



October 21, 2019

Mr. Mark Zuckerberg
Chief Executive Officer
Facebook
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Zuckerberg,

Our organizations have engaged with your company in good faith for many years, urging you to take concrete steps to protect civil rights and address all facets of potential discrimination on your platform. We recognize that Facebook has made some progress in certain areas. Nonetheless, we write today because our trust in the company is sorely broken. Despite years of dialogue and a partially complete civil rights audit, Facebook continues to act with reckless disregard for civil rights. Instead, the company repeatedly develops and releases products and policies that cause serious harm – outcomes that could have been avoided, if only the company would proactively consider protection of civil rights as a fundamental obligation as serious as any other goal of the company.

Your meetings with conservative stakeholders have been well documented. We are deeply disappointed that you have not extended the same courtesy to the civil rights leaders whose communities are harmed by your policies and products. We would like to meet with you to discuss the concerns outlined in this letter. Your response in this critical moment will demonstrate your commitment to civil rights and will inform how we will engage with Facebook in the future.

For years, Facebook refused to acknowledge civil and human rights violations on its platform. Today, even if Facebook acknowledges such problems exist, it refuses to accept responsibility. As a result, it has taken years of advocacy, and in some cases, litigation, to pressure the company into beginning to better protect civil rights. For example:

- **Discriminatory Advertising** – Facebook continued to permit housing, employment, and credit advertisement discrimination on its platform, even after in-depth reporting uncovered the problem.¹ Only sustained advocacy, federal lawsuits, and a legal settlement stopped the practice.² Meanwhile, research shows that it is likely Facebook continues to use algorithms that deliver advertisements in a discriminatory fashion even if advertisers do not engage in any discriminatory ad targeting.³ These algorithms, which

¹ <https://www.propublica.org/article/facebook-advertising-discrimination-housing-race-sex-national-origin>

² <https://nationalfairhousing.org/wp-content/uploads/2019/03/3.18.2019-Joint-Statement-FINAL-1.pdf>

³ <https://arxiv.org/abs/1904.02095>

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Michael Lieberman
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Vanita Gupta

are not transparent, pose significant concerns for equal access to housing, credit, and employment.

- **White Nationalism/Supremacy** – Civil rights advocates have had to invest considerable resources to persuade Facebook to make even the most modest changes to its content policy. Despite years of advocacy, Facebook has failed to stop white nationalists from using event pages to target, intimidate, or harass people based on their race, religion, or other parts of their identity. Furthermore, it took years of intense advocacy for Facebook to recognize that white nationalism and white separatism should be treated the same as white supremacy under Facebook’s content policies. Even more shocking, recent policy changes only prevent *praise* of white nationalists or white supremacists, failing in any way to meaningfully address white nationalist or white supremacist content. Finally, transparency about enforcement of these policies is still woefully inadequate.
- **Voter and Census Suppression** – Facebook did not safeguard its platform against Russian interference in our elections, which exploited racial division and attempted to suppress voting by people of color.⁴ Only after it was implicated in the 2016 election did your company begin to take steps to address foreign interference in American elections and census disinformation. And yet, sabotaging your own efforts, Facebook recently announced that it would automatically deem speech from politicians to be newsworthy, even when it violated the company’s Community Standards; exempt politician-created content from its fact-checking program – permitting anyone running for office to post or purchase ads with falsehoods; and exempt content deemed to be “opinion” from its misinformation rules.⁵ Politicians should not get a blank check to lie, incite, spread hate, or oppress groups of people. Politicians are historically responsible for perpetuating discrimination and erecting barriers to voter participation, while autocrats throughout history have relied on mass media to rise to power and subjugate minority communities.⁶ That is why no responsible outlet would run an advertisement they knew to be false.⁷ And although Facebook was well aware that civil rights experts were deeply concerned about the new policies because of their potential to give politicians’ free rein to spread misinformation and racially divisive content for electoral gain,⁸ your company released the new rules, with little explanation about how they would be implemented and without even consulting civil rights experts.

While several positive changes have resulted from the civil rights audit that Facebook committed to in the spring of 2018, the audit was immediately tainted by the announcement of a companion conservative bias audit, falsely equating the seriousness of discrimination and bigotry on the platform with baseless

⁴ <https://www.npr.org/2019/10/08/768319934/senate-report-russians-used-used-social-media-mostly-to-target-race-in-2016>

⁵ <https://www.wsj.com/articles/facebook-to-create-fact-checking-exemptions-for-opinion-and-satire-11569875314?emci=63859a8d-f9e5-e911-b5e9-2818784d6d68&emdi=072a9142-66e9-e911-b5e9-2818784d6d68&ceid=6576465&shareToken=st42949223d1864006a80c4558c6c26d7c>

⁶ <https://www.washingtonpost.com/news/democracy-post/wp/2017/05/25/venezuelas-propaganda-state-is-collapsing-under-its-own-weight/>

⁷ <https://www.washingtonpost.com/arts-entertainment/2019/10/03/cnn-wont-run-two-trump-campaign-ads-citing-demonstrably-false-claims/>

