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TRINITY COLLEGE

Senior Honors Public Policy & Law Thesis

Hindsight is 2016: Facebook's history of unfettered growth and failed policies, an electoral nightmare, and an imminent regulatory regime

submitted by

Brandon Campbell
May 12, 2018

In Partial Fulfillment of Requirements for
the Degree of Bachelor of Arts

Fall 2017 – Spring 2018

Advisor: Professor Mark Silk
Second Reader: Professor Rachel Moskowitz

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Introduction

Nearly 63 million American voters watched with approval, and the rest of the world watched in disbelief, as real estate developer-turned-reality television star Donald Trump surpassed the requisite 270 electoral votes and was elected President of the United States on November 8, 2016. Only 24 hours' prior, news outlets like the *New York Times* and CNN had not been asking whether former Secretary of State Hillary Clinton would win, but by how large a margin her victory would be. A day later political pundits and news reporters sat stunned and watched as Trump won Michigan, then Florida, then Pennsylvania, and then the White House. Before Clinton could even concede the race, experts and analysts scrambled to determine what went differently that their predictions turned out so wrong. But, when they quickly exhausted these conversations, they began to discuss what or who else was involved or at fault for this oversight. These discussions touched on numerous possibilities: smaller online-only publications, government organizations, politicians, and more, but their conversations returned time and again to social media and tech companies and particularly Facebook.

In 2004 Mark Zuckerberg created Facebook, then known as thefacebook.com, for Harvard students to socialize and interact with one another online; over time, however, it grew into a website that did much more. In a little more than fourteen years, Facebook has grown into the most-used social media platform around the world; roughly 2.2 billion people count themselves as monthly users and more than 200 million of those live in the United States.¹ Facebook has established itself as the primary online location for people to connect with one another and learn about their friends' lives – or in the words of its mission statement, to “discover what’s going on in the world, [and] to share and express what matters to them.”²

¹ “Facebook Statistics,” Facebook, <https://newsroom.fb.com/company-info/>.

² “Facebook’s Mission statement,” Facebook, <https://investor.fb.com/resources/default.aspx>.

Despite consistently reaffirming its position as strictly a tech company and social networking site, Facebook's fundamental functions and core values quickly and diplomatically established the platform – without attention to detail or consideration of potential future issues – as the primary location for online all online discourse.

At the most rudimentary level, Facebook has implemented every new feature, made each change, or updated any policy in its fourteen-year history as a response or an attempt to solve a problem. In its earliest years, Facebook saw community dilemmas and public problems that needed a solution: Mark Zuckerberg first created Facebook as a digital student directory for Harvard because he saw there was no universal online version for students;³ a few months later, Zuckerberg expanded the site to students at Stanford, Columbia, Yale and other Boston-area schools because students wanted a place to connect with their friends outside their Harvard community.⁴ As Facebook grew beyond just a platform for college students to learn who was dating whom, and what parties were happening on campus that weekend, it continued to cultivate its goal of solving problems in the site's ever-growing community. Despite regular changes to the mission statement and values, Facebook has consistently stated its primary ambition has always been to connect people—a tool Zuckerberg realized the community was lacking and desperately wanted, and a problem he sought to address from the earliest days of the site. However, as it grew, the problems Facebook tackled and the solutions it sought to deliver to its users came up against new obstacles: internal and external complications and complaints from the same users it sought to support.

³ Alan J. Tabak, "Hundreds Register for New Facebook Website," The Harvard Crimson, February 9, 2004, <http://www.thecrimson.com/article/2004/2/9/hundreds-register-for-new-facebook-website/>.

⁴ "Company Info," Facebook Newsroom, <https://newsroom.fb.com/company-info/>.

The story of Facebook – albeit only fourteen years long – is a complicated one; Zuckerberg and Facebook’s tentacles of power and influence have crept into nearly every aspect of public and private life. In hindsight, this completely unfettered growth should have been stopped, or at least regulated and controlled by the federal government, more than a decade ago. However, aside from public announcements of new features and changes to current programs, most of Facebook’s activity and history was anything but transparent. In the spring of 2018, Facebook made strides to become more open; to best appreciate Facebook’s current predicament however, and fully understand “the most tumultuous two years of Facebook’s existence,”⁵ it is necessary to look closely at Facebook’s past.

This thesis establishes an analytic narrative of the program developments at Facebook and then provide potential policy and regulatory recommendations. Facebook’s News Feed and their advertising system are the platform’s two most important yet also unsound features; Chapter I outlines their expansions and paints a clear, indisputable picture of a decade’s worth of unrestrained and flawed growth of these two aspects of the platform. Chapter II tracks Facebook as it grows and expands with the online presence of U.S. politics. Every section of the chapter breaks down each major federal election and looks at how Facebook became increasingly important for politics, at the same time U.S. political discussion and presence became an integral part of Facebook. Chapters III and IV follow two unique, yet equally important and connected timelines: the six months leading up to Election Day 2016 and the last year and a half of Facebook’s complications, respectively. Chapter III follows the progression of the last months of the 2016 presidential election and how slowly but surely the American people came to understand the issues present on Facebook’s platform. Chapter IV examines Facebook’s reaction

⁵ Nicholas Thompson and Fred Vogelstein, "Inside Facebook's Two Years of Hell," WIRED, February 15, 2018, Accessed April 17, 2018, <https://www.wired.com/story/inside-facebook-mark-zuckerberg-2-years-of-hell/>.

to various allegations and revelations in the aftermath of the election, particularly focusing on the platform's failed attempts to self-regulate its problems. Chapter V concludes the thesis with an analysis of three issue sets: Privacy, Content Management, and Election Security. Each incorporate a number of issues Facebook has dealt with and review the currently proposed policy and regulatory recommendations as well as a few independent suggestions and the veracity and importance of a regulatory regime.

Despite any attempts to show otherwise, Facebook's goals and desires throughout its fourteen-year history have been rooted in growing and maintaining its status as the preeminent social media platform. The transition from a dorm room website created to connect college friends to one of the world's most influential websites was the result of calculated decisions that continue to have an impact on it today. Facebook is now too big, too influential, and too important in the daily lives of Americans for any option other than federal government regulation to be the necessary and advantageous recommendation for Facebook if the it wishes to continue as a indispensable feature in American society.

Chapter I – Facebook’s not-so new News problem

“We are a tech company, not a media company.” – Mark Zuckerberg, August 2016.

The News Feed

On September 5, 2006, in a short and to-the-point blog post to the 10 million or so Facebook users at the time – only students and others with select email addresses could access the site – Facebook announced the launch of the News Feed. In the budding age of social media, a problem had emerged: “people suddenly had too many friends to keep up with.”⁶ Facebook was “just a collection of profiles, lacking any kind of central organization. To figure out what any of your connections were up to, you had to visit each of their profiles to see if anything had changed.”⁷ Continuing the trend of Facebook trying to solve problems and answer questions it saw needed to be addressed, Zuckerberg and his team saw a dilemma: “The Internet could help you answer a million questions, but not the most important one, the one you wake up with every day—‘How are the people doing that I care about?’”⁸ To solve this problem Facebook had initially implemented “timesorting,” which ordered the list of friends on each user’s home page according to the profiles that had been most recently changed.⁹ This change won rave reviews from its users; however, there was still no concise way of seeing a complete and constant list of updates to your friends’ profiles.

Enter News Feed. Dustin Moskovitz and Ruchi Sangvhi,¹⁰ both instrumental in its creation, reasoned that a feed of updates on you friends’ lives would make Facebook much easier

⁶ Farhad Manjoo, "Can Facebook Fix Its Own Worst Bug?", *The New York Times*, April 25, 2017, Accessed April 17, 2018, <https://www.nytimes.com/2017/04/25/magazine/can-facebook-fix-its-own-worst-bug.html>.

⁷ Manjoo, "Can Facebook Fix Its Own Worst Bug?"

⁸ David Kirkpatrick, *The Facebook Effect: The Inside Story of the Company That Is Connecting the World* (New York, NY: Simon & Schuster, 2010), 181.

⁹ Kirkpatrick, *The Facebook Effect*, 180.

¹⁰ Dustin Moskovitz was a roommate of Mark Zuckerberg and one of the founders of Facebook; at the time of the release of News Feed he was the vice president of engineering. Ruchi Sangvhi was the first female hire at Facebook and was a Facebook product manager and engineer; she oversaw the development of the Facebook platform and News Feed.

and more enjoyable to use: “We want[ed] to build a screen that show[ed] people the information they most care[d] about . . . that showed everything. So, we came up with the idea for the News Feed.”¹¹ This conglomeration of information would be contained in a long list of alerts customized for each user about their friends; Facebook called each item of information a “story,” and the computer software – the algorithm – that calculated which stories should go to each user was deemed “the publisher.”¹² The idea was not only completely new to everything Facebook had attempted or created before this but also was unlike anything that existed on the internet at the time for college students, or for the much larger international audience Zuckerberg was hoping to someday attract.

This was Facebook’s first noteworthy foray into the use of software algorithms to determine what its users saw and when they saw it. The average user of Facebook at the time had about 100 friends, so the initial algorithms Facebook implemented would “dissect the information being produced by Facebook’s users, select the actions and profile changes that would be most interesting to their friends, and then present them to those friends in reverse chronological order.”¹³ This was not just a minor update, this was a massive engineering and product design upgrade; the News Feed was a radical change to the way people consumed information about their friends. Facebook became more than just a group of individual profiles that a user could personalize and share with their friends; instead, it became somewhere that people came to get news about their friends. Developing the News Feed was by far the most complex and lengthy project Zuckerberg and his team had embarked on in the two years since he first founded the site, so there was certainly a cause for celebration when Facebook finally turned

¹¹ Kirkpatrick, *The Facebook Effect*, 180-181.

¹² Kirkpatrick, *The Facebook Effect*, 188.

¹³ Kirkpatrick, *The Facebook Effect*, 181.

on the new features. However, in what would become standard Facebook fashion, such a momentous site change was followed with momentous backlash from Facebook users. In what developed into the biggest crisis Facebook had faced up to that point, millions of users sent messages to Facebook and their friends about how much they disliked this new feature. Their biggest complaint? It was an invasion of privacy.

Within hours of the News Feed being implemented, an anti-News Feed group, “Students Against Facebook news feed,” was created and amassed nearly one million users in less than four days.¹⁴ The group, along with Facebook’s Help Center, was littered with messages and posts like “You went a bit too far this time, Facebook;” “Very few of us want everyone automatically knowing what we update . . . news feed is just too creepy, too stalker-esque, and a feature that has to go.”¹⁵ People felt that News Feed sent too much information about them to too many people without their explicit consent—a complaint heard the first time, but certainly not the last, in Facebook’s timeline. Zuckerberg published two responses to the concerns coming from the nearly 10 percent of users who had vocally and actively opposed the change. The first was a blog post less than 24 hours after the News Feed was implemented that – in the colloquial and collegiate tone that he had yet to shake – told users, “Calm down. Breathe. We hear you.”¹⁶ He rejected the notion that new, unknown people now had access to users’ information: “We didn’t take away any privacy options. The privacy rules haven’t changed. None of your information is visible to anyone who couldn’t see it before the changes.”¹⁷ To Zuckerberg, the idea that such a strong and united group of protestors to the change had grown so quickly was a testament to

¹⁴ Kirkpatrick, *The Facebook Effect*, 189.

¹⁵ Kirkpatrick, *The Facebook Effect*, 190.

¹⁶ Mark Zuckerberg, “Calm down. Breathe. We hear you.,” Facebook, September 6, 2006, <https://www.facebook.com/notes/facebook/calm-down-breathe-we-hear-you/2208197130/>.

¹⁷ “Calm down. Breathe. We hear you.” Facebook.

News Feed’s effectiveness and ability to connect people. This “calm and clever logic,” however, would not quell the anger and backlash, so in a new blog post he announced new privacy options to control what information about them was going to be included in the News Feed.¹⁸ In a markedly different tone than his first post, he apologized for Facebook’s mistake:

“We really messed this one up. When we launched News Feed . . . we were trying to provide you with a stream of information about your social world. Instead, we did a bad job of explaining what the new features were and an even worse job of giving you control of them. This was a big mistake on our part, and I’m sorry for it. But apologizing isn’t enough. I wanted to make sure we did something about it.”¹⁹

It was an eerily similar pattern and timeline to the way Facebook would deal with the criticism that arose during and in the aftermath of the 2016 presidential election. Zuckerberg’s “solutions,” his attempts to placate Facebook users with changes, seemed – at the time – genuine and successful; in hindsight, he was honing a craft that would get him through more than a decade of similar complaints and criticisms. Some were met with a sizeable response, but this was the first time that truly showed that “not everyone appreciated the transparency that Zuckerberg envisioned.”²⁰

Despite News Feed’s somewhat rocky start, Zuckerberg pushed onward and continued to expand Facebook’s reach and influence on its users’ lives. Less than a month after the (first) News Feed scandal, in late September of 2006, Facebook announced it would open registration to any and all who wanted to join. The decision was remarkably successful: By the second week in October new registrations had jumped from 20,000 to 50,000 per day.²¹ Surpassing ten million users only a week after opening registration, Zuckerberg proved that not only were adults joining

¹⁸ Kirkpatrick, *The Facebook Effect*, 190.

¹⁹ Mark Zuckerberg, “An Open Letter from Mark Zuckerberg:” Facebook, September 8, 2006, <https://www.facebook.com/notes/facebook/an-open-letter-from-mark-zuckerberg/2208562130/>.

²⁰ Kirkpatrick, *The Facebook Effect*, 195.

²¹ Kirkpatrick, *The Facebook Effect*, 197.

Facebook but they were participating in and using all the features that active users did. Zuckerberg's resilience in the face of the News Feed scandal and the ensuing embarrassment reinforced his status in the high-tech world, setting the stage for him to embark on some of the most important changes to the site. Although some of the most technology jargon-heavy updates, the introduction of Facebook Platform and Facebook Connect were innovations years beyond everything any tech company was developing. Facebook Platform allowed third-party applications to develop and integrate themselves directly into Facebook;²² Facebook Connect took the integration a step further and allowed users to "connect" their "Facebook identity, friends and privacy to any site."²³ Facebook was establishing itself as the single common denominator for all online activity; the algorithm and program changes emphasized the power of Facebook on the internet and its "ability to move [the user] into a world where [they] receive relevant information in a social context wherever [they] are on the Web."²⁴

In 2013, in one of the most significant updates since the feature was first implemented, Facebook completely redesigned the News Feed. A massive overhaul of its ranking algorithm, the update ensured that stories Facebook believed would be interesting to a user would be featured first. According to Facebook, "every time someone visits their News Feed there are on average 1,500 potential stories from friends, people they follow and Pages for them to see."²⁵ Facebook's updated News Feed algorithm looked at how a user interacted with different friends or Pages, and through these actions it was able to "prioritize an average of 300 stories out of the

²² Katie Geminder, "Platform is here.," Facebook, June 1, 2007, <https://www.facebook.com/notes/facebook/platform-is-here/2437282130/>.

²³ Dave Morin, "Announcing Facebook Connect," Facebook, May 9, 2008, <https://developers.facebook.com/blog/post/2008/05/09/announcing-facebook-connect/>.

²⁴ "Facebook Expands Power of Platform Across the Web and Around the World," Facebook Newsroom, July 23, 2008, <https://newsroom.fb.com/news/2008/07/facebook-expands-power-of-platform-across-the-web-and-around-the-world/>.

²⁵ Lars Backstrom, "News Feed FYI: A Window into News Feed," Facebook Business, August 6, 2013, <https://www.facebook.com/business/news/News-Feed-FYI-A-Window-Into-News-Feed/>.

1,500 stories to show each day.”²⁶ If a story was getting a significant number of likes or comments, it was also included and “up voted” through the algorithm. At the same time as these changes were rolled out, Facebook was releasing updates and new features that made the site increasingly important, and ultimately necessary, for successful journalists and news organizations. As Facebook had grown in importance in the lives of its users, and spread its tentacles of influence into virtually every other online experience through Facebook Platform and Connect, it has established itself as the primary source of information for its users. In early 2013, Facebook launched verified Pages and Profiles. The little blue check mark that accompanied the titles of these Pages and Profiles “help[ed] people find the authentic accounts of high-profile people and businesses on Facebook;”²⁷ including journalists and news organizations. In coordination with this update, Facebook reevaluated the way its algorithm determined what stories to publish, and included the relevance and quality of the content into its decision making. A seemingly positive addition to News Feed for Facebook users, it created a unique predicament for verified Pages and Profiles, particularly those of journalists and news organizations; it pushed Pages to produce the “high quality content” that would garner interest but also to focus on optimizing each post for maximum engagement and reach.²⁸ This change has since been altered and parts rescinded,²⁹ but the problems with click bait and the success of hyper-partisan stories and titles on Facebook can be traced directly back to this addition by the site.

In 2014, Facebook made its first dive into disseminating information itself when it announced the creation of a “Trending” news section to the site. Located prominently in the

²⁶ “News Feed FYI: A Window into News Feed,” Facebook Business.

²⁷ Pew Research Center’s Project for Excellence in Journalism: *The State of News Media 2013 – An Annual Report on American Journalism*. Washington, D.C.: Pew Research Center, 2013, 72.

²⁸ “News Feed FYI: A Window into News Feed,” Facebook Business.

²⁹ Arun Babu, Annie Liu, and Jordan Zhang, “News Feed FYI: New Updates to Reduce Clickbait Headlines,” Facebook Newsroom, May 17, 2017, <https://newsroom.fb.com/news/2017/05/news-feed-fyi-new-updates-to-reduce-clickbait-headlines/>.

upper right-hand corner of the users' News Feed, Trending was a list of news topics and current events that had recently spiked in popularity. The list, which was first personalized for each user and later changed – during the election – to a standard list based on popularity of topic on Facebook and region, included “topics based on a user’s interest and what was trending across Facebook overall;”³⁰ each Trending topic was accompanied by a headlines that briefly explained why the topic was trending and other information related to it. Not only had Facebook developed a way – albeit quite rudimentary – to reinforce the credibility of the individuals and groups who spread news on the site, but it opened the door for users in the U.S. and abroad to bypass these barriers and use their “credible” status to spread fake news stories and false information. Through these changes, the News Feed exploded as the leading feature and most used program on Facebook’s platform; the News Feed became a collection of information that was custom-crafted and delivered to each user every time they logged on—or as Zuckerberg himself put it, a “personalized daily newspaper” for every Facebook user in the world.³¹

Facebook Advertising

The rapid growth of online advertising occurred far earlier than Facebook’s ascension to online dominance, and even earlier than Facebook itself for that matter. The undisputed king of Internet advertising prior to Facebook’s growth in popularity – Google – helped people find the things they had already decided they wanted to buy.³² When Zuckerberg began to seriously consider a new advertising strategy for Facebook he sought to diverge from this traditional

³⁰ Chris Struhar, “Finding Popular Conversations on Facebook,” Facebook Newsroom, January 16, 2014, <https://newsroom.fb.com/news/2014/01/finding-popular-conversations-on-facebook/>.

