



ELECTRONIC FRONTIER FOUNDATION

House Committee on the Judiciary

**Hearing:
“Filtering Practices of Social Media Platforms”**

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As Legal Director for the Electronic Frontier Foundation, I thank Chairman Goodlatte, Ranking Member Nadler, and Members of the Committee for the opportunity to share EFF’s views on filtering practices on social media platforms. For almost 25 years, EFF has represented the interests of technology users in both court cases and in broader policy debates to help ensure that law and technology support, and do not inhibit, our civil liberties. From that vantage point, we have followed the role of social media companies in providing platforms for users to speak and exchange ideas, including the recent surge in “voluntary” platform censorship.

That surge drew public attention last autumn, when a company called Cloudflare made headlines for its decision to take down the *Daily Stormer*.¹ But that was far from the only instance. Last summer, for example, YouTube came under fire for restricting LGBTQ content.² Companies—under pressure from lawmakers, shareholders, and the public alike—have ramped up restrictions on speech, adding new rules,³ adjusting their still-hidden algorithms and hiring more staff to moderate content.⁴ They have banned ads⁵ from certain sources and removed “offensive” but legal content.⁶

Under the First Amendment, intermediaries, including social media platforms, generally have a right to decide what kinds of expression they will carry. But just because companies *can* act as judge and jury doesn’t mean they *should*. As Cloudflare CEO

¹ Jeremy Malcom, Cindy Cohn & Danny O’Brien, *Fighting Neo-Nazis and the Future of Free Expression*, Electronic Frontier Found. (Aug. 17, 2017), <https://www.eff.org/deeplinks/2017/08/fighting-neo-nazis-future-free-expression>.

² Catherine Shu, *YouTube updates its policies after LGBTQ videos were blocked in Restricted Mode*, TechCrunch (Jun. 19, 2017), <https://techcrunch.com/2017/06/19/youtub-e-updates-its-policies-after-lgbtq-videos-were-blocked-in-restricted-mode/>.

³ Sarah Perez, *Twitter posts a new version of its rules with updated sections on abuse, spam, violence, and more*, TechCrunch (Nov. 3, 2017), <https://techcrunch.com/2017/11/03/twitter-posts-a-new-version-of-its-rules-with-updated-sections-on-abuse-spam-violence-and-more/>.

⁴ Colin Lecher, *Facebook will add 3,000 moderators after video killings*, The Verge (May 3, 2017), <https://www.theverge.com/2017/5/3/15529864/facebook-mark-zuckerberg-violence-moderation-reviewers>.

⁵ Natasha Bertrand, *Twitter is banning all ads from Russian news agencies RT and Sputnik effective immediately*, Bus. Insider (Oct. 26, 2017), <http://www.businessinsider.com/twitter-is-banning-all-ads-from-russian-news-agencies-rt-and-sputnik-2017-10>.

⁶ Jason Kelley & Jillian York, *Seven Times Journalists Were Censored: 2017 in Review*, Electronic Frontier Found. (Dec. 30, 2017), <https://www.eff.org/deeplinks/2017/12/seven-times-2017-journalists-were-censored>.

Matthew Prince observed: “Literally, I woke up in a bad mood and decided someone shouldn’t be allowed on the Internet. No one should have that power.”⁷

We all want an Internet where we are free to meet, create, organize, share, associate, debate and learn. We want to make our voices heard in the way that technology now makes possible. No one likes being lied to or misled, or seeing hateful messages directed against them or flooded across our newsfeeds. We want our elections free from manipulation and for the speech of women and marginalized communities to not be silenced by harassment. We should all have the ability to exercise control over our online environments and to feel empowered by the tools we use.

But we can’t meet those goals by pushing platforms into ever more aggressive efforts to police online speech. We are at a critical moment for free expression online and for the role of the Internet in the fabric of democratic societies. We need to get this right.

Platform Censorship Hurts the Less Powerful and Doesn’t Work.

Threats to free expression in real life and on the Internet don’t always come in obvious packages, announcing their presence. They instead may come in the form of speech — describing hateful violence, aggression and despicable acts — that fair-minded people find appalling. The desire to remove this speech (and hopefully, the underlying prejudice) from public discourse is understandable, but fulfilling that desire is likely to lead to a host of unintended consequences for all online speech.

