# United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510–6125

WEBSITE: https://commerce.senate.gov

February 13, 2023

Mr. Mark Zuckerberg
Chief Executive Officer
Meta
1601 Willow Road
Menlo Park, CA 94025

Dear Mr. Zuckerberg:

I write regarding the scope, deployment, and impact of recommendation systems across your platforms. As you are well aware, social media companies rely on algorithms to not only moderate content, but also to surface personalized recommendations to users. Recommendation systems play an increasingly ubiquitous role in selecting content for individual consumption, including by promoting some content, using product design elements to prominently display recommendations, and downranking or filtering disfavored content and accounts. For example, it was reported in the Twitter Files that Twitter employees created "blacklists" to restrict the visibility of high-profile conservative accounts, including by removing those accounts from Twitter's "trending" feature.[1]

The design of these systems is especially important in light of the *Gonzalez v. Google LLC* case before the U.S. Supreme Court this term, which concerns whether Section 230 immunizes platforms when they make targeted recommendations of third-party information.

Recommendation systems are separate and distinct from algorithms that rank or otherwise organize content that a user is already following or subscribed to. Taken as a whole, these systems have an outsized impact—whether positive or negative—on the reach of content and accounts and, by extension, speech. For example, YouTube estimates that a full 70 percent of watch time is driven by recommendations such as its "Up Next" feature.[2] Examples of other well-known recommendation systems include Instagram's "Explore" tab, Twitter's "Who to follow" suggestions, and TikTok's "For You" feed.

At their best, recommendations help users discover interesting or relevant content that they might not otherwise find on a platform. However, recommendation systems can also fuel platform addiction by feeding users an essentially infinite stream of content. This can be especially

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[1] Bari Weiss (@bariweiss), THREAD: THE TWITTER FILES PART TWO, Twitter (Dec. 8, 2022), https://twitter.com/bariweiss/status/1601007575633305600.

[2] Joan E. Solsman, *YouTube's AI is the puppet master over most of what you watch*, CNET (Jan. 18, 2018), https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/.

dangerous when recommendations make it easier for vulnerable users, especially teenagers, to find objectively harmful content, such as content that promotes eating disorders and self-harm.

In addition to my concerns about the addictive nature of these systems, I am equally concerned with how censorship within recommendations impacts the distribution of speech online. In a world where seven out of ten Americans receive their political news from social media, the manner in which content is filtered through recommendation systems has an undeniable effect on what Americans see, think, and ultimately believe. For example, the Twitter Files revealed—and Meta CEO Mark Zuckerberg also confirmed—that both platforms heavily censored the *New York Post* story about emails on Hunter Biden's laptop just two weeks before the 2020 election. This censorship ostensibly included suppressing the story in recommendations.

Today's behemoth social media platforms appear to have adopted the view that a user's ability to post content does not entitle the user to *distribute* content. In a 2018 article for *WIRED*, a liberal academic groused that "politicians and pundits howling about censorship and miscasting content moderation as the demise of free speech online" needed to be reminded "that free *speech* does not mean free *reach*."[3] In other words, as the theory goes, platforms are not restricting speech when they throttle a social media poster's otherwise benign content, including via recommendations.

This kind of soft censorship is still censorship. Likewise, manual and algorithmic interventions that reduce the *reach* of content—including filtering content from recommendations—are analogous to other interventions, such as content removals, in that they still restrict the poster's legitimate speech. The U.S. Supreme Court has also recognized that the First Amendment protects both speakers and their audiences. In *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council*, Justice Harry Blackmun, writing for the majority, stated, "[w]e are aware of no general principle that freedom of speech may be abridged when the speaker's listeners could come by his message by some other means, such as seeking him out and asking him what it is."[4]

As part of my investigation into Big Tech's content moderation and censorship practices, I ask that you provide responses to the following questions and requests for documents and information no later than February 27, 2023.

*Scope of Recommendation Systems*

1. Define "recommendation system."

2. List all products, in-product features, and algorithms that, in your view, function as recommendation systems on your platforms.