³¹ Mark Sullivan, “Facebook turns News Feed into ‘personalized newspaper’,” PCWorld, March 7, 2013, Accessed April 18, 2018, <https://www.pcworld.com/article/2030192/facebook-turns-news-feed-into-personalized-newspaper.html>.

³² Kirkpatrick, *The Facebook Effect*, 259.

model and instead make Facebook the place where advertisements would help them decide *what* they wanted³³—a considerably more appealing model for companies interested in selling ads. However, Zuckerberg was not always so enthusiastic about and supportive of ads on his site, and took a utilitarian approach to the way advertising was done on Facebook. In an interview in the fall of 2004 with *The Crimson*, Harvard’s student newspaper, Zuckerberg said that if the costs to run the site – which at the time hovered around \$50,000 a month – needed to increase, he would work out with his roommates exactly how much more advertising they needed to support those costs.³⁴ Zuckerberg and his roommates had begun their initial venture into advertisements on thefacebook.com only a few months after they launched the site, when they sold advertisements to students on campuses where the site was used.³⁵ He expanded their sales to organizations that created ads for companies that marketed themselves and their products to college students, but his stringent approach to advertising stayed firm even when the site began to gain major traction on a national level:

In May 2006, Sprite was relaunched with new packaging and a tongue-in-cheek ad campaign aimed at young people that was meant to be brash and obvious. The soft drink’s ad agency offered to pay \$1 million for a banner ad that would turn Facebook’s entire home page green for one day. Zuckerberg did not even consider taking the money.³⁶

By the summer of 2006, before the implementation of News Feed but with Facebook still at more than nine million users, the offer from Sprite was not an anomaly or an outlandish request for the site. With millions of college students – a crucial target for advertisers – using it, and

³³ Kirkpatrick, *The Facebook Effect*, 259.

³⁴ Kirkpatrick, *The Facebook Effect*, 101-102.

³⁵ Kirkpatrick, *The Facebook Effect*, 43.

³⁶ Kirkpatrick, *The Facebook Effect*, 177.

people across the country clamoring for their own access, companies like Apple made major deals with Facebook that transformed the way businesses wanted to advertise.

At the same time its advertising was growing and becoming a leading source of revenue for the company, Facebook was changing the way advertising was done online and particularly on its site. Google's AdWords search advertising model – the status quo for successful online advertising at the time – “fulfills demand.”³⁷ Facebook sought to change that; instead, the site sought to “generate demand.”³⁸ Just over a year after the release of News Feed, it introduced Facebook Ads to its users. The new program, which Zuckerberg aptly marketed as a completely new way to advertise online, redefined the way businesses connected with their customers.³⁹ Businesses and organizations, rather than working exclusively behind the scenes with Facebook, would develop their presence on the site through Facebook “Pages.” These Pages allowed users to “interact and affiliate with businesses and organizations in the same way they interact with other Facebook users' profiles.”⁴⁰ If a Facebook user interacted with a Page of a business or organization, the user had the option to become a “fan of the business” and could “share information about that business with their friends and act as a trusted referral” for the company.⁴¹

As Facebook developed the News Feed and other features of its site, the values and methodologies it developed and updated carried into the site's advertising and how it was presented; “the goal of News Feed is to deliver the right content to the right people at the right time. Our goal with the Ads we show in News Feed is no different.”⁴² Using a similar algorithm

³⁷ Kirkpatrick, *The Facebook Effect*, 259.

³⁸ Kirkpatrick, *The Facebook Effect*, 259.

³⁹ “Facebook Ads,” Facebook, November 7, 2007, <https://www.facebook.com/notes/facebook/facebook-ads/6972252130>.

⁴⁰ “Facebook Ads,” Facebook.

⁴¹ “Facebook Ads,” Facebook.

⁴² Hong Ge, “News Feed FYI: More Relevant Ads in News Feed,” Facebook Newsroom, September 27, 2013, <https://newsroom.fb.com/news/2013/09/news-feed-fyi-more-relevant-ads-in-news-feed/>.

to News Feed, Facebook integrated its advertisements into News Feed, so when a Facebook users interacted with an ad (through “engagement” or clicks, likes, comments, or shares), News Feed learned which ads were relevant for the user. Facebook also took into account when users didn’t like an ad: “For years, we have given people the choice to hide an Ad so they no longer see it in their News Feed . . . now, we are going a step further by taking into account the specific reason they didn’t want to see that Ad, and use that as a signal to inform whether or not we show the Ad to other people.”⁴³

Facebook’s advertising program was not without substantial problems; it set the stage for future privacy concerns that users would have had with the site and many other sites like it. As the number of Facebook users around the world grew, the desire to broadcast to such a large audience pushed companies to inject significant amounts of money into their advertising efforts on the site. Facebook’s continuing changes to its advertising methodology and algorithms allowed organizations that purchased ads to know they were being targeted at users who would most benefit from their products and services, or had already expressed interest in them. Facebook’s users were outraged that Facebook was sharing their private data with advertisers, so in 2010 Facebook completely redefined its privacy settings with advertisements as a focus of its policy updates. Facebook reaffirmed it never sold its users’ personal information, in response to rumors that Facebook made more money when its users shared more information with the site.⁴⁴ Facebook recognized that users wanted better, stricter, and simpler control over their own information;⁴⁵ it acknowledged that advertisements on the site targeted certain demographics, but

⁴³ Max Eulenstein, “News Feed FYI: Listening to People’s Feedback to Show Better Ads,” Facebook Newsroom, September 11, 2014, <https://newsroom.fb.com/news/2014/09/news-feed-fyi-listening-to-peoples-feedback-to-show-better-ads/>.

⁴⁴ “Facebook Redesigns Privacy,” Facebook Newsroom, May 26, 2010, <https://newsroom.fb.com/news/2010/05/facebook-redesigns-privacy/>.

⁴⁵ “Facebook Redesigns Privacy,” Facebook Newsroom.

Zuckerberg and the rest of the Facebook team committed to sharing information with advertisers only through anonymous data reports.

Publicly, Facebook made efforts to refine and update the way advertisers and users interacted with one another; however, as revelations in the spring of 2018 revealed, its “commitment to privacy” was nothing more than window dressing. The site was adamant in its assurance to its users that their information has been protected and kept out of the hands of third-party developers and organizations, but the previous two years of Facebook’s history made clear its ignorant – or apathetic – attitude toward the privacy and data of their users. The combination of this focus on developing a monopoly over online, social interactions with Facebook’s investment into U.S. politics will create an environment ripe for the colossal disasters of the 2016 presidential election.

Chapter II – Facebook and Politics

*“Former Speaker of the House Tip O’Neill used to say that all politics is local. Today all politics is **social** . . . it’s time for everyone to get involved, understand the issues, and make a commitment to participate.” – Facebook Politics & Government Team, 2012.*

Introduction

The confusing and complicated nature of Facebook’s current relationship with U.S. politics was almost certainly not on the mind of Mark Zuckerberg when he first uploaded the social networking site on February 4, 2004. Zuckerberg, who was at the time just a sophomore at Harvard College, could not have possibly comprehended the eventual magnitude of his extracurricular project nor the way it would develop into the predominant source for all news and discussion of U.S. politics. The 2004 presidential election became the first where digital tools served a major role on campaigns;⁴⁶ by the 2016 presidential election an online presence had become a critical part of the campaign. At the same time Facebook was getting off the ground in Cambridge and Silicon Valley, the internet was becoming more than just a place to access information but also a place to share information and connect with family and friends. Facebook was certainly not the first digital social environment, the site’s unique programs and capabilities set the wheels in motion to turn online platforms and digital media into the dominant way to connect with politics, and for politicians to connect and engage with their constituents.

2004 and 2006 elections

By November of 2004, Facebook had only just recently left the dorms of Harvard; Zuckerberg and a few of his roommates dropped out of school at the end of their sophomore year

⁴⁶ “Election 2016: Campaigns as a Direct Source of News,” Pew Research Center’s Journalism Project, July 18, 2016, Accessed April 10, 2018, 32, <http://www.journalism.org/2016/07/18/election-2016-campaigns-as-a-direct-source-of-news/>.

and moved the company's headquarters for the summer, and then permanently, to Palo Alto, California. The 2004 presidential election – between Democrat nominee John Kerry and incumbent President George W. Bush – marked the start of the transition towards the consumption of and interaction with information principally online. By Election Day, the internet was becoming an increasingly important part of how people got their news, particularly their political news, and where they turned to first to consume it. A January 2004 survey of Americans about political news conducted by the Pew Research Center for the People and the Press found that while the internet was a “relatively minor source for campaign news in 2000,” it was now “on par with such traditional outlets as public television broadcasts, Sunday morning news programs and the weekly news magazines.”⁴⁷

Given that only a small portion of Americans received their news online in 2004, it would be imprudent to suggest that political news consumption had completely changed since the previous presidential election. In the same survey conducted by Pew, 13 percent of Americans reported they regularly received their news on the presidential campaign from the Internet, up from only nine percent during the 2000 election.⁴⁸ However, what had changed in those four years and made an online presence increasingly important, was the type of news being shared and how much of an impact it could make. News websites came a long way between 2000 and 2004 when they offered users “a chance to compare candidates on the issues—something almost entirely absent in 2000.”⁴⁹ These websites were “no longer merely morgues for old newspaper stories;” they provided their users more opportunities to learn a wider breadth of information on

⁴⁷ Russell Heimlich, “Cable and Internet Loom Large in Fragmented Political News Universe,” Pew Research Center for the People and the Press, January 11, 2004, Accessed April 10, 2018, 3, <http://www.people-press.org/2004/01/11/cable-and-internet-loom-large-in-fragmented-political-news-universe/>.

⁴⁸ Heimlich, “Cable and Internet Loom Large in Fragmented Political News Universe,” 3.

⁴⁹ “e-Politics 2004: How Online Campaign Coverage Has Changed in Four Years,” Pew Research Center’s Project for Excellence in Journalism,” February 5, 2004, Accessed April 10, 2018, 2-3, <http://www.journalism.org/2004/02/05/epolitics-2004/>.

a specific candidate, as well as giving readers the opportunity to customize and tailor the information they receive.⁵⁰ As news outlets and news organizations developed their own online political presences, politicians as well saw an opportunity to create and develop campaign websites and the role they played in U.S. politics and elections.

Campaign websites were the natural first step for a politician's online presence; they gave the politician a newfound opportunity to create a permanent location for information on themselves. In 2006, as social media sites like Facebook increased in popularity, academic research on and analysis of campaign websites became popular; however, the prominence of the campaign websites themselves developed alongside the presence of online political news. By the 2000 and 2002 election cycles "certain content and functionality or tools ha[d] become standard features: candidate biographies, campaign contacts, speeches, and the like . . . most campaigns raised money online . . . and collect[ed] information from visitors who wish[ed] to receive campaign e-mails or volunteer to work for the campaign."⁵¹ Some campaigns were quite hesitant to adopt websites and online informational content as a primary source of information, in large part due to their constituencies; "higher levels of education [among constituents] make people more comfortable with and skilled in the use of technology, while higher levels of income make computers easier to afford."⁵² Campaigns were quite mindful of the extent to which a recent innovation like campaign websites were compatible (or incompatible) with the lives of their constituents, so during early 2000s political campaigns constituency demographics had a direct

⁵⁰ "e-Politics 2004: How Online Campaign Coverage Has Changed in Four Years," 2-3.

⁵¹ Girish J. "Jeff" Gulati and Christine B. Williams, "Closing the Gap, Raising the Bar: Candidate Web Site Communication in the Campaigns for Congress," *Social Science Computer Review* 25, no. 4 (November 1, 2007): 444, <https://doi-org.ezproxy.trincoll.edu/10.1177/0894439307305624>.

⁵² Girish J. "Jeff" Gulati and Christine B. Williams, "Social networks in political campaigns: Facebook and the congressional elections of 2006 and 2008," *New Media & Society* 15, no. 1 (September 13, 2012): 54, <https://doi-org.ezproxy.trincoll.edu/10.1177/1461444812457332>.

correlation with a candidates' Internet use. These concerns had all but disappeared by the 2006 midterm elections; 96 percent of major party candidates for the U.S. Senate and 86 percent of candidates for the House of Representatives had campaign websites.⁵³

Nearly every major candidate running for office by 2006 had some form of campaign website; the content these websites contained, however, was virtually all informational and stagnant, meaning these sites merely collected and shared information that was replicated and transmitted from content produced offline.⁵⁴ Some campaigns used blogs and chat rooms directly on their websites where “supporters, opponent, and observers [could] debate the merits of a candidate;”⁵⁵ however, these “two-way communication and interactive formats” – formats that were aimed at relationship building and engagement – were far less common.⁵⁶ Early on in Facebook’s headway into political campaigns, organizers had doubts and concerns with the connectivity that Facebook offered. Campaign officers questioned the permanence of sites like Facebook; however, notwithstanding these concerns, campaign staff members recognized that clear advantages existed for social networks over traditional campaign tools:

New features are going to always come up, new programs will be developed for it. It was six degrees, then Friendster, MySpace, now Facebook. I think we are going to see this trend continue to grow, [and] I think with more projects and more media attention, campaigns will have no choice but to use this type of technology in their strategies . . . to ignore [social media] is foolish quite frankly.⁵⁷

Campaigns came to understand the specific, yet growing, niche of constituents that Facebook could attract; social network sites were not substitutes for campaign web sites – at least at first – but rather served to identify and connect voters with one another and for a common cause. At the

⁵³ Gulati and Williams, “Social networks in political campaigns,” 52.

⁵⁴ Gulati and Williams, “Closing the Gap, Raising the Bar,” 444.

⁵⁵ Gulati and Williams, “Closing the Gap, Raising the Bar,” 453.

⁵⁶ Gulati and Williams, “Closing the Gap, Raising the Bar,” 444.

⁵⁷ Gulati and Williams, “Social networks in political campaigns,” 55.

same time, Facebook was developing its own platforms and relationship with politicians and United States politics.

By the time of the 2006 midterm elections, there were nearly 12 million active Facebook users.⁵⁸ New users were joining at a rate of 50,000 a day, and Facebook had just turned down a \$1 billion purchase offer from Yahoo;⁵⁹ rather than sell the company and move on to new endeavors, it was clear that Zuckerberg wanted more for the site, so the next reasonable step was politics. The changes Facebook made to its News Feed during the summer and fall of 2006 allowed it to develop and hone its reputation as a space where users could – and would – interact with one another and discuss personal and current news issues. In response to these changes, and for the 2006 elections, Facebook “carved out a special space – ‘US Politics’ – on its network for all U.S. congressional and gubernatorial candidates.⁶⁰ Election Pulse, a site Facebook created within its Politics page, provided “generic profiles to candidates running for a congressional or gubernatorial seat, with the candidate’s name, office, state, and party affiliation already posted to the profile.”⁶¹ Facebook provided log-in information for each page to the Republican and Democratic national committees; candidates could then “initiate a discussion topic, post comments on their wall, and post notes, event information and video and photographs”⁶² on their profiles. Facebook’s efforts during the election to increase politician and constituent interaction on their site did not go overlooked; according to research conducted by Christine B. Williams and Girish J. Gulati, two political science professors at Bentley University, almost one-third of all candidates running for the Senate used and updated their Facebook profiles, compared to only

⁵⁸ Kirkpatrick, *The Facebook Effect*, 198.

⁵⁹ Kirkpatrick, *The Facebook Effect*, 198.

⁶⁰ Gulati and Williams, “Social networks in political campaigns,” 56.

⁶¹ Girish J. “Jeff” Gulati and Christine B. Williams, “The Political Impact of Facebook: Evidence from the 2006 Elections and 2008 Nomination Contest,” in *Politicking Online: The Transformation of Election Campaign Communications*, ed. Costas Panagopoulos, 272-291. (New Brunswick: Rutgers University Press, 2009), 274.

⁶² Gulati and Williams, “Social networks in political campaigns,” 56.

21 percent of Senate candidates who used MySpace and 13 of 130 candidates who created a YouTube channel.⁶³ Facebook also displayed the number of supporters for each candidate and could calculate the percentage of “votes” that a candidate could potentially earn in their race, and the site incorporated a link to Rock the Vote, which “provide[d] voter registration and other election information targeted at young voters.”⁶⁴

2008 U.S. presidential election

By the 2008 election season, “the presidential candidates had begun in earnest to use digital tools to communicate directly with the public.”⁶⁵ The Pew Research Center, which conducts yearly research on trends in politics and the media, noted that its analysis during presidential campaigns had shifted from “analyzing news media sites to analyzing the candidates’ own websites and profiles as news and information resources.”⁶⁶ This transition in analysis denotes a remarkable shift in the treatment of information from campaigns and news sources: no longer did mainstream media organizations hold the reins as the dominant source of information on the election.

One of the greatest problems that Facebook (and thereby the American political system) faced during the 2016 presidential election was the lack of control over the truth and what was “news.” The mainstream press still remained the primary source of information for constituents, but the 2008 election marked a shift in where information was accessible and who had control over this information. Sixteen of the 19 candidate websites had a specific section called the

⁶³ Gulati and Williams, “The Political Impact of Facebook,” 274-275.

⁶⁴ Gulati and Williams, “Closing the Gap, Raising the Bar,” 461.

⁶⁵ “Election 2016: Campaigns as a Direct Source of News,” 33.

⁶⁶ “Election 2016: Campaigns as a Direct Source of News,” 33.

“Newsroom,” “In the News” or simply, “Press”⁶⁷ devoted to mainstream news articles and these pages were “a flurry of news;” Joe Biden’s campaign page posted an average of 13 pieces of every day.⁶⁸ These posts were often already published content from major news outlets; however, many candidates often posted “internally produced press releases of upcoming events or wrap-ups of recent events.”⁶⁹ In addition to these websites and social media profiles serving as locations for information – both published and organic – these pages also developed “two-way communication and interactive formats” during the election.⁷⁰ These additions were not immediate nor did they become a new normal for national elections, however it did make a remarkable impact on the campaigns that took advantage of it; 12 of the 19 candidates provided information for initiating grassroots activities and organizing community events and eight provided supporters with tools for hosting fundraisers.⁷¹ Active engagement by the candidate was found to make the candidate seem more accessible and authentic, and facilitated interpersonal connections between the candidate and their supporters, and between the supporters themselves.⁷² Candidates could now use their personal websites – and later in the election their Facebook pages – to share information and news on their own and connect directly to their constituents.

