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19 April 2018

The Honorable Chuck Grassley, Chairman  
The Honorable Dianne Feinstein, Ranking Member  
Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable John Thune, Chairman  
The Honorable Bill Nelson, Ranking Member  
Senate Committee on Commerce, Science, and Transportation  
512 Dirksen Senate Building  
Washington DC, 20510

Dear Chairmen and Ranking Members:

On behalf of our combined membership of over 240,000 individuals and 670 companies, we want to thank you and your respective committees for leading last week's hearing where Facebook Chairman and CEO Mark Zuckerberg was questioned about the recent Cambridge Analytica data breach.

As representatives of the millions of Americans who work in the creative industries in every state in the union, we applaud your call for greater accountability by Facebook, as well as other Silicon Valley companies. As Chairman Thune recently observed, "tech companies have to understand that it's not the Wild West, and they have to exercise responsibility." Last week's hearing was an important first step in ensuring that Facebook, Google, Twitter, and other internet platforms must (1) take meaningful action to protect their users' data, (2) take appropriate responsibility for the integrity of the news and information on their platforms, and (3) prevent the distribution of unlawful and harmful content through their channels.

In last week's hearing, Mr. Zuckerberg stressed several times that Facebook must "take a broader view of our responsibility," acknowledging that it is "responsible for the content" that appears on its service and must "take a more active view in policing the ecosystem" it created. While most content on Facebook is not produced by Facebook, they are the publisher and distributor of immense amounts of content to billions around the world. As Senator Sullivan said in his line of questioning: "[T]here's some who are saying that [Facebook is] the world's biggest publisher. I think about 140 million Americans get their news

from Facebook.” It is worth noting that a lot of that content is posted without the consent of the people who created it, including those in the creative industries we represent.

Mr. Zuckerberg characterizes Facebook’s failure to take an appropriately broad view of its responsibility as a “big mistake” and promises that this will change. But if we are being honest, we must acknowledge that whether the lack of responsibility was a “mistake” or not, the failure of Facebook and others to take responsibility is rooted in decades-old policies, including legal immunities and safe harbors, that actually *absolve* internet platforms of accountability. We agree that change needs to happen – but we must ask ourselves whether we can expect to see real change as long as these companies are allowed to continue to operate in a policy framework that prioritizes the growth of the internet over accountability and protects those that fail to act responsibly. We believe this question must be at the center of any action Congress takes in response to the recent failures.

Accountability does not stop with Facebook, of course. Google, another major global platform that has long resisted meaningful accountability, also needs to step forward and endorse the broader view of responsibility expressed by Mr. Zuckerberg – as do many others. The real problem is not Facebook, or Mark Zuckerberg, regardless of how sincerely he seeks to own the “mistakes” that led to the hearing last week. The problem is endemic in a system that applies a different set of rules to the internet and fails to impose ordinary norms of accountability on businesses that are built around monetizing other people’s personal information and content.

We can all appreciate the story of Facebook’s founding in Mr. Zuckerberg’s dorm room as a great moment in American entrepreneurialism. It’s a lovely tale, but it’s also history. Today’s reality is that Facebook has monopoly power. It commands and determines the flow of both information and revenue for billions of people and businesses. It is understandable that Congress took a very light hand for decades to help nascent internet-based industries grow and prosper. But now Facebook and Google are grown-ups – and it is time they behaved that way.

Apologies are just words unless accompanied by action – from Facebook and other internet platforms. If they will not act, then it is up to you and your colleagues in the Senate to take action and not let these platforms’ abuses continue to pile up.

We would be grateful if you would include this letter in the record for last week’s hearing.

Sincerely,

American Federation of Musicians  
Content Creators Coalition  
CreativeFuture  
Independent Film & Television Alliance