3. Provide copies of any published policies, guidance, or explanatory content (such as a blog post or video) that describe your recommendation systems and any content moderation policies for such systems.

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[3] Renee DiResta, *Free Speech Is Not the Same As Free Reach*, WIRED (Aug. 30, 2018), https://www.wired.com/story/free-speech-is-not-the-same-as-free-reach/.
[4] *Va. Pharmacy Bd. v. Va. Consumer Council*, 425 U.S. 748, 757 n.15 (1976).

4. Provide a complete list of the names of any individuals outside of your organization that you consulted with in developing any of the documents and information described in Question 3.

### *Distributional Effects*

5. On average, how much additional distribution can a poster expect from being included in your recommendations? Please include a brief summary of your methodology for estimating this percentage.

6. What percentage of total time spent on your platforms is driven by your recommendation systems? Of that time, what is the median amount of time that users spend within a 24-hour period? Please include a brief summary of your methodology for calculating this percentage.

7. What percentage of total time spent by users under 18 on your platforms is driven by your recommendation systems? Of that time, what is the median amount of time that users under 18 spend within a 24-hour period? Please include a brief summary of your methodology for calculating this percentage.

8. For the recommendations described in Question 7, please list the top 25 topics, using your internal classifications, associated with the recommended content, entities, or accounts.

9. For the recommendations described in Question 7, please list the top 100 sources of recommendations.

10. Do you place any limits on the total amount of content, accounts, or entities that users can be served by your recommendation systems in a given period of time? If yes, please elaborate. If no, please explain why not.

### *Manual Intervention in Recommendations*

11. Have you ever, or do you currently, maintain any hardcoded lists of individual accounts, entities, or individual pieces of content that are (a) whitelisted or (b) blacklisted from appearing in your recommendation systems? If yes, please provide a description of each list and the number of items on each list.

12. Have you ever, or do you currently, maintain any hardcoded lists of individual accounts, entities, or individual pieces of content that are (a) boosted or (b) downranked in your recommendation systems? If yes, please provide a description of each list and the number of items on each list.

13. Have you ever, or do you currently, include any human-curated content, accounts, or entities in your recommendations? If yes, please describe and provide copies of any curation guidelines.

14. Please list all U.S.-based users with more than 500,000 total followers or subscribers that have been removed from recommendations, even if temporarily, for a period of at least three

continuous days within the past ten years. Please include the duration of and reason for the removal, and note whether the removal is currently in effect.

### *Treatment of Political Speech in Recommendations*

15. What percentage of U.S.-based recommendations on your platform(s) are political in nature, such as accounts of political figures or content discussing current political issues? If you do not include political content in recommendations, please (a) elaborate on why not and (b) provide your precision rate for enforcing this rule.

16. Please list the top 100 sources of political content shown in recommendations, as defined by total distribution from recommendations, for each year over the past ten years. Please provide these lists regardless of whether you have a policy to not include political content in recommendations.

17. Please list all federal, state, and local elected officials that have been removed from or downranked in recommendations, even if temporarily, for a period of at least three continuous days within the past ten years. Please include the duration of and reason for the restriction, and note whether the restriction is currently in effect.

### *Transparency and Due Process*

18. What protocols do you have in place, if any, to audit the accuracy of your recommendation systems relative to your platform's stated rules?

19. How do you ensure that content, entities, and accounts are not being improperly or mistakenly filtered from your recommendation systems?

20. If an account or a significant portion of content posted by an account is removed from recommendations, does the account holder receive notice? If yes, please elaborate on the nature of the notice and whether such removal can be appealed. If no, please explain why not.

This letter also serves as a formal request to preserve any and all documents and information, inclusive of e-mails, text messages, internal message system messages, calls, logs of meetings, and internal memoranda, related to the development, deployment, scope, and impact of any current, former, or planned recommendation systems on your platforms.

Thank you for your attention to this matter.

Sincerely,

Ted Cruz
Ranking Member