Just under a year before Election Day, in late-November 2007, Facebook announced a partnership with ABC News for the 2008 presidential election.⁷³ This online political initiative, which “will combine the latest news from the campaign trail with a variety of discussion and

⁶⁷ “Election 2008: Candidate Web Sites, Propaganda or News?,” Pew Research Center’s Project for Excellence in Journalism,” July 12, 2007, Accessed April 22, 2018, 13, <http://www.journalism.org/2007/07/12/election-2008/>.

⁶⁸ “Election 2008: Candidate Web Sites, Propaganda or News?” 14.

⁶⁹ “Election 2008: Candidate Web Sites, Propaganda or News?” 13.

⁷⁰ Gulati and Williams, “Closing the Gap, Raising the Bar,” 444.

⁷¹ “Election 2016: Campaigns as a Direct Source of News,” 33-34.

⁷² Gulati and Williams, “Social networks in political campaigns,” 67.

⁷³ “Announcement: Facebook/ABC News Election ‘08,” Facebook Newsroom, January 4, 2008, <https://newsroom.fb.com/news/2008/01/announcement-facebookabc-news-election-08/>.

interactive forums”⁷⁴ included a “revamped US Politics application [on Facebook] and co-sponsorship of the televised debates ahead of the New Hampshire primary.”⁷⁵ With a goal to “empower voters with more information” and “mobilize active political engagement” by “bringing issues from the campaign trail to their lives,”⁷⁶ Facebook provided a direct outlet for its 56 million users to read real-time, organic content from ABC News reporters. Reporters had the ability to “continually post up-to-the-minute news stories, blogs and photographs documenting behind-the-scenes action” that users could read, and “discussions and reactions by Facebook members [played] a role in how ABC News [approached] its coverage of campaign events.”⁷⁷ The early changes Facebook made in the 2008 election placed an emphasis on establishing its site as an important location for original content on politics not only by and for reporters, but politicians themselves. By early January 2008, when this collaboration was announced by Facebook, more than 500 US politicians were active on Facebook. Rather than the profiles that Facebook had created for each candidate in the 2006 midterms, political candidates were now given ‘Politician’ pages as opposed to individual profiles. These pages were “similar to personal profiles but offered the candidates greater capability to post various kinds of campaign material” such as announcements, links to other pages, YouTube links, notes, photos, and event calendars, among other information.⁷⁸ Similar to candidates’ websites, these newly established Facebook pages were locations where candidates and their campaigns could now directly spread information to their supporters without the spin or influence of mainstream news organizations.

⁷⁴ ABC Staff, “ABC News Joins Forces with Facebook,” ABC News, December 18, 2007, Accessed April 22, 2018, <https://abcnews.go.com/Technology/story?id=3899006>.

⁷⁵ “Announcement: Facebook/ABC News Election ‘08,” Facebook Newsroom.

⁷⁶ “Announcement: Facebook/ABC News Election ‘08,” Facebook Newsroom.

⁷⁷ ABC Staff, “ABC News Joins Forces with Facebook.”

⁷⁸ Gulati and Williams, “Social networks in political campaigns,” 56.

Although President Barack Obama was not initially the frontrunner for the Democratic nomination, let alone the presidency, in 2008, his use of and success with Facebook early on in the campaign without question had an impact on his later victories. President Obama's relationship with Facebook began when he was just a freshman Democratic senator from Illinois. During the 2006 midterm elections, when Facebook first allowed political candidates to set up pages on its site, then-Senator Obama approached Facebook separately to set up a profile despite not being a candidate during that year.⁷⁹ Obama and Reggie Love, a special assistant and personal aide during his first term, both saw the potential of a Facebook profile early on for an Obama presidential campaign.⁸⁰ It was during this initial connection that Obama and his team first met Chris Hughes, one of the founders of Facebook. The Obama campaign quickly hired Hughes as one of the first members of their new-media team, and he revolutionized the way the campaign utilized the Internet, particularly Facebook. By Election Day, President Obama counted more than 2 million supporters on Facebook compared to Senator John McCain's 600,000.⁸¹ The Obama campaign capitalized immensely on the possibilities Facebook offered to connect with voters; for example, "on his personal Facebook profile—which featured his 'Our Moment Is Now' motto—Obama named his favorite musicians as Miles Davis, Stevie Wonder, and Bob Dylan and listed his pastimes as basketball, writing, and 'loafing w/ kids.'"⁸² The "Facebook effect" that some attributed to helping the success of the Obama campaign was in the very preliminary stages during his first campaign. The precedent set by President Obama with

⁷⁹ Ellen McGirt, "How Chris Hughes Helped Launch Facebook and the Barack Obama Campaign," FastCompany, April 1, 2009, Accessed April 22, 2018, <https://www.fastcompany.com/1207594/how-chris-hughes-helped-launch-facebook-and-barack-obama-campaign>.

⁸⁰ McGirt, "How Chris Hughes Helped Launch Facebook and the Barack Obama Campaign."

⁸¹ Matthew Fraser and Soumitra Dutta, "Obama's win means future elections must be fought online," The Guardian, November 7, 2008, Accessed April 22, 2018, <https://www.theguardian.com/technology/2008/nov/07/barackobama-uselections2008>.

⁸² Fraser and Dutta, "Obama's win means future elections must be fought online."

his presence on and usage of Facebook however, would begin to set the standard for how important a role Facebook would play in future elections and on influencing its users.

2010 U.S. midterm elections

By the 2010 midterm election Facebook had more than 100 million daily users from the United States. Unlike the 2006 midterms and the 2008 presidential elections, there were few explicit changes that Facebook made to their site to adapt to the growing presence of politics on its site. Social media, particularly Facebook, was becoming more and more of a necessity for any politician who wished to connect with a demographic that was increasingly important in the 2008 election: 18-25-year-old voters. In 2008, President Obama dominated the votes from that age group; exit polls from the 2008 election revealed that he won nearly 70 percent of the vote from Americans under the age of 25 – the highest recorded percentage of this age group since exit polling began in 1976.⁸³ It was generally understood among all politicians that by now a social media presence was crucial to connect to younger voters and a “prominent indicator of candidate viability . . . and positive attitude towards the actions of a candidates’ campaign.”⁸⁴

Facebook, as well as US politicians, had begun to see the level to which their “tech company” could make an impact on elections in the US. To further test this theory and determine the magnitude of their impact, data scientists from Facebook and professors in the Political Science and Psychology departments at the University of California, San Diego, conducted an experiment. Using a randomized controlled trial with all active Facebook users of voting age on Election Day 2010 in the US, the scientists randomly assigned 61 million users to “a ‘social

⁸³ “Obama’s win means future elections must be fought online,” The Guardian.

⁸⁴ Michael A. Xenos, Timothy Macafee, and Antoinette Pole, “Understanding variations in user response to social media campaigns: A study of Facebook posts in the 2010 U.S. elections,” *New Media & Society* 19, no. 6 (November 26, 2015): 830, <https://doi-org.ezproxy.trincoll.edu/10.1177/1461444815616617>.

message’ group, an ‘informational message’ group or a control group.”⁸⁵ The social message group, which constituted roughly 60 million of the total users in the study, was shown a unique message when they logged on to Facebook on November 2, 2010:

“This message encouraged the user to vote, provided a link to find polling places, showed a clickable button reading ‘I Voted’, showed a counter indicating how many other Facebook users had previously reported voting, and displayed up to six small randomly selected ‘profile pictures’ of the user’s Facebook friends who had already clicked the I Voted button.”⁸⁶

The informational message group, roughly 600,000 of the Facebook users selected, were shown the same information as the social message group, however they were not shown any Facebook friends. The control group, around the same number of users as the informational message group, did not receive any information when they logged on to Facebook that day.⁸⁷ According to the scientists who conducted the study, their design of the experiment allowed them to assess the impact on three specific user actions: whether or not they clicked the I Voted button, whether or not they clicked the polling place link for more information, and whether or not they voted in the election.⁸⁸

The findings were remarkable. Those users who were shown the social message – meaning they saw profile pictures of which close friends had already voted, in addition to all other voting information – were 2 percent more likely to report they had voted on Facebook than those shown just the information message, and were 0.4 percent more likely to actually vote according to information and voter rolls reviewed by the data scientists after the election.⁸⁹ Put in real-number voter turnout, their findings mean that a single message placed at the top of the

⁸⁵ Robert M. Bond, Christopher J. Fariss, Jason J. Jones, Adam D. I. Kramer, Cameron Marlow, Jaime E. Settle, and James H. Fowler, “A 61-million-person experiment in social influence and political mobilization,” *Nature* 489 (September 12, 2012): 295, <https://www.nature.com/articles/nature11421>.

⁸⁶ Bond et al., “A 61-million-person experiment in social influence and political mobilization,” 295.

⁸⁷ Bond et al., “A 61-million-person experiment in social influence and political mobilization,” 295.

⁸⁸ Bond et al., “A 61-million-person experiment in social influence and political mobilization,” 295.

⁸⁹ Bond et al., “A 61-million-person experiment in social influence and political mobilization,” 296-297.

Facebook News Feed prompted 60,000 more people to vote on Election Day 2010. In addition, their research on social contagion – which the scientists use as a term to describe off-line discussion of this particular issue – suggests that another 280,000 people may have been indirectly influenced by these different messages and their off-line relationships to go and vote.

The Facebook of the past, the dorm-room experiment and way to find out who was dating whom on Harvard's campus was long gone. For the first time in history, this team of data scientists confirmed that a social media site like Facebook could, and did, have an impact on elections in the United States. Their analysis concluded that it was “possible that more of the 0.60% growth in turnout [in elections] between 2006 and 2010 might have been caused by a single message on Facebook.”⁹⁰ At first glance this may seem like quite an insignificant increase, but consider the notable increase in competitiveness in US elections at every level of government that require recounts and precise examination of every vote. The 2010 report uses the 2000 presidential election between George Bush and Al Gore as an example, where Bush beat Gore in Florida by 537 votes and won both the state's electoral votes and the national election. Yet every year more and more candidates face close primary and general elections, and even the slightest positive increase in voter turnout could theoretically swing an election. There is no question that political operators all over the country took note. No longer were Facebook and other social media platforms just a niche tool to reach “younger voters, college students, and young professionals who graduated in the last five years;”⁹¹ social media could quite literally change the results of an election. Mark Zuckerberg had spent the previous four years dipping his toe into U.S. politics, and this study – whether intentionally or not – had him diving in head first. The upcoming elections would see astonishing changes in the way Facebook was used, and would

⁹⁰ Bond et al., “A 61-million-person experiment in social influence and political mobilization,” 297.

⁹¹ Gulati and Williams, “Social networks in political campaigns,” 55.

only further develop the media and political environment that allowed Facebook to play the role it did in 2016.

2012 U.S presidential election

During the months prior to the 2012 presidential election, as countless Republicans battled it out in primaries to face incumbent President Obama in the general election, Facebook was gearing up as well to continue and grow the position it held in U.S. politics. As early as a year before Election Day reporters and techies were already hypothesizing just how important Facebook would be for the winning candidate, and what Facebook would do to show its power. In July 2012, roughly two months before the Republican and Democratic national conventions, Facebook responded: CNN and Facebook would be partnering up for the rest of the election to offer an “interactive and uniquely social experience for CNN’s on-air, mobile and online audiences and Facebook’s more than 160 million US users.”⁹² The partnership, a more in-depth relationship between the two companies than Facebook’s connection with ABC News in 2008, sought to use Facebook’s wide user base to gauge thoughts and feelings on the election and then report more effectively and sharply on the how the public was responding to the candidates and the issues. Executives from Facebook and CNN touted the potential successes that this program would have for both their audiences, however it was Facebook whose participation in the relationship would be most rewarding. By giving their users a platform – Facebook – to “connect in an authentic and meaningful way with presidential candidates and discuss critical issues facing the country,” the site established itself as the place to come for these issues. Facebook’s Vice President for U.S. Public Policy Joel Kaplan put it perfectly: “Though the mediums [of

⁹² “Facebook, CNN Partner for ‘America’s Choice 2012’ Political Coverage,” Facebook Newsroom, July 9, 2012, <https://newsroom.fb.com/news/2012/07/facebook-cnn-partner-for-americas-choice-2012-political-coverage/>.

communication and connection] have changed, the critical linkages between candidates and voters remain. Innovations like Facebook can help transform this information experience into a social one for the American people.”⁹³

Although Facebook has never publicly acknowledged the reasoning behind its decision for doing so, the site took its 2010 research and implemented the “I’m Voting” banner and information for nearly every Facebook user of voting age in the United States on Election Day. Facebook and CNN took this a step further and launched an interactive “I’m Voting” application for within Facebook prior to Election Day as well. The app, which would enable Facebook users “to commit to voting and endorse specific candidates and issues,”⁹⁴ would also conduct surveys to share demographic and research information with CNN. The conversations, commitments to vote, and support for specific issues and candidates that occurred on the app would be displayed on people’s Facebook timeline and news feed, and would allow users to encourage their friends to vote and prompt discussion on campaign issues.⁹⁵

During the summer of 2012, Mitt Romney, the presumptive Republican presidential nominee, and President Obama were campaigning throughout the country. The two candidates used Facebook a great deal: to mobilize supporters, to highlight their own achievements, and to maintain strong ties and connections with the key demographic that played a large role in President Obama’s first win: 18-25 year old voters.⁹⁶ Maintaining its efforts to grow political discussion and presence on its site, Facebook, “in the spirit of election season,” put together “tips to help political campaigns from City Hall to the White House engage with constituents and

⁹³ “Facebook, CNN Partner for ‘America’s Choice 2012’ Political Coverage,” Facebook Newsroom.

⁹⁴ “Facebook, CNN Partner for ‘America’s Choice 2012’ Political Coverage,” Facebook Newsroom.

⁹⁵ “Facebook, CNN Partner for ‘America’s Choice 2012’ Political Coverage,” Facebook Newsroom.

⁹⁶ Facebook Politics & Government Team, “Less Than 100 Days Until Election, Facebook Offers Tips for Campaigns,” Facebook, August 1, 2012, <https://www.facebook.com/notes/government-and-politics-on-facebook/less-than-100-days-until-election-facebook-offers-tips-for-campaigns/10150937198965882/>.

supporters in authentic and meaningful ways.”⁹⁷ In a post to all its users, Facebook listed some ways for campaigns and politicians to capitalize on the best ways to use the site. Politicians were advised to use their pages substantively to create and promote dialogue with their constituents on their pages, and encouraged campaigns use Facebook Ads to “promote [their] content, gain new fans, and increase engagement.”⁹⁸ Facebook stated that regardless of campaign budget restrictions, politicians should create some ads to promote content to their fans and friends of fans. They noted that “at any time, only about 16% of [a politician’s] fans [would] see content from [them] organically,” however “boosting” it through ads would make sure a wider audience beyond their direct supporters would see this content.⁹⁹ Although Facebook did not directly address it, its suggestions, particularly regarding ads, were the beginning of a push away from conventional advertising and towards spending a significant portion of a campaign’s ad budget on social media like Facebook. Online ad spending increased more than 250 percent between the 2008 and 2012 presidential elections,¹⁰⁰ particularly on Facebook; the Obama campaign spent just shy of \$500,000 on Facebook advertisements in 2008,¹⁰¹ yet spent more than \$50 million on digital campaigning during the 2012 election.¹⁰² Facebook’s opaque claims that they were able to reach a much wider audience due to the nature of social media and online and offline interactions no doubt resonated deeply with politicians, and permanently changed the fiscal approach their campaigns had towards the site.

⁹⁷ “Less Than 100 Days Until Election, Facebook Offers Tips for Campaigns,” Facebook.

⁹⁸ “Less Than 100 Days Until Election, Facebook Offers Tips for Campaigns,” Facebook.

⁹⁹ “Less Than 100 Days Until Election, Facebook Offers Tips for Campaigns,” Facebook.

¹⁰⁰ Laura Stampler, “Obama Spent More on Online Ads Than It Cost to Build the Lincoln Memorial,” Business Insider, November 5, 2012, Accessed April 22, 2018, <http://www.businessinsider.com/infographic-obama-romney-final-ad-spend-2012-11>.

¹⁰¹ “Political Marketing on Facebook: Obama Spent Nearly \$500k on Facebook Ads During the Election,” AdWeek, November 7, 2008, Accessed April 22, 2018, <http://www.adweek.com/digital/political-marketing-on-facebook-obama-spent-nearly-500k-on-facebook-ads-during-the-election/>.

¹⁰² Stampler, “Obama Spent More on Online Ads Than It Cost to Build the Lincoln Memorial.”

When these changes took place, an expanding relationship between Facebook, politics, news organizations, and the American people seemed more than ideal. Facebook, with the help of politicians and news organizations, connected voters – through this platform they visited frequently – to up-to-date information on a critical election and motivated them to get engaged in the democratic process. But in hindsight particularly when taking into consideration Facebook’s influence on the 2016 presidential election, the monumental changes and pushes made by the site built an overzealous and dominant platform that was only destined to hit disaster. Between the 2012 and 2016 elections, Facebook more than doubled its worldwide user base, became a virtual prerequisite for U.S. politicians at any level, and grew the size, scope, and capabilities of its News Feed and advertising to such a magnitude that it was impossible to conclude that its goal was anything less than complete and unwavering control over the publication and dissemination of political news and information. Zuckerberg and the rest of his team wanted Facebook to become the first place people came to learn, debate, and share information about U.S. politics, and by the 2016 presidential election everyone knew that Facebook would become the battleground of debate, news, and political discussion. When the first domino began to fall in early 2016, what followed was a gradual, yet thorough unmasking of years of unregulated, unfettered, and ignored moves by Facebook to grow in power and prominence in the U.S. political area. Facebook’s attempts to pick up the pieces, while meaningful, were not sufficient policy changes to address the true problems they faced.

Chapter Three – Facebook in the 2016 Election

“Twitter was how he talked to people, but Facebook was going to be how he won . . . Donald Trump won, but I think Facebook was the method – it was the highway in which his car drove on.” – Brad Parscale, digital director for Trump presidential campaign.

