

Congress of the United States
Washington, DC 20515

July 27, 2020

VIA ELECTRONIC TRANSMISSION

The Honorable William Barr
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Barr:

I write to urge you to investigate the conduct of Mark Zuckerberg, CEO of Facebook, Inc., before the United States Congress.

On April 10, 2018, Mr. Zuckerberg testified in a joint hearing of the Senate Judiciary Committee and the Senate Commerce, Science, and Transportation Committee. The next day, Mr. Zuckerberg testified before the House Energy and Commerce Committee. On both occasions, members of Congress asked Mr. Zuckerberg about allegations that Facebook censored and suppressed content supportive of President Donald Trump and other conservatives. In his responses, Mr. Zuckerberg repeatedly and categorically denied any bias against conservative speech, persons, policies, or politics. Mr. Zuckerberg also dismissed the suggestion that Facebook exercises any form of editorial manipulation. However, recent reports¹ from Project Veritas, featuring whistleblowers who worked as Facebook's "content moderators," have shown ample evidence of such bias and manipulation.

Two content moderators, Zach McElroy and Ryan Hartwig, both worked on the Facebook content review flow generated by Facebook's artificial intelligence (AI) program for flagging questionable content. McElroy worked at the Facebook-Cognizant facility in Tampa, Florida and Hartwig worked at the Facebook-Cognizant facility in Phoenix, Arizona.

On June 23, 2020, Project Veritas published the results of an undercover investigation featuring the aforementioned whistleblowers. Their report revealed that the overwhelming majority of content filtered by Facebook's AI program was content in support of President Donald Trump, Republican candidates for office, or conservatism in general. This alone is already an indication of bias within the platform.

Once flagged by Facebook's AI, moderators reviewed the filtered content, and adjudicated whether it qualified as removable. According to the Veritas report and undercover footage, the adjudicators were outspoken about their political bias against Republicans, and actively chose to eliminate otherwise-allowable content from the platform and from public view simply due to its political orientation. This arbitrary and capricious behavior is not done in good faith, and falls outside of the express intent of §230 of the Communications Decency Act, which affords Facebook liability protection as long as the platform moderates content in "good faith."

¹ <https://www.projectveritas.com/news/facebook-content-moderator-if-someone-is-wearing-a-maga-hat-i-am-going-to/>

Additionally, these facts are in direct contrast to Mr. Zuckerberg's testimony before Congress where he stated under oath that Facebook is a politically-neutral platform, and that he personally is working to root out any employees who are restricting speech based on Silicon Valley's overwhelmingly leftist culture.²

Project Veritas' undercover footage shows that a great deal of "political speech" supporting the President was labeled "hate speech," or was considered in violation Facebook's "Community Standards."³ At the same time, speech promoting violence against the President and his supporters was labeled as merely "political," and was thus allowed to stay on the platform. For example, McElroy captured a shot of a Facebook corporate ruling that an illustration of a hand holding a knife slashing the throat of the President, captioned by "Fuck Trump," would be allowed as political speech, despite being in clear violation of Facebook's guidelines. In this case, the guidance to content moderators instructed them to watch for hostility directed at the gallery that posted the image.

Facebook's AI screening content is not politically neutral. Neither are the moderators hired to review content flagged by the AI program. This stands in opposition to Mr. Zuckerberg's congressional testimony, and violates the "good faith" provision of Section 230(c)(2)(A) of the Communications Decency Act.

Accordingly, I respectfully refer Mr. Zuckerberg to the Department for an investigation of potential violations of 18 U.S.C. §§1001, 1505, and 1621 for materially false statements made to Congress while testifying under oath.

Oversight is an essential part of Congress' constitutional authority. Customarily, Congress is grateful to citizens who come forward with relevant information in good faith, as the aforementioned whistleblowers have done. As a member of this body, I question Mr. Zuckerberg's veracity, and challenge his willingness to cooperate with our oversight authority, diverting congressional resources during time-sensitive investigations, and materially impeding our work. Such misrepresentations are not only unfair, they are potentially illegal and fraudulent.

I hope you will give this referral full and proper consideration. If you need further clarification, please contact my chief of staff, Jillian Lane-Wyant, at jillian.lanewyant@mail.house.gov or (202) 525-8821.

Sincerely,



Matt Gaetz
Member of Congress

² "First, I understand where that concern is coming from, because Facebook in the tech industry are located in Silicon Valley, which is an extremely left-leaning place, and I — this is actually a concern that I have and that I try to root out in the company, is making sure that we do not have any bias in the work that we do, and I think it is a fair concern that people would at least wonder about." Mark Zuckerberg, United States Senate testimony, April 10, 2018, available at <https://www.washingtonpost.com/news/the-switch/wp/2018/04/10/transcript-of-mark-zuckerbergs-senate-hearing/>

³ https://www.facebook.com/communitystandards/objectionable_content