



The Time for Resistance is Now!

July 31, 2020

Attn: Peter Stern
Facebook
1 Hacker Way
Menlo Park, CA 94025
Pjstern@fb.com

Sent via electronic mail

Re: Concerns with racial inequity in Facebook’s content moderation enforcement

Dear Peter Stern,

We are concerned that Black creators, journalists and activists may not have a safe space for their content on the Facebook platform.

As you know, on June 7, Black Zebra Productions posted a video to their Facebook page documenting police violence against Sacramento protestors at the height of nationwide demonstrations over the killing of Breonna Taylor, George Floyd, and the murders of Black people by police. Two days later, as the post continued to attract numerous views and comments, Black Zebra’s entire Facebook page was deactivated for posting “fraudulent or misleading content.”

In two meetings and significant written correspondence, the Black Zebra has asked Facebook to explain what happened and clarify how Facebook safeguards Black content against page and content removal. Unfortunately, Facebook has refused to explain why pages are removed and what systemic steps can be taken to ensure that Black platforms are protected. Given this lack of transparency, we again urge Facebook to thoroughly investigate and immediately disclose details related to the wrongful deactivation of Black Zebra’s Facebook page that occurred on June 9. As a

Black-led independent journalism outlet documenting police violence against protestors, Black Zebra is a critical resource for people in Sacramento fighting state violence against Black people and calling for police accountability. The unwarranted removal of their page was an affront to their organization and to the thousands of people who are risking their lives to fight for racial justice. A full understanding of how this error occurred is necessary to prevent similar incidents for other Black activists, thereby ensuring Facebook lives up to its stated commitments of free speech, equality, and justice.

Facebook CEO Mark Zuckerberg recently stated that Facebook “stand[s] with the Black community -- and all those working towards justice in honor of George Floyd, Breonna Taylor, Ahmaud Arbery and far too many others whose names will not be forgotten... to help in this fight, I know Facebook needs to do more to support equality and safety for the Black community through our platforms... [and] has more work to do to keep people safe and ensure our systems don't amplify bias.”

Black Zebra's experience cannot easily be squared with Mr. Zuckerberg's claim that Facebook's “systems don't amplify bias.”

As Facebook is aware, the sudden removal of their page — taking with it years of irreplaceable video and documentary footage — was a devastating shock to Black Zebra. Deprived of the ability to communicate with their audience, they had few avenues available to rectify the issue. After hours of fear and confusion, moderators concluded that the removal was a mistake and restored Black Zebra's page and all footage. When the page was restored, Black Zebra did not receive any notification via their Facebook page or otherwise regarding the supposed issue. Facebook agreed to meet with Black Zebra and other advocacy organizations to explain what led to this error and to discuss broader concerns with the disparate treatment Black users, and in particular Black-owned independent media, experience on its platform. Black Zebra, the ACLU of Northern California, and other groups were cautiously optimistic that, at these meetings, Facebook would explain what happened and give Black Zebra and other activists the opportunity to share how Facebook's content moderation impacts them and their work. However, this optimism faded when Facebook refused to disclose what led to the takedown of Black Zebra's page – information that is necessary to understand the systemic issues that have long made the platform an unsafe and unreliable forum for Black people.

The unjustified takedown of Black Zebra's page, and Facebook's unwillingness to be transparent about the mechanics that led to it, are illustrative of the company's troubled history with racist incidents on its platform and subsequent inaction. Black users have long complained that Facebook incorrectly flags or censors content that discusses racism and activism, while at the same time failing to remove hate speech posted by white supremacists.¹ For five years, Color Of Change has fought tirelessly to hold Facebook accountable for enabling law enforcement's violent relationship with Black communities and demand that Facebook address the ways in which it

¹ See Craig Silverman, *Black Lives Matter Activists Say They're Being Silenced By Facebook*, BUZZFEED NEWS, <https://www.buzzfeednews.com/article/craigsilverman/facebook-silencing-black-lives-matter-activists> (Jun. 19, 2020); see also Pema Levy, *Black Activists Warn That Facebook Hasn't Done Enough to Stop Racist Harassment*, MOTHER JONES, <https://www.motherjones.com/politics/2020/07/facebook-black-lives-matter/> (Jul. 9, 2020).

perpetuates voter suppression and misinformation.² In 2016, in the midst of another summer of unrest in response to police killings of Black people, several of the undersigned organizations petitioned Facebook to stop censoring the accounts of Black users who broadcasted their violent encounters with law enforcement via their Facebook pages.³