Introduction

On June 16, 2015, businessman, real estate developer, and reality television celebrity Donald Trump descended a golden escalator at Trump Towers in Manhattan, announced his intent to formally enter electoral politics, and forever changed the entire process by which politicians run for and are elected President of the United States. The immediate reaction on Facebook to Trump’s announcement that he was running for president was astounding; in the 24-hour period leading up to and following Trump’s press conference, “3.4 million American Facebook users generated 6.4 million interactions”¹⁰³ – likes, posts, comments, and shares – on the site. The Republican frontrunner at the time, Texas Sen. Ted Cruz, collected nearly a million fewer interactions in his 24-hour period, and former Florida governor Jeb Bush only 849,000 interactions with his own announcement.¹⁰⁴ Donald Trump far and away dominated social media coverage and conversation from the minute he first announced he would “Make America Great Again.” His extraordinary presence and success as a candidate on social media would continue throughout the campaign and into his presidency, and required his opponents in the 2016 presidential cycle to increase their digital presence on, and use of Facebook to a remarkable degree.

Through this thesis I have shown that Facebook’s weakest – yet most prominent – features are its News Feed and Trending news lists, and its advertising system. As I outlined in

¹⁰³ Jacob Koffler, “Donald Trump’s Presidential Announcement Sparks Huge Facebook Reaction,” TIME, June 17, 2015, Accessed April 23, 2018, <http://time.com/3924626/donald-trumps-facebook-reaction/>.

¹⁰⁴ Koffler, “Donald Trump’s Presidential Announcement.”

Chapter I, when these programs were first introduced they were bastions of innovation for social networks and Facebook built its media empire on their apparent successes. After years of unrestrained growth and an overwhelming desire to monopolize social interactions online, it was only a matter of time before the dominoes began to fall. Facebook yearned for contentious and constant political discussion on its site; yet it was only an event so inundated with this type of debate and so calamitous as the 2016 presidential election that exposed the imperfections Facebook had sought to hide, was too near-sighted to notice, or both. Beginning with Gizmodo's initial investigation and disclosure of flaws in Facebook's key features, a timeline leading up to Election Day 2016 provides important insight into exactly just how many failures Facebook encountered.

Michael Nunez and Facebook: April 2016

By April 2016, attacking liberal media and news organizations had become a standard for the Trump presidential campaign; this forced all media organizations to scrutinize themselves and one another to refute Trump's claim or perhaps uncover problems within their own industry, particularly related to bias and "fake news." At the time, an estimated 600 million people saw at least one news story on Facebook every week, and as far and away the only organization with a readership of this size, Facebook was put under just as an intense a spotlight as the rest.

Benjamin Fearnow was a former Facebook employee who over the course of three months in early 2016 shared with Michael Nunez – a technology reporter and editor at Gizmodo – internal Facebook communications and what he saw as troubling workings of the Trending news project. Fearnow was not an undercover Trump or Clinton campaign operative and had no personal or political vendetta against either candidate or Facebook itself – only a recent graduate

of Columbia Journalism School who was working on a team of young contract employees that were upset with their treatment at Facebook and felt their work was both concerning and newsworthy.

From interviews with Fearnow and four other former employees of Facebook's Trending news team – “news curators” as they were internally known – Nunez reported that these employees had the “power to choose what stories make it onto the [T]rending bar and, more importantly, what news sites each topic links to. “‘We choose what’s trending,’ said one [former employee]. ‘There was no real standard for measuring what qualified as news and what didn’t. It was up to the news curator to decide.’”¹⁰⁵ Nunez reported that the news curation team was required to sift through a list of Trending topics and determine the news story the topics were related to, a headline for each topic, and a two- to three-sentence summary of the story. According to the curators, Facebook seemed to want to keep the operation “faceless” so it “foster[ed] the illusion of a bias-free news ranking process;”¹⁰⁶ however, in an article Gizmodo published only a week later Nunez reported that “Facebook workers routinely suppressed news stories of interest to conservative readers from the social network’s ‘trending’ news section” and “were instructed to artificially ‘inject’ selected stories into the Trending topics news module, even if they weren’t popular enough to warrant inclusions—or in some cases weren’t trending at all.”¹⁰⁷ Former news curators reported that the topics that made the Trending news list were often subjective and entirely dependent on which curators were on duty and the time of day, and that frequently stories “first covered by conservative news outlets that were trending enough to be

¹⁰⁵ Michael Nunez, “Want to Know What Facebook Really Thinks of Journalists? Here’s What Happened When It Hired Some.,” Gizmodo, May 3, 2016, Accessed April 23, 2018, <https://gizmodo.com/want-to-know-what-facebook-really-thinks-of-journalists-1773916117>.

¹⁰⁶ Nunez, “Want to Know What Facebook Really Thinks of Journalists?”

¹⁰⁷ Michael Nunez, “Former Facebook Workers: We Routinely Suppressed Conservative News,” Gizmodo, May 9, 2016, Accessed April 23, 2018, <https://gizmodo.com/former-facebook-workers-we-routinely-suppressed-conser-1775461006>.

picked up by Facebook’s algorithm were excluded unless mainstream sites”¹⁰⁸ covered the same stories. Beyond individual press releases Facebook rarely, if ever, discussed the internal workings of their organization; a scandal of this magnitude and from such a private division of their company undoubtedly shook Zuckerberg and his team to their core. Their staunch rebuttal to Gizmodo reaffirmed – at least in their eyes – that “the rigorous guidelines in place for the review team to ensure consistency and neutrality” did not permit the suppression of different political perspectives.¹⁰⁹ Nor, they claimed, did Facebook permit the prioritization of one viewpoint over another or one news outlet over another, and ensured that the site’s “methods [were] as neutral and effective as possible” to “disregard junk, hoaxes, or subjects with insufficient source.”¹¹⁰

It is critical to note the particular terminology Facebook chose to use in their response to the allegations. Not only was this the first of many times that Facebook would use this specific language in the coming months and years, but it raised important questions about Facebook’s definitions for each of these guidelines: who decides what methods are as “neutral” and “effective” as possible; what is deemed a “hoax;” what makes a source “insufficient?” Zeynep Tufekci, a professor at the University of North Carolina, posed the same concerns on Twitter shortly after Facebook’s response and – in hindsight, correctly – postulated that the definitions would never be solidified and always contested by both Facebook and its users.¹¹¹ According to Tufekci, Facebook’s basic company model was grounded in making decisions on providing information most interesting or pertinent for its users, so there could be no structured, right

¹⁰⁸ Nunez, “Former Facebook Workers: We Routinely Suppressed Conservative News.”

¹⁰⁹ Nunez, “Former Facebook Workers: We Routinely Suppressed Conservative News.”

¹¹⁰ Nunez, “Former Facebook Workers: We Routinely Suppressed Conservative News.”

¹¹¹ David Uberti, “Facebook wants you to think it’s just a platform. It’s not.,” *Columbia Journalism Review*, May 11, 2016, Accessed April 23, 2018, https://www.cjr.org/innovations/in_at_least_one_respect.php.

answer for these definitions because every individual is different.¹¹² As Derek Thompson wrote in the *Atlantic* in May of 2016, no amount of statements or reassurances from Facebook executives could reserve what the Gizmodo articles had done by casting a long shadow of doubt on Facebook's image as a non-partisan organization with a unique role in the media industry:

Facebook is a departure from twentieth century technologies, because it is both a social media and a broadcast platform. It is a modern telephone network and television, a global mail system and a global newspaper. It is a utility, an integral piece of information infrastructure upon which hundreds of publishers and media companies rely to reach their audiences.¹¹³

The perception of Facebook as a media company had become far more commonplace, but what their role was in the industry had now been brought to the floor for serious debate.

Nunez's articles and research validated the fears that some people, particularly journalists, had harbored for years: Facebook had become the most influential and powerful source of news, and it had absolutely no idea how to control this unprecedented power. What separated Facebook from any other news organization however, and only further terrified those who understood its unique power, was its response to the concerns. The company refused to acknowledge any growing questions or fears the public had about its relationship with news. The fact that Facebook had monitored news with human journalists and used editorial discretion to determine what stories would be shared and displayed on their Trending news list was not necessarily a bad thing. As Nunez himself wrote, "[A]ll traditional newsrooms reflect the biases of its workers and the institutional imperatives of the corporation."¹¹⁴ Indeed, as Tarleton Gillespie wrote at NiemanLab, what keeps journalists and newsrooms from slipping too far into

¹¹² Zeynep Tufekci, (@zeynep), Twitter, May 10, 2016, 12:11 p.m. and 12:26 p.m., <https://twitter.com/zeynep/>.

¹¹³ Derek Thompson, "Facebook and Fear," *The Atlantic*, May 10, 2016, Accessed April 23, 2018, <https://www.theatlantic.com/technology/archive/2016/05/the-facebook-future/482145/>.

¹¹⁴ Nunez, "Former Facebook Workers: We Routinely Suppressed Conservative News."

any bias or error are “well-established professional norms and thoughtful oversight.”¹¹⁵ But Facebook remained adamant that their Trending news team did not see themselves as, and was not engaged in anything like traditional journalism.

To a certain extent Facebook was not wrong in claiming that they were not a news team: they worked with “trends,” not “news.” Trends were an aggregate measure of the activity of Facebook users, so to Facebook’s point its topics were not produced by a dozen editors in a newsroom but rather by millions of Facebook users.¹¹⁶ Yet this same argument posed significant concern. As Gillespie put it, “[The public’s] judgment of what’s worth talking about” had the potential to be “distressingly incomplete, biased, skewed, and vulnerable to manipulation.”¹¹⁷

Facebook’s internal investigation found no cases of abuse of its Trending topics system, and no other information surfaced that suggested news curators were exploiting their positions for political purposes.¹¹⁸ Yet, an environment emerged where users had doubts about Facebook’s intentions and actions. It was in Facebook’s self-interest to obscure the process behind what news became trending, and they admitted as such:

Facebook, and its users, prefer the idea that that algorithms are separate and untouchable. We prefer the idea that algorithms run on their own, free of the messy bias, subjectivity, and political aims of people. It’s a seductive and persistent myth, one Facebook has enjoyed and propagated.¹¹⁹

But Michael Nunez’s articles exposed millions of Facebook users to what Facebook had worked so hard to shield: that the organization had flaws, and was vulnerable and prone to more.

¹¹⁵ Tarleton Gillespie, “Algorithms, clickworkers, and the befuddled fury around Facebook Trends,” NiemanLab, May 19, 2016, Accessed April 23, 2018, <http://www.niemanlab.org/2016/05/algorithms-clickworkers-and-the-befuddled-fury-around-facebook-trends/>.

¹¹⁶ Gillespie, “Algorithms, clickworkers, and the befuddled fury around Facebook Trends.”

¹¹⁷ Gillespie, “Algorithms, clickworkers, and the befuddled fury around Facebook Trends.”

¹¹⁸ Colin Stretch, “Response to Chairman John Thune’s letter on Trending Topics,” Facebook Newsroom, May 23, 2016, <https://newsroom.fb.com/news/2016/05/response-to-chairman-john-thunes-letter-on-trending-topics/>.

¹¹⁹ Gillespie, “Algorithms, clickworkers, and the befuddled fury around Facebook Trends.”

A Senator's response and the fear of government regulation

Hundreds of thousands of Facebook users read the articles written by Nunez in May of 2016, yet it was one reader, Sen. John Thune, who actually had the power to do something to address the concerning actions he read about. A Republican from South Dakota, Thune chaired the Senate's Commerce Committee. Concerned that Facebook might be suppressing conservative political viewpoints, he wrote an open letter to Zuckerberg that said in part:

If Facebook presents its Trending Topics section as the result of a neutral, objective algorithm, but it is in fact subjective and filtered to support or suppress particular political viewpoints, Facebook's assertion that it maintains a 'platform for people and perspectives from across the political spectrum' misleads the public.¹²⁰

The Senate Commerce Committee has direct oversight on the Federal Trade Commission, the agency with responsibility for investigating Facebook; Thune's letter put Facebook on high alert.¹²¹ Zuckerberg had consistently claimed that he wanted to build Facebook into a "utility," but the importance of a utility – just like those under the supervision of the Senate Commerce Committee – meant it was subject to potentially high and invasive regulation from the government. Such a response from Washington, D.C. terrified Zuckerberg and Facebook because it meant that even the federal government understood the power and influence Facebook had over its users.

By the end of May in 2016, Facebook met with Senator Thune, conducted an investigation into Gizmodo's claims, and concluded there was "no evidence of systematic political bias in the selection or prominence of stories included in the Trending topics feature."¹²² Yet, the site nonetheless announced that the Trending topic guidelines would be updated and the

¹²⁰ Senator John Thune to Mark Zuckerberg, letter prepared for publication by the Senate Committee on Commerce, Science, and Transportation, 114th Cong., May 10, 2016, <https://www.commerce.senate.gov/public/cache/files/fe5b7b75-8d53-44c3-8a20-6b2c12b0970d/C5CF587E2778E073A80A79E2A6F73705.fb-letter.pdf>.

¹²¹ Thompson and Vogelstein, "Inside Facebook's Two Years of Hell."

¹²² Stretch, "Response to Chairman John Thune's letter on Trending Topics," Facebook Newsroom.

News Feed algorithm would be revised to place a higher importance on posts from friends and family. This culmination of changes came packaged in a press release and new document entitled “Building A Better News Feed for You,” published under the name of Adam Mosseri, the News Feed head, on June 29, 2016.¹²³ Anonymous current and former Facebook employees interviewed for a WIRED cover story on “Facebook’s two years of hell” spoke of the release as a “document roughly resembling the Magna Carta [at Facebook]; the company had never spoken so publicly before about how News Feed really worked.”¹²⁴ The rhetoric used by Facebook employees, albeit hyperbolic and anonymous, should not be cast aside; rarely was such public discussion on the inner workings of News Feed and Trending topics ever seen in the company’s history. The changes and decisions Facebook made in the document itself, however, made it abundantly clear that adapting and changing the way Facebook interacted with news was not going to change, and this transformation would come through the direst of circumstances and not without a real, credible to Facebook’s status quo.

The Long Hot Summer of 2016

Revelations of Russian intervention, fraudulent ads, and attacks on Facebook’s ad network did not come to complete fruition until months after the election. However, throughout its 14-year history Facebook conducted numerous studies to measure the impact its Ads and News Feed had on its users, so the changes Facebook made to News Feed and advertising system during the summer of 2016 suggest that Facebook was more aware than it initially let on.

¹²³ Adam Mosseri, “Building a Better News Feed for You,” Facebook Newsroom, June 29, 2016, <https://newsroom.fb.com/news/2016/06/building-a-better-news-feed-for-you/>.

¹²⁴ Thompson and Vogelstein, “Inside Facebook’s Two Years of Hell.”

Political discourse during the spring and summer of 2016 at the height of the election, particularly on Facebook, was unlike anything anyone had witnessed on social media before. Facebook users took advantage of the unique nature of Pages and Groups and, as John Herrman wrote in the *New York Times Magazine* in August of 2016, transformed them into “political news and advocacy pages” that were “positioned and cleverly engineered to reach audiences exclusively in the context of the news feed.”¹²⁵ The cumulative audience numbered in the tens of millions and the Pages thrived within the Facebook ecosystem. Facebook page publishers could create, share, and promote any content they deem acceptable, wrote Herrman, “[u]nburdened of any allegiance to old forms of news media and the practice, or performance, of any sort of ideological balance.”¹²⁶ Craig Silverman and his team of researchers at *BuzzFeed News* found that the moderators of these pages – many of whom were not even U.S. citizens – understood that “the best way to attract and grow an audience is to ‘eschew factual reporting and instead play to partisan biases using false or misleading information that simply tells people what they want to hear.’”¹²⁷ As Herrman wrote, the pages were so successful because they “cherry-pick[ed] and reconstitut[ed] the most effective tactics and tropes from activism, advocacy and journalism into a potent new mixture,”¹²⁸ which, coupled with the tense and polarizing nature of the election, allowed the Pages’ traffic and engagement to explode.

¹²⁵ John Herrman, “Inside Facebook’s (Totally Insane, Unintentionally Gigantic, Hyperpartisan) Political-Media Machine,” *The New York Times Magazine*, August 24, 2016, Accessed April 23, 2018, <https://www.nytimes.com/2016/08/28/magazine/inside-facebooks-totally-insane-unintentionally-gigantic-hyperpartisan-political-media-machine.html>.

¹²⁶ Herrman, “Inside Facebook’s Political-Media Machine.”

¹²⁷ Craig Silverman, Lauren Strapagiel, Hamza Shaban, Ellie Hall, and Jeremy Singer-Vine, “Hyperpartisan Facebook Pages Are Publishing False and Misleading Information at an Alarming Rate,” *BuzzFeed News*, October 20, 2016, Accessed April 23, 2018, https://www.buzzfeed.com/craigsilverman/partisan-fb-pages-analysis?utm_term=.isKo9KKLpw#.wvKjx33nXr.

¹²⁸ Herrman, “Inside Facebook’s Political-Media Machine.”

Facebook's efforts to address these problems were, at best, attempts to placate their users and temporarily fend off complaints. The modifications the company claimed it was making were amounted to minimal adjustments and rewordings and reassertions of their values and goals. During the summer of 2016, Facebook made a number of small changes to its programs, all of which were nothing more than window dressing that disguised the substantial issues that Facebook desperately needed to address. Three times during the summer of 2016 – on May 26, June 29, and August 11 – Facebook declared it was making changes in response public concerns and problems from the election. The changes sought to: “Build a Better News Feed for You;”¹²⁹ “Show You More Personally Informative Stories;”¹³⁰ and “Bring People Better Ads.”¹³¹ Just like the clickbait Facebook sought to remove through one of these very updates, each headline sounds vague yet positive, and suggests Facebook had a strong grasp on the issue and was addressing it. Yet, they didn't and they weren't. Facebook's May 26 attempt to “Bring People Better Ads,” announced in response to pressure to fix its advertising system, was nothing more than superficial fixes; it included a review of how to remove ads you didn't like, a summary of Facebook's own process of reviewing ads, and a claim that Facebook was “working to provide a better online advertising experience for everyone: people, publishers, and advertisers.”¹³² The press release did not address nor outline any substantial efforts to truly “bring people better ads,” and raised the question whether Facebook felt there was even a problem that needed to be addressed. The same can be said for the other two releases. Both spent most of the page reviewing and discussing the pre-existing standards and values that Facebook and News Feed

¹²⁹ Mosseri, “Building a Better News Feed for You,” Facebook Newsroom.

¹³⁰ Jie Xu, Akos Lada, and Vibhi Kant, “Showing You More Personally Informative Stories,” Facebook Newsroom, August 11, 2016, <https://newsroom.fb.com/news/2016/08/news-feed-fyi-showing-you-more-personally-informative-stories/>.

¹³¹ Andrew Bosworth, “Bringing People Better Ads,” Facebook Newsroom, May 26, 2016, <https://newsroom.fb.com/news/2016/05/bringing-people-better-ads/>.