Indeed, for every high-profile case of despicable content being taken down, there are many more stories of people in marginalized communities and journalists finding that their voices are being silenced online. Here are just a few examples:

- Flickr removed photos of Egypt’s state security force from a users’ account claiming the takedown was because the user did not create the images himself.⁸
- Facebook allows white supremacists to spread violent threats while censoring Black Lives Matter posts and activists of color.⁹

⁷ Kate Conger, *Cloudflare on Terminating Service to Neo-Nazi Site*, Gizmodo, <https://gizmodo.com/cloudflare-ceo-on-terminating-service-to-neo-nazi-site-1797915295>

⁸ Jennifer Preston, *Ethical Quandary for Social Sites*, New York Times (Mar. 27, 2011), <https://www.nytimes.com/2011/03/28/business/media/28social.html>.

⁹ Sam Levin, *Civil rights groups urge Facebook to fix ‘racially biased’ moderation system*, The Guardian (Jan. 18, 2017), <https://www.theguardian.com/technology/2017/jan/18/facebook-moderation-racial-bias-black-lives-matter>; Sam Levin, *Facebook temporarily blocks Black Lives Matter activist after he posts racist email*, The Guardian (Sept. 12, 2016), <https://www.theguardian.com/technology/2016/sep/12/facebook-blocks-shaun-king-black-lives-matter>.

- Facebook removed the account of an independent journalist and blogger from China because the blogger did not want to use his government name out of fear of the penalties to activists who violate China's strict speech rules.
- Twitter regularly removes content related to sexual health and condoms but allows Playboy to promote its account freely.¹⁰
- Egyptian journalist Wael Abbas has been censored by Facebook, Yahoo!, Twitter, and YouTube in connection with his work documenting police brutality.¹¹
- YouTube removed reports about the Syrian war because of rules against depictions of violence.¹²
- Facebook removed posts about the military campaign against the Rohingya in Myanmar.¹³
- Facebook also removed links on a small news weekly's page to an opinion column criticizing men for their complacency in the light of several high-profile sexual assault and harassment scandals.¹⁴

The powerless struggle to be heard in the first place; online censorship practices further marginalize vulnerable communities and press freedom in general.

Part of the problem is that a great deal of online content is not easy to classify quickly and automatically. Both machines and humans may struggle to tell the difference between disagreeable political speech and abuse, between fabricated propaganda and legitimate opinion, or between content that is legal in some jurisdictions and not others. Platforms make mistakes all the time, such as Facebook's repeated takedown of a famous photo from the Vietnam War,¹⁵ or YouTube's recent removal of a video posted by Media

¹⁰ Amber Madison, *When Social-Media Companies Censor Sex Education*, The Atlantic (Mar. 4, 2015), <https://www.theatlantic.com/health/archive/2015/03/when-social-media-censors-sex-education/385576/>.

¹¹ Jillian C. York, *Companies Must Be Accountable to All Users: The Story of Egyptian Activist Wael Abbas* (Feb. 13, 2018), <https://www.eff.org/deeplinks/2018/02/insert-better-title-here>

¹² Malachy Browne, *YouTube Removes Videos Showing Atrocities in Syria*, New York Times (Aug. 22, 2017), <https://www.nytimes.com/2017/08/22/world/middleeast/syria-youtube-videos-isis.html>.

¹³ *Facebook Bans Rohingya group's Posts as Minority Faces 'Ethnic Cleansing'*, The Guardian (Sept. 20, 2017), <https://www.theguardian.com/technology/2017/sep/20/facebook-rohingya-muslims-myanmar>

¹⁴ Jillian C. York, *Blunt Measures on Speech Serve No One: The Story of the San Diego City Beat* (Mar. 5, 2018), <https://www.eff.org/deeplinks/2018/03/blunt-measures-speech-serve-no-one-story-san-diego-city-beat>

¹⁵ *Facebook Deletes Norwegian PM's Post as 'Napalm Girl' Row Escalates*, The Guardian (Sept. 9, 2016),

Matters compiling clips of Alex Jones commenting on the Sandy Hook massacre.¹⁶ Many more examples of improper takedowns are documented at [Onlinecensorship.org](https://www.onlinecensorship.org), a project co-founded by EFF and Visualizing Impact to research platform takedowns.

What is more, censorship doesn't work. As counter-terrorism experts tell us, for example, "Censorship has never been an effective method of achieving security, and shuttering websites and suppressing online content will be as unhelpful as smashing printing presses."¹⁷

Protecting Online Speech

Unfortunately, regulation of our much of our online expression, thought, and association has been ceded to unaccountable executives and enforced by minimally-trained, overworked staff, and hidden algorithms. Doubling down on this approach will not make it better. Nonetheless many, especially in policy circles, continue to push for companies to — magically and at scale — perfectly differentiate between speech that should be protected and speech that should be erased. If our experience has taught us anything, it is that we have no reason to trust the powerful — inside governments, corporations, or other institutions — to draw those lines.

