



April 22, 2020

Mark Zuckerberg  
Chairman and Chief Executive Officer  
Facebook, Inc.  
1 Hacker Way  
Menlo Park, California 94025

*Sent via Electronic Mail (zuck@fb.com)*

Dear Mr. Zuckerberg:

In October, you spoke at Georgetown University in praise of freedom of expression, describing Facebook’s role in the “Fifth Estate” created by online platforms, and calling for a new generation to “continue to stand for free expression, understanding its messiness.”

We<sup>1</sup> write today to draw your attention to Facebook’s relationship with, as you put it, the “other power structures of society.” While the First Amendment provides platforms the right to determine what content they want to publish, some Facebook users are state actors who are themselves bound by the First Amendment. These government actors are using Facebook’s moderation tools—such as the profanity filters and customized blacklists—to censor online speech.

Beginning in October 2018, FIRE surveyed some 200 public universities and colleges using public records laws to determine how these institutions use Facebook’s content-filtering tools to limit freedom of expression on their official Facebook pages. As you recognized in your speech, freedom of expression is critical to students’ ability to “express who they were and what matter[s] to them,” and to “challeng[e] some established ways of doing things on

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<sup>1</sup> The Foundation for Individual Rights in Education (FIRE) is a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America’s college campuses. You can learn more about our work at [thefire.org](http://thefire.org).

The Electronic Frontier Foundation works to ensure that technology supports freedom, justice, and innovation for all the people of the world. Founded in 1990, EFF is a non-profit organization supported by more than 30,000 members.

campus.” Now that the COVID-19 pandemic has abruptly shifted campuses to the digital realm, students’ rights to freedom of expression online matters more than ever.

Unfortunately, FIRE’s survey revealed that many institutions abuse Facebook’s tools to censor critics and activists, including students, faculty members, and the general public.

For example, the University of Kentucky used Facebook’s customizable blacklist to censor animal rights activists’ criticism of a food services company with a \$250,000,000 contract with the university. This same tool was used by the University of North Carolina at Chapel Hill to suppress discussion of “Silent Sam,” a Confederate monument whose presence at the university sparked protests and difficult conversations. Other institutions block criticism of sports teams, faculty members, or national political figures.

Facebook also provides state actors with profanity filters which automatically remove posts if they contain a word or phrase on Facebook’s internal lists. The words on these lists are not made public. Some 77.4% of public universities and colleges use the filters, even though they do not know what words they will censor.

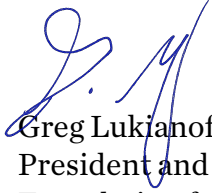
As our enclosed report explains, public actors’ use of these tools in many cases violates the First Amendment. If the abuse of Facebook tools by public universities and colleges reflects their broader use by government officials, Facebook’s tools are being widely used by government actors to violate the First Amendment.

Facebook can curb abuse of its tools through transparency and restrictions on accounts belonging to state actors. As our report recommends, Facebook should:

- **Distinguish between government and non-government accounts.** Require government officials to designate and identify themselves as such.
- **Require government actors to establish public-facing policies.** Moderation tools should only be available if a government actor has established a public content policy.
- **Keep filters “off” by default.**
- **Alert users when their comment has been filtered on a government actor’s page.**
- **Make public the words contained on the profanity filter.** Government actors should not be able to make use of a secret list of forbidden words.
- **Provide tools and reminders for government accounts.** Alert government actors that if they use moderation or blocking tools, they may violate the First Amendment. If a government actor blocks a user, require them to set forth their reason for doing so.

These are simple, affirmative steps that Facebook can take to effectuate your commitment to freedom of expression and to compel government actors to abide by their obligation to it.

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Lukianoff', written over the printed name.

Greg Lukianoff  
President and CEO  
Foundation for Individual Rights in Education

A handwritten signature in blue ink, appearing to read 'D. Greene', written over the printed name.

David Greene  
Senior Staff Attorney and Civil Liberties Director  
Electronic Frontier Foundation

cc: Monika Bickert, Head of Global Policy Management, Facebook

Encl.