¹³² Bosworth, “Bringing People Better Ads,” Facebook Newsroom.

hoped to represent; neither laid out a plan to address the problem it discussed; and, perhaps most importantly, neither addressed the power or influence News Feed wielded and how specific changes would affect that.

Whether out of ignorance or indifference, Facebook maintained its minimalist response throughout the summer. As it sat idly by, engagement with these hyper-partisan pages grew to rival those of the news giants, so links to these organic Facebook pages and their stories began to pop up on the Trending news lists more and more frequently. These stories which were – in their own right fraught with misleading, exaggerated and often entirely false information – being listed in between real, verified news stories from mainstream media outlets with no distinction of one from another, all thanks to the algorithms and guidelines that Facebook had supposedly updated only a few months prior. June through August of 2016 constituted some of the most vitriolic and partisan news and speech from both presidential candidates, as well as from Pages and Groups on Facebook. Concerns ran rampant in pieces from numerous major news outlets on problems with echo chambers and hyper-partisan information on the site,¹³³ yet Facebook showed almost no interest in taking serious steps to mitigate the problem. Its laissez-faire attitude toward addressing this problem may have been due to the fact that a large majority of the fake news stories slightly – or outwardly and vocally – favored conservative points of view. The site had spent the summer dealing with daily condemnation from conservative pundits, politicians, and news outlets who claimed the site held biases against them.

Facing growing criticism that the site was peddling false and misleading information from both left and right, after the two national conventions Facebook announced major changes to the Trending feature that would “make the product more automated and no longer require

¹³³ Jon Keegan, “Blue Feed, Red Feed: See Liberal Facebook and Conservative Facebook, Side by Side,” The Wall Street Journal, May 18, 2016, Accessed April 23, 2018, <http://graphics.wsj.com/blue-feed-red-feed/>.

people to write descriptions for trending topics.”¹³⁴ Trending’s main purpose was to help as many people as possible discover interesting information. Facebook stated accomplishing this goal “would be hard to do if we relied solely on summarizing topics by hand”; the site wrote that a “more algorithmically driven process allows us to scale Trending to cover more topics and make it available to more people globally over time.”¹³⁵ Having used human journalists since adding Trending two years prior, Facebook now claimed it had hoped to make this change for some time and was making it in part due to the feedback and articles from earlier in the year. The changes were quite substantial in certain respects. For example, rather than seeing a story description in Trending, a particular topic related to the story would appear along with the number of people engaging with the same topic across the site. The articles and posts still were collected algorithmically, and the list of topics were still personalized based on the various factors that affect everything else you see on Facebook – “including Pages you’ve liked, your location, the previous trending topics with which you’ve interacted, and what is trending across Facebook overall.”¹³⁶

The result of these changes were nothing short of disaster. On August 29, less than three days after Facebook made the policy change, the updated algorithm chose a particularly incorrect headline to explain to its users why a certain topic was trending. Megyn Kelly, who was in the news at the time due to her public dispute with Bill O’Reilly, was one of the most popular topics on Facebook at the time; “the headline, which was visible to anyone who hovered Megyn Kelly’s name on the Trending list refer[red] to the Fox News personality as a ‘traitor’” and incorrectly claimed Fox News had fired her for supporting Hillary Clinton – which Fox News nor Kelly had

¹³⁴ “Search FYI: An Update to Trending,” Facebook Newsroom, August 26, 2016, <https://newsroom.fb.com/news/2016/08/search-fyi-an-update-to-trending/>.

¹³⁵ “Search FYI: An Update to Trending,” Facebook Newsroom.

¹³⁶ “Search FYI: An Update to Trending,” Facebook Newsroom.

done.¹³⁷ The article was the top news story on Facebook about Kelly for more than several hours, and the article itself was nothing more than an amalgamation of gossip and false information from a variety of other hyper-partisan, conservative Facebook pages. Numerous other stories of similar absurdity appeared in the following days, and it became clear that “without an active curation team to weed out hate speech and general noise, the section [was] susceptible to the most basic problems of and attacks on the internet.”¹³⁸ In an individual experiment, a team of reporters at the *Washington Post* checked the Facebook Trending list each hour, on the hour, for five days a week over a span of three weeks, and recorded the topics that were trending.¹³⁹ During this period – which ran from August 31 to September 22 – the reporters uncovered five trending stories that were “indisputably fake” and three that were “profoundly inaccurate.”¹⁴⁰ In addition, the reporters found links in stories to blog posts such as Medium and online stores such as iTunes, and only reaffirmed the observation that fake news stories were repeatedly appearing on Facebook.

Election Day 2016: The countdown

In studies and analyses he conducted in September and October of 2016, BuzzFeed News reporter Craig Silverman reported on his team’s detailed research on the presence of fake news stories and false information on Facebook. In his numerous articles on the subject, Silverman

¹³⁷ Abby Ohlheiser, “Three days after removing human editors, Facebook is already trending fake news,” *The Washington Post*, August 29, 2016, Accessed April 23, 2018, https://www.washingtonpost.com/news/the-intersect/wp/2016/08/29/a-fake-headline-about-megyn-kelly-was-trending-on-facebook/?utm_term=.cc6e5973cb6e.

¹³⁸ Dave Gershgorn and Mike Murphy, “A glimpse into Facebook’s notoriously opaque—and potentially vulnerable—Trending algorithm,” *Quartz*, August 31, 2016, Accessed April 23, 2018, <https://qz.com/769413/heres-how-facebooks-automated-trending-bar-probably-works/>.

¹³⁹ Caitlin Dewey, “Facebook has repeatedly trended fake news since firing its human editors,” *The Washington Post*, October 12, 2016, Accessed April 23, 2018, https://www.washingtonpost.com/news/the-intersect/wp/2016/10/12/facebook-has-repeatedly-trended-fake-news-since-firing-its-human-editors/?utm_term=.06f70ab6d9be.

¹⁴⁰ Dewey, “Facebook has repeatedly trended fake news since firing its human editors.”

noted how much more prominent and common these stories and information were on Facebook in the last few months of 2016, and articulated the impact they had, and could have, on election results. Silverman's exhaustive content analyses found that people who were consuming information from hyper-partisan Facebook Pages or Groups were regularly being fed false and misleading information.¹⁴¹ Silverman also found that the "more overtly partisan, misleading, or opinion-driven a post was the more engagement the post would see,"¹⁴² an occurrence that directly contradicts the stated purpose of the changes Facebook made throughout the summer and suggests that these adjustments had virtually no impact on the way Facebook users interacted with their News Feed.

The most concerning aspects of Silverman's reports, which covered Facebook posts in September and early October, and were published on October 20 and 26, were the quotes and statements from Facebook claiming that it was adamantly fighting these actions and that the effort was succeeding. Facebook's acknowledgment that this issue was present on its site was rare enough, but when it did address the problem its responses bordered on apathy. At the event just a few weeks before Election Day, Mosseri reiterated that Facebook had spent "a lot of time" reducing the prevalence of fake stories hoaxes, and misinformation in the Facebook and News Feed ecosystem.¹⁴³

On November 12, three days after Trump's victory over Clinton, Zuckerberg took his Profile on Facebook to deny the idea that fake news stories and false information on Facebook

¹⁴¹ Silverman et al., "Hyperpartisan Facebook Pages Are Publishing False and Misleading Information at an Alarming Rate."

¹⁴² Silverman et al., "Hyperpartisan Facebook Pages Are Publishing False and Misleading Information at an Alarming Rate."

¹⁴³ Silverman et al., "Hyperpartisan Facebook Pages Are Publishing False and Misleading Information at an Alarming Rate."

had influenced the election results,¹⁴⁴ despite the mountains of evidence accumulated over the previous seven months indicated otherwise. A year and a half later, not only had he walked back the statements he made that day, but he openly apologized for the influence Facebook had and called for a possibility of third-party regulatory reforms. His actions and words during the interim had been predominantly self-protecting, but it was now evident that he understood there needed to be change at Facebook.

¹⁴⁴ Mark Zuckerberg, "I want to share some thoughts on Facebook and the election.," Facebook, November 12, 2016, <https://www.facebook.com/zuck/posts/10103253901916271>.

Chapter Four – Revelations

“I think of Facebook as a technology company, but I recognize we have a greater responsibility than just building technology that information flows through.” – Mark Zuckerberg, December 2016.

Introduction

In early January of 2017, Farhad Manjoo, a New York Times technology columnist, visited Mark Zuckerberg at Facebook’s headquarters in Menlo Park, California, to discuss his change in attitude toward Facebook’s role in the 2016 presidential election. In his musings, he noted that the design of the buildings – which looked “less like the headquarters of the world’s wealthiest companies and more like a Chipotle with standing desks”¹⁴⁵ – had a unique, but calculated aesthetic. Their buildings are meant to reflect one of Facebook’s founding ideologies: “that things are never quite finished, that nothing is permanent, that you should always look for a chance to take an axe to your surroundings.”¹⁴⁶ What Manjoo saw through the exposed air ducts, unpainted walls, and concrete floors was an unfinished Facebook; the same unfinished Facebook that has consistently made attempts to change and fix their site in the past year and a half but hasn’t gotten it quite right.

From the moment Facebook exploded onto the social networking in 2004, Zuckerberg has capitalized on every opportunity to expand the company’s reach and advance its position of power. And why not? Zuckerberg had unrestricted control over an industry that revolutionized the way people interacted with one another—an industry that he to all intents and purposes had created. Like other corporate pioneers, Zuckerberg encountered a significant number of roadblocks. But rather than addressing them up front, Zuckerberg and his team at Facebook did its best to avoid the issues or placate its users with changes that, in reality, were nothing more

¹⁴⁵ Manjoo, "Can Facebook Fix Its Own Worst Bug?"

¹⁴⁶ Manjoo, "Can Facebook Fix Its Own Worst Bug?"

than window-dressing. Every change in its 14-year history has come from feedback – public and private, direct and indirect – as it continuously sought to establish and maintain its control over online discourse in the social media industry. There is no question that Facebook would not have made the minor changes it did during the election had people not reacted negatively to changes in the status quo. Certainly, the company did respond to the criticism with new policies and procedures, but these involved little to no substance. Indeed, most of the advertised responses have since been removed. The past year and a half of revelations from Facebook and its staff have amounted to such minimal and insubstantial results there are no regulations or policies forcing Facebook to make functional changes.

In February and March of 2018, however, there was a shift in how Facebook and Zuckerberg responded to allegations. Zuckerberg’s “charm offensive” of interviews, meetings, and public appearances in the wake of a massive privacy scandal only reaffirmed the evidence that he and his team responded when – and only when – there was a substantial public uproar and condemnation of Facebook, and evidence to support this anger. The considerable and quantifiable evidence of errors put Zuckerberg and his team in a situation where a public discussion of their problems and potential solutions became unavoidable. As of April, it appeared that they were not taking its responsibilities lightly. Indeed, after years of opposing government regulation, they indicated that they would support a regulatory regime. This newfound position on regulation coupled with intense public attention to and scrutiny of Facebook in the first months of 2018 could well turn out to be the turning point in determining the place of the company – and social media generally – in society. However, the story of Facebook’s resistance to acknowledging responsibility for what happened during the 2016 election cycle raises real questions about the extent of its change of posture.

Zuckerberg: Three days, a week, and a month after Election Day

Let us begin with Zuckerberg's public statements and claims in the month immediately following Election Day. As noted above, it took him more than three days to respond to the attacks and condemnations that plastered the front pages and websites of liberal and conservative news organizations. In his first public status, written on November 12, 2016, he stated that it was "extremely unlikely" that any information on Facebook influenced the outcome of the election to the extent many were claiming.¹⁴⁷ Zuckerberg did not outright deny that any fake news or misinformation had been present on Facebook – a fact that numerous news outlets and Facebook itself had confirmed to some extent – but he reiterated that it was a "pretty crazy idea" to suggest that Facebook could have led to Donald Trump's election. At the time, the public was scrambling to respond and understand what had happened. Not only Facebook was put under the culpability microscope. As Adrienne LaFrance wrote in the *Atlantic*, the presidential contest "thrust the tech industry into the political sphere in new ways."¹⁴⁸ However, Facebook's laissez-faire and apathetic attitude made the site a particular target for criticism. Facebook had become "a single point of failure for civic information," noted Joshua Benton, the head of Nieman Lab, a media think-tank at Harvard, shortly after the election. "Our democracy has a lot of problems, but there are few things that could impact it for the better more than Facebook starting to care—really care—about the truthfulness of the news that its users share and take in."¹⁴⁹ The information-spreading behemoth Facebook had become fraught with misinformation and a lack of attention to the truthfulness of the stories and news that were shared.

¹⁴⁷ Zuckerberg, "I want to share some thoughts on Facebook and the election," Facebook.

¹⁴⁸ Adrienne LaFrance, "Will Trump's Victory Be Silicon Valley's Wake-Up Call?," *The Atlantic*, November 10, 2016, <https://www.theatlantic.com/technology/archive/2016/11/trumps-the-president-and-youre-a-publisher/507278/>.

¹⁴⁹ Joshua Benton, "The forces that drove this election's media failure are likely to get worse," NiemanLab, November 9, 2016, <http://www.niemanlab.org/2016/11/the-forces-that-drove-this-elections-media-failure-are-likely-to-get-worse/>.

A week after his first post-election post, Zuckerberg posted an update directly addressing users' concerns with misinformation and reaffirming his commitment to address the problem. However, his status showed unease with the extent to which Facebook should get involved with the information that they trafficked every day:

The problems here are complex, both technically and philosophically. We believe in giving people a voice, which means erring on the side of letting people share what they want whenever possible. We need to be careful not to discourage sharing of opinions or to mistakenly restrict accurate content. We do not want to be arbiters of truth ourselves, but instead rely on our community and trusted third parties.¹⁵⁰

In the post, Zuckerberg loosely outlined projects he said Facebook was working on, and some of these ideas permit their own forthcoming discussion, but it is the rhetoric he used that warrants the most notice. His post just a week prior shrugged off the perception that Facebook played a consequential role in the election; the language and consideration to informing voters on improvements Facebook hoped to make, however, struck a different chord. Zuckerberg acknowledged how atypical an advanced conversation on Facebook's work in progress was, but he felt the issue was important enough and garnered enough public attention – albeit predominantly negative – that an update discussing their projects was necessary. Each project was fleshed out, at least in minor detail, and he ended his post conceding that while not every solution would be successful, Facebook “understood the importance of the issue” and was “committed to getting this right.”¹⁵¹

Prior to the myriad of scandals in the last year in and a half at Facebook, Zuckerberg and his team were known for their reserved attitude toward the press and any discussion of internal projects or changes. If his first two responses were not evidence enough of in-house

¹⁵⁰ Mark Zuckerberg, “A lot of you have asked about what we’re doing about misinformation,” Facebook, November 19, 2016, <https://www.facebook.com/zuck/posts/10103269806149061>.

¹⁵¹ Zuckerberg, “What we’re doing about misinformation,” Facebook.

apprehension or a grasp of the severity of the site's dilemma, Zuckerberg's third status confirmed the growing belief that what happened in 2016 was something more than just a speed bump in Facebook's road. Zuckerberg's status on December 15 was an update on recently launched projects at Facebook and he continued the use of conciliatory rhetoric from his previous posts. In a first for the site, Zuckerberg recognized that the role of Facebook as an organization had shifted:

Facebook is a new kind of platform different from anything before it. I think of Facebook as a technology company, but I recognize we have a greater responsibility than just building technology that information flows through. While we don't write the news stories you read and share, we also recognize we're more than just a distributor of news. We're a new kind of platform for public discourse -- and that means we have a new kind of responsibility to enable people to have the most meaningful conversations.¹⁵²

In December, Facebook implemented changes to the way people interacted with real and fake news stories, but the site remained staunchly hesitant to change its role in and relationship with the information that was shared by their users. Zuckerberg made that clear: he and his team would “resist the path of becoming arbiters of truth.”¹⁵³ Albeit a markedly different Zuckerberg than the one who asserted Facebook's total disconnect from its content a month prior, there was still zero acknowledgement of its pervasive role in the election. Zuckerberg either did not believe or chose not to acknowledge that during the 2016 election cycle Facebook had neglected to address key problems, some of which may have affected the outcome of the presidential race.

All three of Zuckerberg's posts follow a timeline of language that slowly concedes to making changes to the site; however, each update makes it clear that the decision to make these changes was rooted in user feedback and nothing else. Yet, on April 11, 2018, Mark Zuckerberg

¹⁵² Mark Zuckerberg, “I want to share an update on work we’re starting to roll out,” Facebook, December 15, 2016, <https://www.facebook.com/zuck/posts/10103338789106661?pnref=story>.

¹⁵³ Zuckerberg, “I want to share an update on work we’re starting to roll out,” Facebook.

concluded his testimony before Congress by emphasizing the importance of the issues Facebook sought to address; that these issues weren't just concerns for Facebook and its community but challenges for all Americans.¹⁵⁴ What pushed Zuckerberg to transition from his unconcerned attitude to one that emphasized regret and an understanding of the magnitude of the mistakes? The request to testify before Congress must have underlined the monumental impact his decisions had, as well as the shockwave of the Cambridge Analytica scandal, but it raises questions as to why Facebook began to accept the possibility of third-party regulation.

Facebook's pivot from the information-platform that had zero problems with or interest in the news shared on its to a media and information company that was considering its responsibilities and impact on society was swift. Shortly before the end of 2016, on December 15, Adam Mosseri announced a collaboration between Facebook and third-party fact-checking organizations to address the problem of fake news stories and false information on the site. Teaming up with signatories of Poynter's International Fact Checking Code of Principles, such as Factcheck.org, PolitiFact, and Snopes, Facebook enabled a more in-depth flagging system for stories that have been individually, or collectively, labeled as including false information.¹⁵⁵ If the fact checking organizations identified a story or information in the story as fake, it would be publicly flagged as disputed and a link to the fact-checking organization's article explaining why would be attached.¹⁵⁶

Through the spring and summer of 2017, Facebook continued to tackle the issues it felt were most relevant to its users' complaints and concerns in three key areas: "disrupting

¹⁵⁴ *Facebook, Social Media Privacy, and the Use and Abuse of Data: Hearing before Senate Committee on the Judiciary and Committee on Commerce, Science and Transportation, 115th Congress, April 10, 2018, (Statement of Mark Zuckerberg).*

¹⁵⁵ Adam Mosseri, "Addressing Hoaxes and Fake News," Facebook Newsroom, December 15, 2016, <https://newsroom.fb.com/news/2016/12/news-feed-fyi-addressing-hoaxes-and-fake-news/>.

