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. 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

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. 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.

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 resharred in the News Feed to boost user engagement. 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. 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. 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. 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.

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4 Hagey and Horwitz, “Facebook Tried to Make Its Platform a Healthier Place. It Got Angrier Instead.”


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.”

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,

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