The world continues to face an unprecedented pandemic that has killed Black people at disproportionate rates and a mass movement to combat police violence against Black people. People across the country and the world are relying on Facebook as an essential tool to connect, communicate, and protest white supremacy, systemic racism, and government oppression. Yet, even in this moment, hundreds of Facebook users continue to report that antiracist posts related to the movement for Black lives are being wrongfully flagged or removed.⁴ And Facebook refuses to reckon with the possibility that the removal of Black Zebra's page is part of this systemic racist history of silencing Black voices. How can Black creators trust that Facebook understands the depths of how it perpetuates systemic racism if Facebook cannot even acknowledge the place of Black Zebra's page removal in that history? Concrete measures to address this systematic silencing are long overdue.

Now is the time for a powerful response to anti-Black racism on Facebook's platform. It is no longer tenable to dismiss a longstanding pattern of Black-content removals as "mistakes" and make illusory promises to improve Facebook's relationship with the Black community. As Americans reckon with the reality that racism is embedded in the fabric of this country and that affirmative steps must be taken to remedy those harms, Facebook also must acknowledge that its platform is part of that reality. The disparate impact on Black people of errors in content moderation enforcement is not a mistake, but an indication that, as with all social institutions, racism is embedded in its design.

We invite Facebook to begin the work of reevaluating its processes and building a more equitable platform that combats systemic racism, not reinforce it.

To meaningfully address racial disparities in content moderation enforcement, Facebook must first establish what precisely drives those disparities. This is not possible without a clear understanding of when, how, and why a particular Facebook page or post is flagged, reviewed, and removed from the platform. On July 2, we met with members of your team to get answers to these questions with respect to the removal of Black Zebra Production's page. We were disappointed to hear Facebook would not provide additional information. Facebook's lack of transparency and unwillingness to disclose what led to the removal of their page is simply unacceptable, and it is at odds with Facebook's stated commitment to support racial justice. Accordingly, we write to demand that Facebook further investigate the removal of Black Zebra's page on June 9 and provide answers to the following questions related to that removal:

² Color of Change, *Civil Rights is an afterthought to Facebook. Demand Facebook create a permanent civil rights infrastructure*. COLOR OF CHANGE, https://act.colorofchange.org/sign/demandfacebookcivilrightsinfrastructure?source=coc_main_website (Last visited Jul. 9, 2020).

³ Marcus Gilmer, *Open letter to Facebook asks for 'anti-censorship' policy after Korryn Gaines death*, MASHABLE, <https://mashable.com/2016/08/24/korryn-gaines-facebook-letter/> (Aug. 24, 2016).

⁴ Silverman, *supra* note 1.

1. Was the allegedly violative post(s) flagged by machine learning or by a human?
2. If flagged by a human, was that person a Facebook employee or another user?
3. What post(s) was flagged?
4. What happens when a post gets flagged at Facebook?
5. Why was Black Zebra's entire page unpublished immediately?
6. Was the 'un-publish' action taken by an algorithm or a human?
7. What steps does Facebook take after a post is flagged before a page is unpublished?
8. How does Facebook communicate with page owners that their material has been flagged?
9. If the information requested in the previous questions is not available, why is it not available?
10. If the requested information is available and Facebook is not sharing it, why is Facebook refusing to share the information?
11. Has Facebook conducted any internal audits or tests to determine if its content moderation algorithm performs accurately for all genders, skin tones, and languages?
12. When Facebook evaluates its content moderation algorithms, does it make any determination whether those algorithms are fair or biased?

We believe the answers to these questions will provide insight into how Facebook's policies and processes marginalize its Black members and open up a path forward to transform the platform into the equitable public forum that Facebook aspires to be.

We look forward to your response, and to further collaboration in ensuring Facebook adheres to its stated commitments and values. Please respond by August 7, 2020, with a time for us to discuss tangible next steps.

Sincerely,

ACLU of Northern California, counsel for Black Zebra Productions
ACLU of Northern California, Sacramento Chapter
Alianza Sacramento
Council on American-Islamic Relations (CAIR)-Sacramento Valley/Central California
Campaign for Immigration Coalition
Emily Montalvo-Telford, Momentum United
Evan Minton, California Democratic Party Delegate & LGBT Caucus Board Member
Green Party Sacramento
Indivisible CA-7
Indivisible Sacramento
Katherine Valenzuela, Councilmember-Elect District 4, City of Sacramento
Katie Little, Sacramento Attorney
MoveOn Sacramento
Sacramento Immigration Coalition
Step Up! Sacramento