¹⁵⁶ Mosseri, "Addressing Hoaxes and Fake News," Facebook Newsroom.

economic incentives because most false news is financially motivated; building new products to curb the spread of false news; and helping people make more informed decisions when they encounter false news.”¹⁵⁷ The site adjusted and tinkered with its News Feed and Trending algorithms to reduce the presence,¹⁵⁸ popularity,¹⁵⁹ and financial incentives of hyper-partisan fake news stories, Pages, and Groups. It appeared to most people, including many of those who worked inside Facebook, that there was consideration for how their actions resonated with those who used the site, and possibly care for the information that people consumed every day and for how accurate and honest this information was. Facebook publicly recognized its need for additional support to be successful: “We need to work across industries to help solve this problem – technology companies, media companies, educational organizations and our own community can come together to help curb the spread of misinformation and false news”¹⁶⁰ In another atypical moment, Facebook was being open about its work-in-progress, making clear through every post and press release that it was making these changes on its own accord.

Russian intervention in Facebook Ads

The white hat, altruistic image that Facebook was undoubtedly trying to paint of itself for most of the year began to falter in the last months of 2017, when internal and external investigators began to uncover the extent to which Russian intervention in the 2016 election was carried out through Facebook. Facebook’s advertising network had already come under intense scrutiny in the preceding months from certain voters after it became clearer how heavily the

¹⁵⁷ Adam Mosseri, “Working to Stop Misinformation and False News,” Facebook Newsroom, April 6, 2017, <https://newsroom.fb.com/news/2017/04/working-to-stop-misinformation-and-false-news/>.

¹⁵⁸ Adam Mosseri, “News Feed FYI: Showing More Informative Links in News Feed,” Facebook Newsroom, June 30, 2017, <https://newsroom.fb.com/news/2017/06/news-feed-fyi-showing-more-informative-links-in-news-feed/>.

¹⁵⁹ Adam Mosseri, “Blocking Ads from Pages that Repeatedly Share False News,” Facebook Newsroom, August 28, 2017, <https://newsroom.fb.com/news/2017/08/blocking-ads-from-pages-that-repeatedly-share-false-news/>.

¹⁶⁰ Mosseri, “Addressing Hoaxes and Fake News,” Facebook Newsroom.

Trump campaign invested in Facebook ads. In an interview with 60 Minutes, Brad Parscale, then digital director for the Trump campaign, stated that the campaign had spent most of its digital advertising budget on Facebook, typically testing “more than 50,000 ad variations each day in an attempt to micro-target voters.”¹⁶¹ Facebook had reportedly offered the Trump campaign – and the Clinton campaign, it was quick to point out in a statement – embedded employees to “educate [their digital teams] on how to use Facebook ads.”¹⁶² Additional reporting had found that Trump advertisements were used not only encourage Trump support but also to dishearten potential Clinton supporters.¹⁶³

On September 6, 2017, Facebook’s Chief Security Officer Alex Stamos released an update on “Information Operations at Facebook.” A question that emerged from the election was whether any connection existed between Russian efforts to intervene and ads purchased on Facebook; when reviewing the ad buys, Facebook “found approximately \$100,000 in ad spending from June of 2015 to May of 2017 — associated with roughly 3,000 ads — that was connected to about 470 inauthentic accounts and Pages in violation of [Facebook’s] policies.”¹⁶⁴ The site noted that any Pages and accounts still active were shut down, and announced that it would explore “several new improvements to [its] systems for keeping inauthentic accounts and activity off [the] platform,”¹⁶⁵ but such explosive revelations broke the levee and flooded Facebook with calls to respond and Congress with calls to investigate.

¹⁶¹ Lois Beckett, “Trump digital director says Facebook helped win the White House,” The Guardian, October 8, 2017, <https://www.theguardian.com/technology/2017/oct/08/trump-digital-director-brad-parscale-facebook-advertising>.

¹⁶² Beckett, “Trump digital director says Facebook helped win the White House.”

¹⁶³ Joshua Green and Sasha Issenberg, “Inside the Trump Bunker, with Days to Go,” Bloomberg Business, October 27, 2016, <https://www.bloomberg.com/news/articles/2016-10-27/inside-the-trump-bunker-with-12-days-to-go>.

¹⁶⁴ Alex Stamos, “An Update on Information Operations at Facebook,” Facebook Newsroom, September 6, 2017, <https://newsroom.fb.com/news/2017/09/information-operations-update/>.

¹⁶⁵ Stamos, “An Update on Information Operations at Facebook,” Facebook Newsroom.

Less than two months later, and just shy of a year after the election lawyers from Facebook, Twitter, and Google sat before the Senate Intelligence Committee and testified on Russia and social media influence in 2016. By the time of the hearing, Facebook had revealed that the 470 accounts connected to the Internet Research Agency – the Russian-based organization that coordinated the attack on Facebook the 2016 election – “collectively created 80,000 pieces of content that may have been shared, both organically and through ads, with 126 million people.”¹⁶⁶ Facebook shared a sampling of the advertisements with the Senate and House intelligence committees, which were investigating the Russian influence campaign, and Facebook later released the more than 3,000 ads to the committees. (Earlier in 2017, Facebook had denied requests from political scientists to disclose information about political campaign advertising or related data, including “the frequency of ads, how much money was spent on them, where they were seen, what the messages were and how many people were reached,”¹⁶⁷ because the company claimed it violated their corporate confidentiality agreement with advertisers). Facebook outlined the steps it would take to amend these issues; the company announced plans to hire more than 1,000 new employees for its advertisement review team and would require a thorough and detailed process to verify the identities of advertisers that sought to purchase political ads. The goal, announced in the wake of the two Russian interference hearings, was to protect users; however, as of May, 2018, no information regarding the program had been released to the public.

¹⁶⁶ Issie Lapowsky, “Eight Revealing Moments from the Second Day of Russia Hearings,” WIRED, November 1, 2017, <https://www.wired.com/story/six-revealing-moments-from-the-second-day-of-russia-hearings/>.

¹⁶⁷ David Ingram, “Facebook to keep wraps on political ads data despite researchers’ demands,” Reuters, June 22, 2017, <https://www.reuters.com/article/us-usa-politics-facebook/facebook-to-keep-wraps-on-political-ads-data-despite-researchers-demands-idUSKBN19D1CN>.

In March of 2018, while preparing for his congressional hearing, Mark Zuckerberg declared his support for the Honest Ads Act – a Senate bill that would require tech companies to increase disclosure requirements for online political ads.¹⁶⁸ As soon as Facebook publicly acknowledged the role its ads played in influencing Facebook users, journalists and politicians – and Facebook itself¹⁶⁹ – proposed increased transparency in the political ads on the site. Following Facebook’s testimony before Congress in late 2017, the Federal Election Commission had determined that any political ads on Facebook that included images or videos would be required to disclose who paid for the advertisement. An important step for government regulation, this was the first time since 2011 that the FEC had addressed Facebook advertising, when the company sought an exception from the very same rules the FEC had just made stricter. Facebook cited space constraints for its character-limited ads, which at the time were restricted to 160 characters as a reason it should be granted an exception from the FEC’s regulation, arguing that the ads “were so small that a disclaimer would be impracticable.”¹⁷⁰ Facebook’s request was met with a split vote on the commission, which did not officially grant the company the exception but protected it from prosecution if the FEC ever sought to enforce it; so it proceeded with ads without disclaimers. In the years following the FEC decision, Facebook’s advertising scheme developed into “sophisticated multimedia experiences,”¹⁷¹ opening the door to what happened with the Internet Research Agency during the election. In stark contrast to this successful effort to prevent any federal government influence, Zuckerberg’s statement in support of the Senate bill to the regulatory suggestions a step further. In his update he proposed that

¹⁶⁸ Mark Zuckerberg, “With important elections coming up in the US,” Facebook, April 6, 2018, <https://www.facebook.com/zuck/posts/10104784125525891>.

¹⁶⁹ Brian Stelter, “Facebook is planning big changes to political ads on its site. Are they enough?,” CNN Media, September 21, 2017, <http://money.cnn.com/2017/09/21/media/facebook-political-ads/index.html>.

¹⁷⁰ Donie O’Sullivan, Facebook sought exception from political ad disclaimer rules in 2011, CNN Tech, September 27, 2017, <http://money.cnn.com/2017/09/27/technology/business/facebook-political-ad-rules/index.html>.

¹⁷¹ O’Sullivan, “Facebook sought exception from political ad disclaimer rules in 2011.”

every advertiser on Facebook who wanted to run a political or issue ad would now need to be verified and authorized, and thousands of new hires would take up this task.¹⁷² This was the first time Facebook had endorsed government regulation on its own platform – a tremendous shift away from its former laissez-faire posture.

2017 French elections

Along with a constant stream of pseudo-updates, tweaks and changes to their algorithms and policies, Facebook devoted substantial time and resources during 2017 to combatting foreign interference and influence in international elections as well as regional, albeit equally prevalent, special elections in the United States. The 2017 French presidential elections, which were held on April 23 and May 7, were seen as the litmus test for the efforts that Facebook had made to stop fake news stories from spreading on their platform. Emmanuel Macron and Marine Le Pen were the two leading candidates; their visions could not be stancher opposites. As Bloomberg put it, “Macron embrace[d] globalization and European integration, Le Pen channel[ed] the forces of discontent that triggered Brexit and brought Donald Trump to power.”¹⁷³ The similarities between the French and U.S. elections were uncanny; Russia appeared particularly invested in the French election and as in the United States, Facebook was France’s most popular social media platform.¹⁷⁴ Macron had been attacked in the months before the election with fake-news hoaxes and Facebook saw the potential to make a positive impact and mitigate any foreign interference. In a post to its users, the company announced that it had exposed and deleted more

¹⁷² Zuckerberg, “With important elections coming up in the US,” Facebook.

¹⁷³ Mark Deen and John Follain, “France Braces for Runoff Between Nationalism and Globalism,” Bloomberg, April 24, 2017, <https://www.bloomberg.com/news/articles/2017-04-24/france-braces-for-runoff-fight-between-nationalism-and-globalism>.

¹⁷⁴ Marie Mawad, “French Election is Facebook’s Fake News Litmus Test,” Bloomberg, April 27, 2017, <https://www.bloomberg.com/news/articles/2017-04-27/france-is-facebook-s-fake-news-litmus-test-as-elections-near-end>.

than 30,000 fake Facebook accounts, utilized print and digital news sources to share information on how to spot false information, and made upgrades that limited the spread of “material generated through inauthentic activity, including spam, misinformation, or other deceptive content.”¹⁷⁵

It was revealed after the election that the number of Facebook accounts suspended was closer to 70,000;¹⁷⁶ in addition, more than two dozen Facebook accounts had been created during the election by Russian agents to conduct surveillance on Emmanuel Macron by “posing as friends of friends of Macron associates and trying to glean personal information from them.”¹⁷⁷ According to a Reuters report, Facebook employees noticed these accounts and their efforts during the first round of the presidential election and traced their presence to tools used by Russia’s GRU military intelligence unit—the same tools and unit that had been cited for hacking the Democratic National Committee during the 2016 presidential election.¹⁷⁸ The widespread response Facebook gave to the Russian interference in the French election – as well as the effort to infiltrate the profiles and pages of Macron officials – had not previously been reported by Facebook. Following the election, the *New York Times* reported that several French media organizations, including *Le Monde* and other major newspapers, said “they had found it difficult – and overly cumbersome – to report potential fake news items about the candidates to Facebook.”¹⁷⁹ The media outlets scrutinized Facebook’s attempts to partner with their

¹⁷⁵ “Improvements in protecting the integrity of activity on Facebook,” Facebook Security, April 13, 2017, <https://www.facebook.com/notes/facebook-security/improvements-in-protecting-the-integrity-of-activity-on-facebook/10154323366590766/>.

¹⁷⁶ Joseph Menn, “Exclusive: Russia Used Facebook to Spy on the Macron Campaign in France,” Reuters, July 27, 2017, <https://www.reuters.com/article/us-cyber-france-facebook-spies-exclusive/exclusive-russia-used-facebook-to-try-to-spy-on-macron-campaign-sources-idUSKBN1AC0EI>.

¹⁷⁷ Menn, “Russia Used Facebook to Spy on the Macron Campaign in France.”

¹⁷⁸ Menn, “Russia Used Facebook to Spy on the Macron Campaign in France.”

¹⁷⁹ Mark Scott, “Facebook’s role in European Elections Under Scrutiny,” *The New York Times*, June 7, 2017, <https://www.nytimes.com/2017/06/07/technology/facebook-britain-election-europe.html>.

organizations while failing to provide data on what Facebook users in France shared, which made it “virtually impossible to determine if false reports spread on the network affected the overall result”¹⁸⁰ of the election.

At first glance, the efforts – and “successes” – of Facebook in France’s presidential election would appear to provide nothing but positive publicity for a company that desperately needed it. However, the post-campaign revelations on the extent to which Facebook was used as the primary outlet for foreign campaign intervention only reaffirmed and emboldened the flaws of the site and their inability to combat foreign intrusion. Despite all the efforts on behalf of Facebook to respond to what happened in the U.S. presidential election, it was abundantly clear that the flaws in Facebook’s system were much deeper and more contentious than originally thought and would require thorough contemplation from Zuckerberg and his team to be adequately and effectively addressed.

The Alabama special election

After the resignation of Sen. Jeff Sessions of Alabama to serve as U.S. Attorney General, a special election for his seat was held on December 12, 2017. The election, between Democrat Doug Jones and Republican Roy Moore, was predicted to be a landslide victory for Roy Moore; however, Jones narrowly defeated his opponent by 1.7 percentage points. As critical as the election was for those who saw it as a preliminary indicator of public sentiment on the eve of the 2018 midterm election cycle, it also provided the first practicable opportunity to see the impact of Facebook’s changes on a U.S. federal election. In contrast to the French presidential elections, Facebook made no announcements or statements during the campaign on its involvement – if

¹⁸⁰ Scott, “Facebook’s role in European Elections Under Scrutiny.”

any – in the special election or if there had been any foreign attempts to influence it. The Daily Beast published an article the day before the election, December 11, that outlined a clear pivot in the election on Facebook from the changes Zuckerberg had announced three months prior.¹⁸¹ “America First Action,” a pro-Donald Trump political action committee whose \$1 million ad buy pushed a plethora of false and misleading information and ads to voters in Alabama, had virtually no identifying information on its Page¹⁸²—one requirement amidst the new features Zuckerberg promised to Facebook’s users in September of 2017. At the time of the election, a Facebook spokesperson pointed Daily Beast reporters to a press release from late October that said the changes were being tested in Canada and would be rolled out in the U.S. by summer 2018 ahead of midterm elections.¹⁸³

In an interview with the *New York Times* following the Cambridge Analytica scandal, Zuckerberg was asked a question about Facebook’s potential role in and goals for the 2018 midterm elections, and in his answer he brought up a previously undiscussed issue with the special election. He admitted that Facebook had utilized “artificial intelligence tools to identify fake accounts and false news” and found a “significant number of Macedonian accounts that were trying to spread false news.”¹⁸⁴ He did not mention what false news these accounts tried to spread or exactly how and when they attempted to do it; in an interview with Ezra Klein at Vox a week later, he commented that the fake accounts who were trying to spread the false information were removed “before a lot of the discussion around the election.”¹⁸⁵ He did acknowledge,

¹⁸¹ Ben Collins and Andrew Desiderio, “Shadowy Facebook Ads that Pushed Trump Are Back in Alabama,” The Daily Beast, December 11, 2017, <https://www.thedailybeast.com/shadowy-unlabeled-ads-target-alabamians-on-an-unchanged-facebook>.

¹⁸² Collins and Desiderio, “Shadowy Facebook Ads that Pushed Trump Are Back in Alabama.”

¹⁸³ Collins and Desiderio, “Shadowy Facebook Ads that Pushed Trump Are Back in Alabama.”

¹⁸⁴ Kevin Roose and Sheera Frenkel, “Mark Zuckerberg’s Reckoning: ‘This Is a Major Trust Issue,’” The New York Times, March 21, 2018, <https://www.nytimes.com/2018/03/21/technology/mark-zuckerberg-q-and-a.html>.

¹⁸⁵ Ezra Klein, “Mark Zuckerberg on Facebook’s hardest year, and what comes next,” Vox, April 2, 2018, <https://www.vox.com/2018/4/2/17185052/mark-zuckerberg-facebook-interview-fake-news-bots-cambridge>.

however, that Facebook had not discussed this particular instance publicly until the interview, and felt encouraged and motivated by Facebook’s recent actions in the context of the upcoming midterm elections.¹⁸⁶

Cambridge Analytica scandal and congressional hearings

In March of 2018, the *New York Times*, working with the *Guardian* and the *Observer* of London, obtained documents and information that concluded Cambridge Analytica, a data analytics firm, had “harvested private information from the Facebook profiles of more than 50 million users without their permission.”¹⁸⁷ The data was obtained in 2014 when Cambridge Analytica hired Aleksandr Kogan, a professor and researcher at the University of Cambridge, to create a “personality quiz” and download an app for Facebook users to connect to their profiles, “which would scrape some private information from their profiles and from those of their friends – activity that Facebook permitted at the time.”¹⁸⁸ Not only did Facebook not verify how the information was used by Kogan and Cambridge Analytica – who posed as academic researchers when they instead were selling data to political campaigns – but the platform had learned of this data breach in 2015 and neglected to inform its users. The number of affected users, which Facebook has since revealed to be more than double the original estimates, made it one of the largest data leaks in the platform’s history and reinvigorated the debate on Facebook’s problems in America—and more importantly, within the U.S. government. The *Times* article received an instant response from Washington, where lawmakers demanded that Zuckerberg testify before

¹⁸⁶ Roose and Frenkel, “Mark Zuckerberg’s Reckoning: ‘This Is a Major Trust Issue.’”

¹⁸⁷ Matthew Rosenberg, Nicholas Confessore and Carole Cadwalladr, “How Trump Consultants Exploited the Facebook Data of Millions,” *The New York Times*, March 17, 2018, <https://www.nytimes.com/2018/03/17/us/politics/cambridge-analytica-trump-campaign.html>.

¹⁸⁸ Matthew Rosenberg and Sheera Frankel, “Facebook’s Role in Data Misuse Sets Off Storms on Two Continents,” *The New York Times*, March 18, 2018, <https://www.nytimes.com/2018/03/18/us/cambridge-analytica-facebook-privacy-data.html>.

Congress and answer questions on the scandal and more of Facebook's issues in the last year and a half.