⁸ <https://www.politico.com/magazine/story/2019/10/11/facebook-threatening-elections-again-229844>

accusations regarding anti conservative bias. Facebook treated civil rights as a partisan issue, when, in fact, protecting rights should be a matter of values. Facebook continues to position itself as equally friendly to those who advocate for civil rights and to those whose political agenda is to undermine those very same rights.⁹ Facebook has engaged in shady tactics to undermine its critics, foment anti-Semitism, and validate right-wing conspiracy theories.¹⁰ In addition, the company has promoted anti-Muslim bigotry, recently livestreamed the slaughter of 50 Muslim worshippers at a mosque, and according to the UN, contributed to the genocide of the Rohingya.¹¹ Transparency, especially surrounding advertising and the use of personal data, continues to be a significant problem.¹²

With the latest policy changes and the significant loopholes for suppressive content they contain, Facebook is signaling it would rather coddle the powerful and privileged agents of voter and census suppression at the expense of our democracy. Thus, despite grand promises on many fronts, we are left with no guarantee that Facebook can prevent any new product or policy from threatening civil and human rights. Given the potential for large scale civil rights violations in the form of voter and census suppression and manipulation (and the hateful incitement these changes will enable), important first steps would be, at a minimum, to reinstate fact-checking for organic and paid content by politicians and to revise the newsworthiness policy to require quarantine, demotion, and labelling of content that violates Community Standards but has overriding public interest.

But to remedy these problems at a structural level, Facebook must:

- Eliminate the ability to discriminate unfairly in targeting for education, insurance, healthcare, and public accommodations advertisements; increase transparency for Facebook's ad delivery systems so that any discriminatory impacts can be identified and rectified; and preserve the ability for advertisers – especially employers – to engage in affirmative outreach to underrepresented communities, as required by federal law.
- Publicly name, hire, and staff an office of civil rights that will review and test all new products and policies. The office must be led by a C-Suite level officer responsible for, and with extensive expertise in, civil rights.
- Install an independent and permanent civil rights ombudsman office that reports directly to the Board of Directors.
- Diversify the Board of Directors and include candidates with civil rights expertise.
- Increase the data regularly released as part of Facebook's transparency report and significantly improve the ability of researchers to study the impact of Facebook's policies and products.

⁹ For example, Facebook appointed former Senator Jon Kyl to lead the anti-conservative bias review and ignored his anti-civil rights record, the fact that he has made incendiary and discriminatory remarks against Muslims, and that he voted for a constitutional amendment to ban same sex marriage. See:

https://d11gn0ip9m46ig.cloudfront.net/images/LCCR_COC_Letter_to_Facebook_11_28_18.pdf.

¹⁰ <https://www.nytimes.com/2018/11/29/technology/george-soros-facebook-sheryl-sandberg.html>

¹¹ <https://www.reuters.com/article/us-myanmar-rohingya-facebook/u-n-investigators-cite-facebook-role-in-myanmar-crisis-idUSKCN1GO2PN>

¹² https://www.vice.com/en_us/article/qv7z7p/shady-political-ads-are-pouring-into-facebook-we-still-cant-track-them; <https://www.nytimes.com/2019/09/29/technology/facebook-disinformation.html>.

- Make a commitment that association with hate groups, white nationalist groups, and other movements organizing against the rights of vulnerable communities is disqualifying for all consultants and employees.
- Create a publicly accountable plan to address the fostering of hate, including white nationalism and white supremacy across all areas of Facebook (including in private groups), while ensuring no one is penalized by abuse of these policies through strong due process protections and transparency.
- Increase the diversity of employment in all jobs and track and insist on achievement of diversity goals at the highest levels of the company so that vulnerable communities are part of the creation and implementation of online products.

Finally, in order to avoid harming people in ways that could be avoided, we urge Facebook to thoroughly test new products and policies by consulting with civil rights experts and thoroughly vetting products and policies internally for civil rights injuries *before* they are released. Prevention of harm, not damage and after-the-fact repair, must be your goal. We urge you not to let reckless policies unravel the modest progress that your company has made. We look forward to your response to these pressing concerns.

Sincerely,

The Leadership Conference on Civil and Human Rights
9to5, National Association of Working Women
American Association of People with Disabilities
American Federation of Teachers
Americans for Financial Reform Education Fund
Andrew Goodman Foundation
Arab American Institute
Asian Americans Advancing Justice | AAJC
Asian Pacific American Labor Alliance
Bend the Arc: Jewish Action
Center for Popular Democracy
Center on Privacy & Technology at Georgetown Law
Clearinghouse on Women's Issues
Coalition on Human Needs
Color Of Change
Common Cause
Community Change/Action
Demand Progress Education Fund
Demos
Feminist Majority
Lawyers' Committee for Civil Rights Under Law
MALDEF
Media Mobilizing Project
Muslim Advocates
Muslim Public Affairs Council

NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Action Network
National Association of Social Workers
National Fair Housing Alliance
National Hispanic Media Coalition
National LGBTQ Task Force
National Organization for Women
National Organization for Women Foundation
National Partnership for Women & Families
National Urban League
OCA - Asian Pacific American Advocates
Open MIC (Open Media and Information Companies Initiative)
Ranking Digital Rights
Sikh American Legal Defense and Education Fund
South Asian Americans Leading Together (SAALT)
Southern Poverty Law Center
TASH
The Human Rights Campaign
The Sikh Coalition
United Church of Christ, OC Inc.