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August 29, 2022

Chairman Frank Pallone  
House Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, DC 20515

Ranking Member Cathy McMorris Rodgers  
House Committee on Energy and Commerce  
2322 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Pallone & Ranking Member McMorris Rodgers,

Last month, the House Committee on Energy and Commerce worked to advance a monumental piece of bipartisan legislation that would establish a comprehensive privacy framework for all Americans. Anti-Defamation League (ADL) welcomed key provisions within the American Data Protection and Privacy Act (ADPPA) that included measures to prohibit algorithmic bias and require impact assessments and audits of algorithms. Most importantly, measures within the bill would help put a stop to Big Tech's dangerous business model by ending targeted advertising of youth and requiring opt-outs for adults. Today, ADL writes to thank you for your work thus far on ADPPA and urges you to advance additional legislation to hold online platforms accountable for the harms that result from their algorithms.

ADL's REPAIR plan, a comprehensive framework for policymakers to tackle online hate, calls for bolstering efforts to address the harms resulting from algorithms.<sup>1</sup> The REPAIR Plan recommends independent audits of platforms' algorithmic systems to prevent discrimination and the proliferation of extremist narratives. It also supports efforts to disrupt harmful business practices that use algorithms to engage in surveillance advertising. Importantly, the REPAIR plan prioritizes narrow and targeted reform of Section 230 of the Communications Decency Act to remove liability immunity for platforms if their algorithms are used to amplify content that incites hate-based violence, discriminates against users and promotes terrorism. Advancing legislative efforts to address harms stemming from platforms' algorithms are needed now more than ever.

ADL remains concerned by online platforms' role in perpetuating hate, harassment and extremism through their algorithms. Over the last several years, ADL has closely

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<sup>1</sup> ADL, "The REPAIR Plan," Anti-Defamation League, accessed August 18, 2022, <https://www.adl.org/repair-plan>.

documented this problem. For example, an ADL blog post from 2020 highlighted an internal Facebook finding from 2016 claiming 64 percent of members of all extremist groups joined due to Facebook recommendation algorithms. Despite these findings, the ADL blog post went on to note how Facebook continued to host many spaces in which misinformation and hateful content propagated and thrived while recommending these groups to users.<sup>2</sup> A separate ADL report from 2021 found that nearly seven percent of participants followed YouTube's recommendations to alternative content, which is considered a gateway to extremist content. That number was just over two percent for extremist content.<sup>3</sup>

Apart from ADL research, there have been numerous examples underscoring the degree to which online platforms' algorithms have caused harm. For example, internal documents leaked by whistleblower Frances Haugen demonstrated how Facebook knew that "[m]isinformation, toxicity, and violent content [became] inordinately prevalent among reshares" after the company implemented new algorithms which favored content reshared in the News Feed to boost user engagement.<sup>4</sup> Despite internal proposals to mitigate these harms, Mark Zuckerberg shot down corrections due to concerns that changes to the algorithm would negatively affect the company's bottom line.<sup>5</sup> Another report from July 2021 by Mozilla chronicled numerous instances of YouTube failing to protect its users. One story recounted how after an individual had viewed several old German folk songs, the individual was recommended folk song videos of neo-Nazis.<sup>6</sup> Additional research by Media Matters in October 2021 exposed how TikTok algorithms promoted extremist content including misogynistic and antisemitic content, as well as calls to violence.<sup>7</sup> More recently, after an attack by a white supremacist gunman in Buffalo, New York this past May, Facebook was found to have hosted and profited off of footage from the attack and even recommended search terms about the perpetrator.<sup>8</sup>

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<sup>2</sup> ADL, "Hateful and Conspiratorial Groups on Facebook," Anti-Defamation League (blog), August 3, 2020, <https://www.adl.org/blog/hateful-and-conspiratorial-groups-on-facebook>; Keach Hagey and Jeff Horwitz, "Facebook Tried to Make Its Platform a Healthier Place. It Got Angrier Instead.," Wall Street Journal, September 15, 2021, <https://www.wsj.com/articles/facebook-algorithm-change-zuckerberg-11631654215>.

<sup>3</sup> Annie Y. Chen et al., "Exposure to Alternative & Extremist Content on YouTube," Anti-Defamation League, May 3, 2022, <https://www.adl.org/resources/reports/exposure-to-alternative-extremist-content-on-youtube>.

<sup>4</sup> Hagey and Horwitz, "Facebook Tried to Make Its Platform a Healthier Place. It Got Angrier Instead."

<sup>5</sup> Hagey and Horwitz; Jeff Horwitz and Deepa Seetharaman, "Facebook Executives Shut Down Efforts to Make the Site Less Divisive," Wall Street Journal, May 26, 2020, <https://www.wsj.com/articles/facebook-knows-it-encourages-division-top-executives-nixed-solutions-11590507499>.

<sup>6</sup> Mozilla Foundation, "YouTube Regrets," Mozilla Foundation, July 2021, <https://foundation.mozilla.org/en/youtube/regrets/>; Mozilla, "YouTube Regrets," Mozilla Foundation, July 2021, <https://foundation.mozilla.org/en/youtube/findings/>.

<sup>7</sup> Olivia Little and Abbie Richards, "TikTok's Algorithm Leads Users from Transphobic Videos to Far-Right Rabbit Holes," Media Matters for America, October 4, 2021, <https://www.mediamatters.org/tiktok/tiktoks-algorithm-leads-users-transphobic-videos-far-right-rabbit-holes>.

<sup>8</sup> Ryan Mac, "Buffalo Gunman's Video Is Surfacing on Facebook, Sometimes with Ads beside It.," The New York Times, May 19, 2022, <https://www.nytimes.com/2022/05/19/technology/buffalo-shooting-facebook-ads.html>.

And earlier this month, new research by the Tech Transparency Project found that Facebook had auto-generated 24 different white supremacist Pages and, through its algorithm, “directed users visiting white supremacist Pages to other extremist or hateful content.”<sup>9</sup>

Sadly, years of public condemnation have done little to improve an internet ecosystem rife with online harms. It is vital that the Committee builds off of their work to prevent algorithmic harm by advancing targeted legislation to hold online platforms accountable when they amplify content that incites hate-based violence, discriminates against users and promotes terrorism. This work must be narrowly focused and safeguard marginalized and vulnerable communities from unintended consequences. While the harm these platforms have already caused cannot be undone, action can be taken to hold them accountable for the harm they will do tomorrow.

We urge the House Committee on Energy & Commerce to act swiftly and take up legislation to hold online platforms accountable for the harms that result from their algorithms.

Sincerely,

A handwritten signature in black ink, appearing to read 'Max Sevillia', with a horizontal line drawn through the middle of the signature.

Max Sevillia  
Vice President  
Government Relations, Advocacy, and Community Engagement  
Anti-Defamation League

Cc: Rep. Nancy Pelosi, Speaker of the House  
Rep. Kevin McCarthy, Republican Leader

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<sup>9</sup> Tech Transparency Project, “Facebook Profits from White Supremacist Groups,” Tech Transparency Project, August 10, 2022, <https://www.techtransparencyproject.org/articles/facebook-profits-white-supremacist-groups>.