On April 10, 2018, Mark Zuckerberg was sworn in before a joint Senate Judiciary and Commerce committee hearing; he became the first CEO from a social media company to sit before Congress and answer questions on issues facing the site, particularly Facebook's privacy policies and their use and abuse of personal data. The hearing – “Facebook, Social Media Privacy, and the Use and Abuse of Data” – was a unique, albeit not unprecedented, opportunity for Congress to press him on a range of issues: from data privacy to election interference, security to consumer protection and, most importantly, regulation. In a prepared statement he gave before testimony in front of both Congressional hearings, Zuckerberg sought to bring people into the world of Facebook and their company culture. Facebook, he said, was an optimistic and idealistic company that “focused on all the good that connecting people can bring;”¹⁸⁹ He brought himself before Congress because he felt it was clear that “[Facebook] didn't do enough to prevent the tools they created for good from being used for harm as well.”¹⁹⁰ In the 10 hours he spent on Capitol Hill, Zuckerberg touched on many issues and answered many questions, but above all else he made it clear that Facebook was open – at least in theory – to some form of a regulatory regime.

As the first few months of 2018 have proven, both Zuckerberg and Congress understand the remarkable economic and political power companies like Facebook have, and now comprehend the problems that arise when they go unregulated. Since the disclosure of Russian intervention in the 2016 election and the discovery of the Cambridge Analytica scandal,

¹⁸⁹ *Hearing before U.S. Senate Committee on the Judiciary and Committee on Commerce, Science and Transportation*, 115th Congress, April 10, 2018, (Statement of Mark Zuckerberg).

¹⁹⁰ *Hearing before U.S. Senate Committee on the Judiciary and Committee on Commerce, Science and Transportation*, 115th Congress, April 10, 2018, (Statement of Mark Zuckerberg).

recommendations for internal and external policy changes, solutions, and rulings have become a central topic of discussion for Facebook, Congress, and the American people. Government regulation is the inevitable solution to mitigate Facebook's issues; there is nothing wrong with Facebook's desire to cultivate a position of total power and reaffirm their role and position as the destination for and bastion of social and political discourse, and this would not be the purpose of congressional intervention. However, leaving their ability as a company to make these decisions completely autonomous and concealed from the same governments and organizations that are ultimately affected by Facebook's unique position only expanded their problematic status quo. What follows is a review of regulatory proposals to address problems with the platform and protect millions of American Facebook users and their political system.

Chapter Five: Policy and regulatory recommendations

It's clear now that we didn't do enough. We didn't focus enough on preventing abuse and thinking through how people could use these tools to do harm as well. It was my mistake, and I'm sorry. – Mark Zuckerberg, April 2018.

Introduction

In the spring of 2018, the eyes of the world were on Mark Zuckerberg and Facebook. The company he had built up from nothing as a 19-year-old college student, and turned into the premier digital media platform and location for online discourse, was shoved into the limelight—a place Zuckerberg wanted no part of for himself, or for his company. Under a spotlight of intense scrutiny from Congress, the press, and the American people, Facebook cracked; from this crack outpoured a history of flaws, oversights, neglects, and trade-offs that in the end favored the platform's growth over any user protection or privacy. Zuckerberg's ruthless and determined commitment to Facebook's expansion created the social media goliath that the platform had become, but it ultimately led the company into the predicaments it faced. There was no question that some form of a regulatory regime was on the horizon; a consensus was reached not only by the Facebook users around the world and by Congress, but also by Mark Zuckerberg and Facebook itself. On March 21, in his first public appearance four days after details emerged on the Cambridge Analytica scandal, Zuckerberg was interviewed by CNN reporter Laurie Segall. When Segall asked why Facebook should not be regulated he, in an unanticipated shift from his previous statements, questioned whether an “anti-regulation” agenda was still appropriate. Instead, he mused, he wasn't sure that companies like Facebook shouldn't be regulated, and the better question was what the right regulation will be going forward.¹⁹¹

¹⁹¹ “Mark Zuckerberg in his own words: The CNN interview,” CNN Tech, March 21, 2018, <http://money.cnn.com/2018/03/21/technology/mark-zuckerberg-cnn-interview-transcript/index.html>.

The question that Zuckerberg left open – to his staff, to Congress, to the press, and ultimately to all two billion active monthly Facebook users – was what precisely would be this “right regulation” for the platform. It would be imprudent to suggest that there is one right answer or one single solution to the problems that Facebook faces that will solve all of their problems. However, it is possible to outline some issue areas where Facebook has begun, or can attempt, to mitigate the difficulties it currently faces. This thesis has aimed to establish a clear, analytical narrative of how Facebook’s history of mistakes and its development into the principal media and social networking platform inevitably led it to its current dilemma. Using the previous chapters and this narrative as a lens, this chapter will break down three key issues on Facebook: privacy, election security, and content management. Through an assessment of proposals and recently implemented policies and solutions, the viability and potential future success of solutions for each issue can be analyzed and recommendations can be made.

Privacy

When the details emerged that the data firm Cambridge Analytica inappropriately accessed, stored, and used the data of more than 85 million Facebook users, and that Facebook had been made aware of this some years’ prior, the public uproar and backlash was tremendous. One initial response from many users was to follow the “#deletefacebook” movement and simply delete their Facebook page.¹⁹² The hashtag spread rapidly across the internet and celebrities and major organizations joined in on the cause; however, the impulsive decision of some users did not take into account the permanence of a Facebook Profile and makes this “solution” highly impractical and unsuccessful in reach the goal a user would hope to achieve. Vox’s internet

¹⁹² Aja Romano, “How Facebook made it impossible to delete Facebook,” Vox, March 22, 2018, <https://www.vox.com/culture/2018/3/22/17146776/delete-facebook-difficult>.

reporter Aja Romano aptly refuted the proposal that users should or could simply delete their Facebook profile:

At this point, “Why don’t you just delete Facebook” is the internet’s equivalent of asking “Why didn’t they just leave before the hurricane came” — because it vastly misrepresents how embedded Facebook is at every cultural turn most of us take, and deflects social responsibility away from Facebook onto the users who have been directly impacted by the company’s lack of accountability.¹⁹³

Facebook has become such an integrated part of daily life that it would be next to impossible to completely cut it out from your life, and the internet is far too massive and Facebook’s tentacles of influence and reach spread far too wide to completely remove your presence from Facebook’s system. And despite the movement’s best efforts, Facebook users are not deleting their profiles; in his testimony before the joint Senate Judiciary and Commerce committee hearing, Zuckerberg noted that the site had not seen any significant drop in use of the platform or overall number of Profiles.¹⁹⁴ In fact, Facebook users were logging in and registering more than ever; Facebook announced the number of monthly users hit 2.2 billion at the end of the first quarter of 2018—a growth of 70 million monthly users despite the #deletefacebook movement.¹⁹⁵

Facebook now has more than two billion people using its platform every month – more than one quarter of the world’s population – which most likely makes Facebook the single largest organization or collection of people who are connected in the history of the world. Without question, Facebook is subject to the scrutiny and regulation of the public, and above all of Congress. Governments have an obligation to provide clear rights and protections for their

¹⁹³ Romano, “How Facebook made it impossible to delete Facebook.”

¹⁹⁴ *Hearing before U.S. Senate Committee on the Judiciary and Committee on Commerce, Science and Transportation*, 115th Congress, April 10, 2018, (Statement of Mark Zuckerberg).

¹⁹⁵ Jessica Guynn, “Delete Facebook? Nope, Facebook is growing,” USAToday, April 25, 2018, <https://www.usatoday.com/story/tech/2018/04/25/delete-facebook-nope-facebook-growing/551535002/>.

citizens.¹⁹⁶ Governing bodies around the world have already begun to take this responsibility in their own hands and draft legislation to protect their citizens. In May of 2018, a comprehensive data protection law named the General Data Protection Regulation (GDPR) went into effect in the European Union. As the *New York Times* reported, the law “requires companies to collect and store only the minimum amount of user data needed to provide a specific, stated service;” so, for example, “a flashlight app should not be asking users for access to their photos or contacts.”¹⁹⁷ The status quo at Facebook currently makes certain user details public by default, including name, gender, age range, profile picture and language, among others; the European Union’s new law changes this.¹⁹⁸

Although an important step in the right direction, the law is neither sufficient nor appropriate to address the concerns and meet the privacy needs in the United States. At the most foundational level, the U.S. approach to and treatment of privacy – in the judicial and legislative branches of government – is significantly different than in the European Union. Beginning under the Clinton administration – when the internet and an individual’s digital profile came into the public vernacular – it was established that users may want to know or give consent to the use and storage of their data by any party.¹⁹⁹ As previous chapters have outlined, Facebook’s relationship history with its users’ data has been spotty at best; privacy has been at the discretion of Facebook and while a company may have the right to this autonomy, the European law and proposed

¹⁹⁶ Daniel J. Weitzner, “How Cambridge Analytica, Facebook and Other Privacy Abuses Could Have Been Prevented,” LawFare, April 4, 2018, <https://www.lawfareblog.com/how-cambridge-analytica-facebook-and-other-privacy-abuses-could-have-been-prevented>.

¹⁹⁷ Natasha Singer, “A Tough Task for Facebook: European-Type Privacy for All,” *The New York Times*, April 8, 2018, <https://www.nytimes.com/2018/04/08/technology/a-tough-task-for-facebook-european-type-privacy-for-all.html>.

¹⁹⁸ “Choose Who You Share With,” Facebook Help Center, <https://www.facebook.com/help/459934584025324>.

¹⁹⁹ Nicol Turner-Lee, “Facebook’s Mark Zuckerberg testifies before Congress. What comes next?,” Brookings, April 10, 2018, <https://www.brookings.edu/blog/techtank/2018/04/10/after-facebooks-mark-zuckerberg-testifies-to-congress-what-comes-next/>.

changes in the United States give individuals the right to not be subject to this power if they so choose. Zuckerberg's feelings towards privacy have ebbed and flowed. In 2010, he argued that privacy was no longer a "social norm" because users were more accustomed to sharing information online.²⁰⁰ Yet in subsequent years he would regularly apologize for violating privacy when changes to the site upset users. The Cambridge Analytica scandal was unprecedented because of the substantial and vocal public reaction; the anger and fervor with which Facebook users responded pushed out the laissez-faire Zuckerberg, and instead brought a Zuckerberg who argued that Facebook "has a responsibility to protect [its users'] data, and if [it] can't then [Facebook doesn't] deserve to serve" its users.²⁰¹

During his two days of testimony on Capitol Hill, Zuckerberg was pressed by the House Commerce committee and the joint Senate Commerce and Judiciary committees on this discrepancy between countries as well as his history of addressing privacy concerns of Facebook users and a commitment to supporting similar legislation and regulations to the GDPR in the United States.²⁰² Sen. Maria Cantwell (D-WA) pressed Zuckerberg on whether he believed European regulations should be applied in the United States; in contrast to past statements and actions, he said he he believed "everyone in the world deserves good privacy protection," but different "sensibilities" in different countries may require slightly different regulations.²⁰³

The most important step toward protecting and permanently changing privacy rights in the United States is through demanding and comprehensive privacy legislation from Congress.

²⁰⁰ "Facebook's Zuckerberg Says Privacy No Longer a 'Social Norm,'" The Huffington Post, March 18, 2010, https://www.huffingtonpost.com/2010/01/11/facebooks-zuckerberg-the_n_417969.html.

²⁰¹ Mark Zuckerberg, "I want to share an update on the Cambridge Analytica situation," Facebook, March 21, 2018, <https://www.facebook.com/zuck/posts/10104712037900071>.

²⁰² *Hearing before U.S. Senate Committee on the Judiciary and Committee on Commerce, Science and Transportation*, 115th Congress, April 10, 2018, (Statement of Mark Zuckerberg).

²⁰³ *Hearing before U.S. Senate Committee on the Judiciary and Committee on Commerce, Science and Transportation*, 115th Congress, April 10, 2018, (Statement of Mark Zuckerberg).

Senators Ed Markey (D-MA) and Richard Blumenthal (D-CT) introduced a privacy bill of rights to the Senate Commerce committee on April 10, 2018—the same day the two questioned Zuckerberg in his first day of testimony. Markey and Blumenthal, two of the most ardent opponents of the unfettered power of tech companies and supporters of privacy legislation, together wrote the initial letter to Facebook asking questions regarding the platform’s involvement in the collection of its users’ data and requesting that Zuckerberg appear before their committee to testify on the matter.²⁰⁴ The “Customer Online Notification for Stopping Edge-provider Network Transgressions (CONSENT) Act,” would “require the Federal Trade Commission (FTC) to establish privacy protections for customers of online edge providers like Facebook.”²⁰⁵

While Congressional intervention is the most appropriate action to protect the privacy rights of U.S. Facebook users, Facebook has initiated its own recent changes to the platform’s privacy policies. Just over a week before Zuckerberg testified in Washington, D.C., the company announced a centralized privacy and security information page that would make it significantly easier for its users to change their personal settings and learn more about Facebook’s policies.²⁰⁶ Rather than having to go to nearly 20 separate sections and pages across the site, the new page would allow users to control information Facebook keeps on them and understand what apps their profile is using and what permission those apps have to gather data.²⁰⁷ But while Zuckerberg’s verbal commitments and recent changes were an important step in the right

²⁰⁴ Ed Markey, United States Senator for Massachusetts, “As Facebook CEO Zuckerberg Testifies to Congress, Senators Markey and Blumenthal Introduce Privacy Bill of Rights,” Press release, April 10, 2018, <https://www.markey.senate.gov/news/press-releases/as-facebook-ceo-zuckerberg-testifies-to-congress-senators-markey-and-blumenthal-introduce-privacy-bill-of-rights>.

²⁰⁵ “Senators Markey and Blumenthal Introduce Privacy Bill of Rights.”

²⁰⁶ Erin Egan and Ashlie Beringer, “It’s Time to Make Our Privacy Tools Easier to Find,” Facebook Newsroom, March 28, 2018, <https://newsroom.fb.com/news/2018/03/privacy-shortcuts/>.

²⁰⁷ Egan and Beringer, “It’s Time to Make Our Privacy Tools Easier to Find,” Facebook Newsroom.

direction, congressional involvement is the most necessary and advantageous solution to an increasingly serious issue. Governments have an obligation to provide undisputable and well-defined rights to its citizens, and when an organization like Facebook is unwilling to make – or incapable of making – those commitments then, in the words of Daniel J. Weitzner, founding director of the MIT Internet Policy Research Initiative, “the world created by Silicon Valley needs Congress to act, immediately, to protect citizens online.”²⁰⁸

Content management

On April 2, 2018 – just over a week before his congressional testimony – Zuckerberg sat down with Ezra Klein, the founder of Vox Media, to discuss “the state of his company, the implications of its global influence, and how he sees the problems ahead of him.”²⁰⁹ Unlike the multitude of interviews he had conducted in his “charm offensive” in the wake of the Cambridge Analytica scandal, Zuckerberg spoke honestly and frankly about Facebook dilemma managing the information its users post on the platform. As previous chapters have noted, Zuckerberg has had a difficult past with the platform’s role in the vast amount and type of information the site contains. The company’s laissez-faire approach to this obligation to protect users’ privacy coupled with its former invitation to developers and employees to “move fast and break things” created an environment at Facebook that almost surely resulted in the platform’s recent problems with the information its users share and spread. Facebook has made little to no effort to suggest the site has ever considered the implications of becoming the dominant force in the news industry. Yes, the platform did establish some basic rules and guidelines to limit derogatory speech, but, in the words of Thompson and Vogelstein, “Facebook hired few journalists and

²⁰⁸ Weitzner, “How Cambridge Analytica, Facebook and Other Privacy Abuses Could Have Been Prevented.”

²⁰⁹ Klein, “Mark Zuckerberg on Facebook’s hardest year.”

spent little time discussing the big questions that bedevil the media industry. What is fair? What is a fact? How do you signal the difference between news, analysis, satire, and opinion?”²¹⁰ The notion that Facebook is an open and completely neutral platform had become almost a “religious tenet” at the company. As Klein characterized it, “When new recruits come in, they are treated to an orientation lecture by Chris Cox, the company’s chief product officer, who tells them Facebook is an entirely new communications platform for the 21st century, as the telephone was for the 20th.”²¹¹

Facebook’s flawed thinking that it had immunity from the ethical rules and regulations, coupled with everything that had happened in the year and a half since the end of the 2016 election, has made it abundantly clear that there needs to be a change in the way the company engages and treats the information on its platform. Facebook has proved either incapable or unwilling to address the issues that plague its platform, prompting the need for an important discussion on what sort of regulation – most likely from third party – that is best for the site.

In Zuckerberg’s conversation with Klein, the two digital pioneers discussed Zuckerberg’s conviction – which he had believed and stated for some time, but which had become particularly applicable and pertinent given recent events – that Facebook has become “more like a government than a traditional company.”²¹² Zuckerberg and Sheryl Sandberg, the Chief Operating Officer, had been likening Facebook to a government since 2008, when their definition came from Facebook’s unique role setting policies.²¹³ Now, Zuckerberg portrayed Facebook’s similarities to a government through a content perspective:

People share a whole lot of content and then sometimes there are disputes between people around whether that content is acceptable, whether it’s hate speech or valid political

²¹⁰ Thompson and Vogelstein, "Inside Facebook's Two Years of Hell."

²¹¹ Thompson and Vogelstein, "Inside Facebook's Two Years of Hell."

²¹² Klein, “Mark Zuckerberg on Facebook’s hardest year.”

²¹³ Kirkpatrick, *The Facebook Effect*, 254.

speech; whether it is an organization which is deemed to be a bad or hateful or terrorist organization or one that's expressing a reasonable point of view.²¹⁴

Unlike other companies, Facebook now believed it had the responsibility to “adjudicate those kinds of disputes between different members of [its] community” because the information is being posted on its platform.²¹⁵ What Zuckerberg also noted in this interview however, and what is most relevant to this thesis, is one of the most interesting philosophical questions that Facebook faces:

With a community of more than 2 billion people all around the world, in every different country, where there are wildly different social and cultural norms, it's just not clear to me that us sitting in an office here in California are best placed to always determine what the policies should be for people all around the world. And I've been working on and thinking through: How can you set up a more democratic or community-oriented process that reflects the values of people around the world?²¹⁶

This question Facebook and Zuckerberg claim to be struggling with has a clear answer, and an answer that scholars and Zuckerberg himself have pondered but not yet selected: remove Facebook from the equation entirely.

Zuckerberg's concern and trepidation with third-party regulation is understandable, particularly when he himself has controlled and executed all power and decisions for the company. However, the current state of affairs and Facebook's inability and unwillingness to address the information problem on its site mandate external intervention to prevent any future, serious problems. Chapter III and IV showed in great detail attempts made by Facebook to mitigate problems with content on its News Feed – all with virtually no success – which only reaffirms the need for a third party to most successfully address the problems it faces. To his

²¹⁴ Klein, “Mark Zuckerberg on Facebook's hardest year.”

