anything in particular you are referring too bad in general we-- we--

BLACKBURN:
Well, there is something in particular that I am referring to and I will answer yes, you have done that. You have 16 million users in Vietnam of course this is a communist regime, under the orders of the Vietnamese government did a's book shut down and ban the account of the Vietnamese dissident because he criticized the government's land policy yes or no?

ZUCKERBERG:

Senator, I'm not familiar with all of the details of that but I believe that we may have done that and then in general we try to follow the local law.

BLACKBURN:
Yes, you did, and you kept him off for three months. In Turkey, does Facebook have been anti-blasphemy policy where it will take down photos of the prophet Mohammed if the Turkish government orders it to do so?

ZUCKERBERG:
Senator, again, we don't have a policy against that but we--

BLACKBURN:
Well, the answer is yes.

ZUCKERBERG:
Well we--we follow local laws--

BLACKBURN:
The answer is yes.

ZUCKERBERG:
(INAUDIBLE)

BLACKBURN:
In Russia under pressure from the Russian government did Facebook take down a post advertising the rally in support of the dissident Alexei Navaly? And the answer is yes, I will help you with that. Do you believe it is Facebook's duty to comply with state sponsored censorship so it can keep operating doing business and selling ads in that country?

ZUCKERBERG:
Senator, in general we tried to comply with the laws in every country where we operate and do business.

BLACKBURN:
Okay and I think that you prioritize profit over principle. When you look at these countries and also in communist China which they have banned their citizens from you. You can't operate there. In--in China, Twitter, you have an opponent there. You've got a knock off. Weibo, that is a Chinese Communist party owned company, but your companies, even though they're banned there, you're still trying to do business in those countries. Mr. Dorsey, does Twitter do business with Huawei?

DORSEY:
I don't--I don't believe so, but we can follow up.

BLACKBURN:
Oh, I can answer it for you, sir. You helped launch Huawei's Mate 3 Pro 5G and it is featured on Twitter's marketing page website. How about Alibaba? You do business with Jack Ma's company with their links to the Chinese Communist Party?

DORSEY:
If--if by business you mean allowing people to advertise on our platform--

BLACKBURN:
--Your answer is yes. Mr. Zuckerberg, are you aware that last year, China stopped Internet regulator agreed to spend over $800,000 for the communist mouthpiece, the People's Daily and they did this so that they could advertise and promote China to the American people on Facebook? The point of all of this--and the answer to that, Mr. Zuckerberg, whether you're

aware or not is you probably are and you know that what they're doing is gaining access to this market.

This is why we're going to keep it real close watch over what you all are doing with Libra and what you are doing with--with Square because we see what has happened. It's important for us to protect people and to protect human rights. And your election--let me move to election content and that monitoring because we do have concerns about some of the things that happened there. Mr. Zuckerberg, let me ask you this. Have you heard of the Trump Accountability Project?

ZUCKERBERG:
Senator, I'm not familiar with that.

BLACKBURN:
Okay. That is a project that is an attempt to blacklist Americans who have served in the Trump administration and to prohibit them from gaining future employment. Now, in communist China, in Putin's Russia, in totalitarian states, the government regularly will issue a blacklist on their enemies. Enemies of the state are banned from getting a job. And if their names fall on the blacklist, their out.

Now, this seems disturbing that it would be happening here in this country. So Mr. Zuckerberg, do you agree with me there is seriously something wrong with an un-American blacklist tarring people from future employment simply because they belong to a different political party?

ZUCKERBERG:
Senator, I generally agree that people should not be discriminated against because of a political belief.

BLACKBURN:

Okay, that is a positive step. Now, on Facebook, I wrote in a post, and I'm quoting, "The Trump Accountability Project is the epitome of the cancel culture. Our nation has long benefited from robust political debate and this effort to silence those who support our president is vile."

As you can tell from this statement, nothing was said about the election or the results either directly or indirectly. But somehow, I got slapped with your elections flag sticker. So what each of you need to realize, and you've heard it time and again today, you say you don't keep lists. Obviously, you have lists because there are some of us who are regularly censored and called down by your content moderators.

Do we want to see these lists? Yes. How have you built these lists? We want to know. I would remind each of you, you are a title one service. You are an information service. You are to be the new public square. But what you are doing with your power that you have derived because federal law gave you the ability to stand up and grow without being hit by lawsuits, you have used this power to run amok.

You have used it to silence conservatives. You have used it to build your lists. You have used this power to act like you hold all the power, that you can make these decisions, you have driven this cancel culture because you have not called to account your moderators. You have refused to take responsibility for your employees and their actions.

So thereby, reining you in on the issues of privacy, data security, content moderation, liability protections, defining who is the publisher in the virtual space. That is up to us because you have proven you do not have the will, the strength, the ability and you will not accept the responsibility to do it for yourselves. I yield my time.

GRAHAM:
Thank you very much, Senator Blackburn. To the two witnesses, you made it through. I think you hopefully will understand a little bit better about where the committee is at in our concerns. I want to thank you for appearing. I wish we could do it in person, but I can understand why we had to do it remotely.

We will have more hearings coming up in the next Congress I'm sure to try to find ways to modify 230 to deal with some of the issues that were brought before the committee. I just want to thank you both and just say that you have been hugely successful in ways probably beyond your own imagination--beyond your own imagination and we've got problems around your platforms that have to be dealt with and we will do it hopefully collaboratively.

The bottom line is we want to make these platforms better, we want to continue to grow this part of our society responsibly, and right now, without regulation or without lawsuit is pretty much becoming the wild, wild West and I appreciate both of you for being willing--being willing to try to find ways to come up with a systems that will ensure more transparency, more choice, and more confidence and--

BLUMENTHAL:
--Mr. Chairman?

GRAHAM:
Yes, sir?

BLUMENTHAL:
If I may just add my thanks to the witnesses and also to you for having this hearing. I think there is one certainty here, which is that Mr. Zuckerberg and Mr. Dorsey will be back. They will be back in the next session of Congress. I hope that joining them will be Google and Amazon and others who should be held similarly accountable. And--

GRAHAM:
--I agree. And to these two companies, thank you for stepping up to the plate. And to the other companies, you need to be here also.

BLUMENTHAL:

And I--I, again, I thank them and we need to have greater accountability by reducing the shield that's now nearly complete. And I want to thank you, senator Graham, for working with me on the EARN IT Act. A number of our colleagues have raised the problem of child sexual abuse material. The best way to counter it is to act.

GRAHAM:
Sure.

BLUMENTHAL:
When you really are serious about all this rhetoric and the jumble of grievances that we've heard, let's begin the journey with a single step. We can do it through the EARN IT Act. It's on the floor of the United States Senate having been recorded unanimously out of this committee. Let's have a vote.

GRAHAM:
Agreed. Change is going to come. Thank you. The hearing is adjourned.

List of Panel Members and Witnesses

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WITNESSES:

TWITTER, INC. CEO JACK DORSEY

FACEBOOK, INC. CEO MARK ZUCKERBERG

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