



February 11, 2021

To the Facebook Oversight Board:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 220 national organizations to promote and protect the civil and human rights of all persons in the United States, we thank you for the opportunity to submit our comments to the Facebook Oversight Board on Case 2021-001-FB-FBR that will determine whether Facebook's indefinite suspension of former President Donald Trump's account will be permanent. As discussed below, because of his repeated violations of Facebook policies, we urge the Oversight Board to take the necessary steps to permanently suspend Trump's account.

The January 6, 2021 deadly attack on the U.S. Capitol by far-right extremists attempting to overturn the free, fair, and secure 2020 presidential election was a catastrophic reminder of the fragility of our democracy. This violent insurrection did not happen in a vacuum. It was paired with numerous hurdles that voters faced during the 2020 election cycle amid a pandemic and exacerbated by Trump's relentless efforts to undermine election integrity, impose barriers to the ballot box, and discount the votes of communities of color.

For the last several years, The Leadership Conference has urged Facebook to do everything it can, including by improving its Community Standards, to meaningfully address and counter disinformation, online voter suppression, and hate speech on its platforms while protecting civil rights.ⁱ We have also called on Facebook to consistently enforce its policies on election integrity, voter interference, and hate speech, and not pick and choose when it will enforce its standards. In particular, we have urged Facebook to address content that has false or misleading information on how to vote and participate in the election process,ⁱⁱ regardless of the speaker, by swiftly removing voter suppression content that violates those policies; downranking the content in search results; and/or limiting interaction with the content. While Facebook has made some policy changes, its lack of consistent enforcement makes these policies insufficient to prevent the spread of disinformation and voter suppression, particularly toward historically marginalized communities.

As stated in the final report of the July 8, 2020 Facebook civil rights audit, when Facebook and the other companies that dominate and control social media do not address content that leads to voter suppression and threatens civil rights, the result is a corrosive effect on our democracy that can lead directly to violence:

If politicians are free to mislead people about official voting methods (by labeling ballots illegal or making other misleading statements that go unchecked, for example) and are allowed to use not-so-subtle dog whistles with impunity to incite violence against groups

advocating for racial justice, this does not bode well for the hostile voting environment that can be facilitated by Facebook in the United States.ⁱⁱⁱ

Facebook's suspension of Trump was long overdue given his posts that repeatedly violated Facebook's policies on voting and the election process — posts that eventually led to the insurrection at the U.S. Capitol. Facebook's suspension of Trump is a step in the right direction toward countering misuse of its platform. His account should be suspended permanently to stop the spread of his lies and to prevent any further incitement to violence.

Over the last year, Trump used his Facebook account to continually post false and misleading information about voting and the 2020 election process, often using language that incited violence. Much of the content posted by Trump appears to violate Facebook's Community Standards and voter interference policies. However, Facebook did not consistently enforce its own policies on the content posted on Trump's account and the steps it did take did very little to curb the spread of false information in the posts. Facebook updated its voter interference policy shortly before the election to address more content that had the intent of suppressing the vote and announced additional steps to address disinformation that could spread after the election.^{iv} Despite these efforts, Trump repeatedly posted false information about voting by mail and the voting process before the election, and continually posted false information about the counting of ballots and alleged fraud that took place after the election, clearly violating Facebook's voter interference policies.

Facebook's approach to address Trump's disinformation largely focused on placing labels on his posts about the election and voting, stating that votes were being counted, and then that Joe Biden was the projected winner after networks called the election for Biden. However, Facebook merely labeling the posts was grossly ineffective and did almost nothing to limit the interaction or sharing of the posts by Trump, resulting in his disinformation and lies about the election results spreading unfettered throughout Facebook's platforms.

This disinformation laid the groundwork for the statements and video that Trump posted on the day of the insurrection that led to the violence and loss of life that was predicted in the civil rights audit. Had Facebook enforced its own policies consistently before and after the election, the disinformation that Trump spread could have been curbed and addressed in a proper manner before it escalated. However, given the damage that Trump caused, Facebook finally took the necessary and correct step to indefinitely suspend Trump's account after the Capitol siege for violating its Community Standards on Dangerous Individuals and Organizations.^{v vi}

The Oversight Board must take the next step by upholding the suspension of Trump's account and make it permanent. Trump's continual lies and disinformation about the election directly attacked and adversely affected the democratic principles of the United States, eventually leading to violence, insurrection, and death. Facebook made the right call to suspend the Trump account because it violated the Community Standards on Dangerous Individuals and Organizations. Twitter has permanently suspended Trump's account after he posted identical and similar material on its platform and said it will uphold the ban even if he runs for office again.^{vii} Trump's

repeated violations of Facebook policy before and after the election should also disqualify him from utilizing the platform going forward. Moreover, the consequences of reinstating his account after the violence that occurred at the Capitol cannot be understated. The potential of incitement of more violence is a real threat should Trump continue to have the opportunity to spread lies and false information on Facebook. The Oversight Board should recommend suspending the Trump account permanently.

We thank the Oversight Board for your consideration of our comments.

Sincerely,



Wade Henderson
Interim President and CEO



LaShawn Warren
Executive Vice President for Government Affairs

ⁱ http://civilrightsdocs.info/pdf/policy/letters/2020/House_Admin_letter_final.pdf
<https://civilrights.org/2020/07/07/readout-of-civil-rights-leaders-call-with-facebook/>
<https://civilrights.org/2020/06/26/facebooks-latest-policy-on-hate-speech-and-voter-disinformation-misses-the-mark/>

<https://civilrights.org/2020/07/08/facebooks-civil-rights-audit-shows-need-for-reforms/>
ⁱⁱ <https://about.fb.com/news/2019/10/update-on-election-integrity-efforts/#voter-suppression;>
<https://help.twitter.com/en/rules-and-policies/election-integrity-policy>

ⁱⁱⁱ <https://about.fb.com/wp-content/uploads/2020/07/Civil-Rights-Audit-Final-Report.pdf>

^{iv} [https://about.fb.com/news/2020/09/additional-steps-to-protect-the-us-elections/;](https://about.fb.com/news/2020/09/additional-steps-to-protect-the-us-elections/)

<https://about.fb.com/news/2020/10/preparing-for-election-day/>

^v https://www.facebook.com/communitystandards/dangerous_individuals_organizations

^{vi} Furthermore, we do not believe Facebook's newsworthiness exemption applied to Mr. Trump's posts. The harm that Mr. Trump's continual lies and disinformation about the election directly attacked and adversely affected the democratic principles of the United States, eventually leading to violence and insurrection. His posts clearly created a safety risk that outweighs the public interest value of his speech, a key consideration of the Facebook newsworthiness exemption.^{vi} Going forward, newsworthiness exceptions need to be narrowly tailored, clearly explained, and transparently and judiciously employed.

^{vii} <https://www.nbcnews.com/business/business-news/twitter-uphold-permanent-ban-against-trump-even-if-he-were-n1257269>