²¹⁵ Klein, “Mark Zuckerberg on Facebook's hardest year.”

²¹⁶ Klein, “Mark Zuckerberg on Facebook's hardest year.”

credit, Zuckerberg has acknowledged the potential success of an independent appeal process: a proposal that is without question the most necessary and practical solution to begin to fix Facebook’s problems. In his interview with Klein, he floated the idea of independent appeal structure, “almost like a Supreme Court, that is made up of independent folks who don’t work for Facebook, who ultimately make the final judgment call on what should be acceptable speech in a community that reflects the social norms and values of people all around the world.”²¹⁷ Under Facebook’s current policy structure if a user reports a Facebook post it is first reviewed by Facebook’s community operation and review team, which then decides to keep it up or take it down, with no formal way to appeal whatever is decided.

Zuckerberg’s proposal has been praised and encouraged by journalists, academics, legislators, and public interest groups alike, all in large part because they support companies like Facebook who provide more information and are transparent about what is occurring on their platforms.²¹⁸ Evelyn Douek, a writer for Lawfare and S.J.D. candidate at Harvard Law School supported Zuckerberg’s proposition, but raised important questions and concerns that Zuckerberg and Facebook will need to address going forward: “who would sit on this ‘Supreme Court’ and, perhaps more importantly, who would decide who should sit? What would those judges’ qualifications be, and what constitutes ‘independence’ from Facebook?”²¹⁹ As Douek also notes, one of the most important factors in a platform’s content moderation decisions is “that their economic viability depends on meeting user’s speech and community norms.”²²⁰

Zuckerberg acknowledged the diverse values and understandings of speech in each country

²¹⁷ Klein, “Mark Zuckerberg on Facebook’s hardest year.”

²¹⁸ Evelyn Douek, “The Supreme Court of Facebook: Mark Zuckerberg Floats a Governance Structure for Online Speech,” Lawfare, April 5, 2018, <https://www.lawfareblog.com/supreme-court-facebook-mark-zuckerberg-floats-governance-structure-online-speech>.

²¹⁹ Douek, “The Supreme Court of Facebook.”

²²⁰ Douek, “The Supreme Court of Facebook.”

Facebook has users; putting the platform in a position where it has to choose norms and rules, however, could require Facebook to take “a political stance on divisive issues, which the company doesn’t want to do.”²²¹

But when a government or legislature imposes constraints through regulation, Douek writes, social media companies like Facebook can become the “underdog and the hero in the story, even if ultimately the company may have decided on its own that the option of remaining neutral and failing to remove objectionable content was becoming too costly.”²²² Facebook has avoided regulation to its content at all costs throughout its 14-year history, however, it is becoming more and more apparent that it is the best solution for all parties involved. Few people have discussed proposals for regulation at the federal level – at least in terms of regulating and protecting the speech that is posted on Facebook – because of the delicate and controversial nature of the topic. However, the polemical aspect of the problem makes it all the more important for government regulation to occur. Not even a tremendous, platform-altering change such as completely reshaping the News Feed—which Facebook has attempted to do countless times with no notable successes, would make an impact comparable to regulation.

In the research and analysis conducted for this thesis, the Trending news section appears time and time again as the underpinning for a number of issues at Facebook. The possibility of eliminating this feature of the platform in its entirety in theory sounds like a reasonable and intelligent decision for Facebook to make. According to the most recent survey conducted by Pew Research Center on news across social media platforms, nearly half of all adults in the United States get their news from Facebook.²²³ In February of 2018 head of News Feed Adam

²²¹ Douek, “The Supreme Court of Facebook.”

²²² Douek, “The Supreme Court of Facebook.”

²²³ Elisa Shearer and Jeffrey Gottfried, “News Across Social Media Platforms 2017,” Pew Research Center, September 7, 2017, <http://www.journalism.org/2017/09/07/news-use-across-social-media-platforms-2017/>.

Mosseri said that news represented only 4-5 percent of the content a user sees in the News Feed, which means that Facebook users who receive their news from the platform are more than likely receiving most of it from other places besides the News Feed, such as Trending.²²⁴ To Facebook's credit, the minor algorithmic changes it made throughout 2017 did make a slight impact to its News Feed: data from Parse.ly, which tracks visits to more than 2,500 news and information sites, showed that "ahead of the 2016 U.S. presidential election, more than 40 percent of traffic to those sites came from Facebook. By the end of 2017, Facebook accounted for less than 26 percent of traffic to those publishers."²²⁵ However, this minor change – particularly in the context of the very small amount of news shared directly through News Feed – does not mitigate the problems the Trending news section has created and will create in the future. If a story or link containing false or misleading information receives enough traffic, Facebook's current Trending topics algorithm will promote it regardless of how much the platform favors posts from friends and family, or claims Trending topics are the most effective way to share and learn about news. The impact of such a major change to Facebook's status quo is so high that such an alteration would only occur under serious threats of fines or punishments, if at all. There is no reset button for Facebook to click that would allow it to revert to its earlier forms and redefine how it handles and uses information; Facebook has become too big and too vast and too consequential for any change except government regulation to be successful.²²⁶

²²⁴ Fred Vogelstein, "For News Publishers, Facebook is a Less Reliable Friend," WIRED, March 12, 2018, <https://www.wired.com/story/why-facebook-has-been-less-important-to-news-publishers/>.

²²⁵ Vogelstein, "For News Publishers, Facebook is a Less Reliable Friend."

²²⁶ Klein, "Mark Zuckerberg on Facebook's hardest year."

Election security

Speaking before the joint Senate Commerce and Judiciary committees, Sen. Diane Feinstein of California – one of Zuckerberg’s own representatives – questioned him on what Facebook was doing to prevent foreign actors from interfering in U.S. elections.²²⁷ Zuckerberg hesitated before he responded, and his shaky response was emblematic of the care and concern he took with his answer. The Zuckerberg that responded was not the same Zuckerberg that had spent more than a decade relentlessly pushing his company to the top of the pile. He commented that adequately and effectively addressing this problem on Facebook was one of his top priorities in 2018; one of his “greatest regrets in running the company [was] that [Facebook was] slow in identifying the Russian information operations in 2016.”²²⁸ In his opening statements on both days he expressed sincere apologies and noted his personal role and responsibility in the inability of Facebook to successfully limit foreign intervention.²²⁹ There was undoubtedly a certain amount of regret in Zuckerberg’s responses in his two days of questioning, as well as in the numerous interviews and statements he has made to different news outlets. Zuckerberg has committed the company to make a number of changes and support external support to the way it protects its platform and its users from foreign intervention. What will truly show his commitment, however, is how supportive and encouraging he is to a regulatory regime that mandates he follows through on these commitments.

In a series named “Hard Questions:” a set of posts Facebook established and published through their Newsroom as a way to improve transparency, Facebook employees went into detail

²²⁷ *Hearing before U.S. Senate Committee on the Judiciary and Committee on Commerce, Science and Transportation*, 115th Congress, April 10, 2018, (Question from Sen. Diane Feinstein to Mark Zuckerberg).

²²⁸ *Hearing before U.S. Senate Committee on the Judiciary and Committee on Commerce, Science and Transportation*, 115th Congress, April 10, 2018, (Statement of Mark Zuckerberg).

²²⁹ *Hearing before U.S. Senate Committee on the Judiciary and Committee on Commerce, Science and Transportation*, 115th Congress, April 10, 2018, (Statement of Mark Zuckerberg).

on the steps the site was taking to protect elections from abuse and exploitation.²³⁰ Guy Rosen, the VP of Product Management, outlined the “four main election security areas: combating foreign interference, removing fake accounts, increasing ads transparency, and reducing the spread of false news.” Facebook has already taken considerable steps towards removing fake accounts. As Chapter IV described, and as Zuckerberg highlighted throughout his testimony, Facebook implemented A.I. tools in three different elections throughout 2017 that identified fake accounts and through these efforts “were able to proactively remove tens of thousands of accounts before they could contribute significant harm.”²³¹ The fact that foreign actors were still able to make these fake accounts in and of itself is a concern; however it is an important step in the direction of mitigating the issue. Where the problems arise however, is the inability of Facebook to significantly punish any actions from these organizations who attempt to intervene. As Ezra Klein noted in his interview, “Facebook, in not being a government, doesn’t really have the ability to punish” someone like Russia for attempting to manipulate U.S. elections through the site.²³² Whereas the U.S. government can impose sanctions and take action against the Russian government, Facebook isn’t able to do that. Facebook’s inability – through no fault of its own – to take this level of action against foreign actors makes it all the more important to include the government in these responses. Either through federal legislation that protects companies like Facebook in these situations or regulations that limit the extent to which foreign groups can engage with the company in political matters, the need for government invention has gone beyond a suggestion and become a necessity.

²³⁰ “Hard Questions: What is Facebook doing to Protect Election Security?,” Facebook Newsroom, March 29, 2018, <https://newsroom.fb.com/news/2018/03/hard-questions-election-security/>.

²³¹ *Hearing before U.S. Senate Committee on the Judiciary and Committee on Commerce, Science and Transportation*, 115th Congress, April 10, 2018, (Response from Mark Zuckerberg to Sen. Diane Feinstein).

²³² Klein, “Mark Zuckerberg on Facebook’s hardest year.”

Election Security: Facebook Ads

Where foreign actors were most successful in their efforts and goals during the 2016 presidential election, but where Facebook has also recently experienced some of its most productive and substantial changes and solutions is in its advertising system. As Chapter I outlined, Facebook's ad system has developed since 2007 into a network of incredibly detailed and intrusive information and practices. Through these practices, the Russian-based Internet Research Agency spent million dollars and created more than 80,000 pieces of content that were shared with millions of Facebook users.²³³ As discussed in Chapter IV, Facebook has outlined massive efforts to ensure that this manipulation is not done again; its support and encouragement of the Honest Ads Act as well as changes to internal policies regarding how accessible their political ads were all necessary steps to improve their transparency. In September of 2017, Facebook announced that it was beginning an archive of federal election-related advertisements. The site was beginning the test in Canada and it has since promised to extend the program to the United States; the information archived for each federal-election related ad will include "details on the total amounts spent [on the ad], the number of impressions [the ad] delivered, demographic information (e.g. age, location, gender) about the audience that the ads reached," and will all be "in a search able archive that, once full, will cover a rolling four-year period."²³⁴

A combination of internal Facebook changes and government regulation and protection of the information and rights of the platform's users would be necessary for Facebook to regain even a fraction of the public trust they lost in the early months of 2018. In March alone, Facebook announced a number of restrictions that limited the data accessible to any third-party

²³³ Lapowsky, "Eight Revealing Moments from the Second Day of Russia Hearings," WIRED.

²³⁴ Rob Goldman, "Update on Our Advertising Transparency and Authenticity Efforts," Facebook Newsroom, October 27, 2017, <https://newsroom.fb.com/news/2017/10/update-on-our-advertising-transparency-and-authenticity-efforts/>.

application on the site;²³⁵ overhaul of its terms of service to clarify language and address what data is shared and what is not;²³⁶ removed 138 Pages and 70 profiles linked to the IRA;²³⁷ and launched a new initiative to help scholars and academics assess the impact social media has on elections.²³⁸ The company's support of changes that comply with the Honest Ads Act point to a support for federal regulation; this legislation is only a first step in the right direction.

Zuckerberg has even acknowledged that state actors interfering via Facebook is something that “you never fully solve, but you strengthen your defenses.”²³⁹ He recognizes that Facebook can't do all that work alone, so Facebook “[tries] to work with local governments everywhere who have more tools to punish them and have more insight into what is going on across their country so that they can tell us what to focus on,” and ultimately what needs to be regulated and controlled.²⁴⁰

²³⁵ Mike Schroepfer, “An Update on Our Plans to Restrict Data Access on Facebook,” Facebook Newsroom, April 4, 2018, <https://newsroom.fb.com/news/2018/04/restricting-data-access/>.

²³⁶ Erin Egan and Ashlie Beringer, “We’re Making Our Terms and Data Policy Clearer, Without New Rights to Use Your Data on Facebook,” Facebook Newsroom, April 4, 2018, <https://newsroom.fb.com/news/2018/04/terms-and-data-policy/>.

²³⁷ Seth Fiegerman, “Facebook tries to get its house in order,” CNN Money, April 10, 2018, <http://money.cnn.com/2018/04/10/technology/facebook-congress-strategy/index.html>.

²³⁸ Elliott Schrage and David Ginsburg, “Facebook Launches New Initiative to Help Scholars Assess Social Media’s Impact on Elections,” Facebook Newsroom, April 9, 2018, <https://newsroom.fb.com/news/2018/04/new-elections-initiative/>.

²³⁹ Klein, “Mark Zuckerberg on Facebook’s hardest year.”

²⁴⁰ Klein, “Mark Zuckerberg on Facebook’s hardest year.”

Conclusion

Facebook has spent the past two years scrambling to pick up the pieces and avoid any suggestion of a third-party regulation. The Cambridge Analytica scandal was the straw that ultimately broke the camel's back—the catalyst for Zuckerberg admitting defeat and acknowledging that Facebook might benefit from government regulation. As this thesis outlined and proposed through policy and regulatory recommendations, a regulatory regime from the federal government is the smartest and most promising solution to a number of Facebook's problems. However, as Zuckerberg's two days of testimony before the Senate and House of Representatives proved, very few if any Congressmen or Senators have a firm grasp or nuanced understanding of complexities behind Facebook's present dilemma. As Farhad Manjoo noted in a tweet the first day of Zuckerberg's testimony, it was the lack of understanding in Congress that had a part in how Facebook wound up in its current state:

This is why we're in this place. You're seeing it. For a long time, American lawmakers failed to understand [sic] how tech works, failed to appreciate its power for good and ill, have almost completely abdicated any responsibility for policing it. They still don't understand.²⁴¹

With this concern and the severity of the present circumstances in mind, the question is then raised of who, if not Congress, is best suited at the federal level to adequately address Facebook's problems and establish a regulatory regime. The answer: The Federal Communications Commission (FCC).

The FCC was created by the Communications Act of 1934; currently, it “regulates interstate and international communications by radio, television, wire, satellite, and cable.”²⁴² As

²⁴¹ Farhad Manjoo, (@fmanjoo), Twitter, April 10, 2018, 3:13 p.m., <https://twitter.com/fmanjoo/status/983785143549575168>.

²⁴² “The FCC's Mission,” Federal Communications Commission, <https://www.fcc.gov/about/overview>.

the country's "primary authority for communications law, regulation, and technological innovation," it is the federal agency best suited to oversee and regulate social media companies like Facebook. At present, the FCC organizes its oversight and regulatory functions into different bureaus such as "Public Safety & Homeland Security" and "Wireless Telecommunications."²⁴³ While its "Media" bureau incorporates elements of regulatory responsibility that would ultimately impact a company with Facebook's roles, the formation of a separate Bureau of Social Media is a necessary step to oversee such social media platforms as Facebook.

The Bureau of Social Media would be comprised of a number of academics, businessmen, and tech experts whose experiences in and combined knowledge of communications policy and social media would create a well-balanced mix of ideas and solutions. It would also play an essential role in monitoring and regulating Facebook in a way that only a government organization can; outside of Facebook employees, it would be the only group with a detailed and all-inclusive knowledge of Facebook's inner workings. Had such an agency been in existence during the past 14 years., any number of the problems that have faced Facebook could have been dealt with. The bureau would also act with authority comparable to that of the Food and Drug Administration, where a company that wishes to publicly release a new drug must follow an approval process through the FDA. Facebook would approach the bureau with any change or new feature or program that would impact its platform or its users in an extensive manner; this would not only inform the bureau of major changes but ensure that anything Facebook sought to do to the platform would be considered and reviewed prior to its implementation.

²⁴³ "Organizational Charts of the FCC," Federal Communications Commission, <https://www.fcc.gov/about-fcc/organizational-charts-fcc>.

An excellent example of one of Facebook's problems that would have benefitted greatly from the oversight of such a bureau is the Trending news section. The authority and insight of the members of the bureau would have required Facebook to, in effect, establish a clinical trial of the Trending news section (similar to what is necessary through the FDA for a new medication) and track and gauge the impact the addition would have on the behavior and actions of users. What distinguishes the actions and abilities of this bureau from other agencies however, is the continued monitoring that would take place after an approved change went into effect. Not only would the bureau have the authority to approve or reject a feature of such magnitude, but it would continue to monitor the effects it has on Facebook users. This permanent monitoring of Facebook would protect the platform from unforeseen troubles as well. If the bureau had been monitoring activity on Facebook when Russian agencies attempted to intervene in U.S. and international elections, it would have been able to respond quicker and faster than Facebook given its few and focused responsibilities. The bureau would also have the power to work with Congress to encourage or implement sanctions or other forms of punishment on Russia or another adversary, an ability that as a private company Facebook has no power to do. The formation of a Bureau of Social Media does not answer every question or remove every concern that Congress, the American people, or even Facebook has, but it is an important and necessary step in the right direction. As an autonomous branch of an independent government agency, this Bureau of Social Media would provide the best oversight for Facebook and recommendations for federal social media policy.

As Franklin Foer noted in the *Atlantic*, Mark Zuckerberg took his motto to heart and moved very fast and broke many things. He broke journalism "by radically deflating the value of

digital advertising on which the livelihood of media now depends”;²⁴⁴ he broke American elections “by sitting on his hands as a foreign adversary exploited his platform and by creating the world’s most efficient vehicle for spreading political lies and agitprop”;²⁴⁵ and he broke the trust of the American people, by exposing millions of Facebook users’ personal information to any nefarious agenda that sought to access it. He has spent the past 14 years at Facebook growing and developing Facebook with one goal: complete domination of all online discourse. Rather than stopping to fix what he broke, or what he ignored or neglected to address, Zuckerberg maintained the ruthless and relentless pursuit of his goal. For better or worse, it has been mission accomplished; with more than two billion users around the globe, Facebook is the largest purveyor of information in the history of the world. What Zuckerberg did not do, however, was carefully think through the implications, or anticipate the scrutiny that Facebook would then receive. Like the Titanic in 1912 and Wall Street in 1929, Zuckerberg acted as though Facebook was too big to fail. In 2018, Facebook fell, and it fell hard. But with proper government regulation, the company can pick up the pieces. Zuckerberg aimed to connect the world and the platform can continue to do that; it can grow and reach more people and provide new programs and features that will do good things for its users. The first step – recognizing the problem – has been taken. Establishing a workable regulatory regime is step two.

²⁴⁴ Franklin Foer, “Facebook Finally Blinks,” *The Atlantic*, January 11, 2018, <https://www.theatlantic.com/technology/archive/2018/01/facebook/550376/>.

²⁴⁵ Foer, “Facebook Finally Blinks.”

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