However, even if social media platforms feel compelled to play a greater role in policing online expression, there are steps they, and Congress, must take to protect online speech as well.

Transparency. Over the years, EFF and other organizations have pushed companies to be more transparent¹⁸ about the speech that they take down, particularly when it's at the behest of governments. But when it comes to decisions about acceptable speech, or what kinds of information or ads to show us, companies are largely opaque. We appreciate some platforms' efforts to introduce more transparency, such Facebook's recent

<https://www.theguardian.com/technology/2016/sep/09/facebook-deletes-norway-pms-post-napalm-girl-post-row>

¹⁶ Sam Levin, *YouTube Under Fire for Censoring Video Exposing Conspiracy Theorist Alex Jones*, *The Guardian* (April 23, 2018), https://www.theguardian.com/technology/2018/apr/23/youtube-alex-jones-sandy-hook-media-matters-video?CMP=tw_t_a-technology_b-gdntech.

¹⁷ Sophia Cope, Jillian York & Jeremy Gillula, *Industry Efforts to Censor Pro-Terrorism Online Content Pose Risks to Free Speech*, Electronic Frontier Found. (July 12, 2017), <https://www.eff.org/deeplinks/2017/07/industry-efforts-censor-pro-terrorism-online-content-pose-risks-free-speech>.

¹⁸ Rainey Reitman, *Who Has Your Back? Government Data Requests 2017*, Electronic Frontier Found. (July 10, 2017), <https://www.eff.org/who-has-your-back-2017>.

publication¹⁹ of its takedown guidelines, as well as YouTube’s transparency report.²⁰ But more is needed. For example, Facebook, Google, Twitter and others should allow truly independent researchers — with no bottom line or corporate interest — access to work with, black box test and audit their systems. Meaningful transparency also means allowing users to see what types of content are taken down, what’s shown in their feed and why.

Innovation and Competition For political speech, there is a desperate need for more innovation. That might include user interface designs and user controls that encourage productive and informative conversations or that label and dampen the virality of wildly fabricated material while giving readers transparency and control over that process.

However, the larger platforms inhibit that innovation by making it hard for third parties to offer alternative experiences on the platforms. As a practical matter, these platforms use closed APIs,²¹ block scraping,²² and limit interoperability. They enforce their power to limit innovation on the platform through a host of laws, including the Computer Fraud and Abuse Act (CFAA),²³ copyright regulations, and the Digital Millennium Copyright Act (DMCA).²⁴ Larger platforms like Facebook, Twitter and YouTube should facilitate user empowerment by opening their APIs even to competing services, allowing scraping and ensuring interoperability with third-party products, even up to forking²⁵ of services.

¹⁹ Monika Bickert, *Publishing Our Internal Enforcement Guidelines and Expanding Our Appeals Process*, Facebook newsroom (April 24, 2018), <https://newsroom.fb.com/news/2018/04/comprehensive-community-standards/>.

²⁰ Facebook Community Standards, <https://www.facebook.com/communitystandards/introduction/> (last visited April 25, 2018); Catherine Shu, YouTube releases its first report about how it handles flagged videos and policy violations, (<https://techcrunch.com/2018/04/23/youtube-releases-its-first-report-about-how-it-handles-flagged-videos-and-policy-violations/>) (last visited April 25, 2018).

²¹ Jemima Kiss, *The Nutshell: A beginners’ guide to APIs*, The Guardian (Dec. 14, 2007), <https://www.theguardian.com/media/pda/2007/dec/14/thenutshellabeginnersguide>.

²² Jamie Williams, *‘Scraping’ is Just Automated Access, and Everyone Does It*, Electronic Frontier Found. (Apr. 17, 2018), <https://www.eff.org/deeplinks/2018/04/scraping-just-automated-access-and-everyone-does-it>.

²³ *Computer Fraud and Abuse Act Reform*, Electronic Frontier Found., <https://www.eff.org/issues/cfaa> (last visited Apr. 24, 2018).

²⁴ *DMCA*, Electronic Frontier Found., <https://www.eff.org/issues/dmca> (last visited Apr. 24, 2018).

²⁵ *Forking Projects*, Github Guides, <https://guides.github.com/activities/forking/> (last visited Apr. 24, 2018).

We also need more competition in the social media space. In the mid-1990s, it was hard to imagine a world where Microsoft was not the dominant force in the tech world. In the early 2000s, AOL email addresses and Instant Messenger were ubiquitous. Today, social media is dominated by a few platforms, but they too can be deposed. We need to make sure new regulations encourage, and don't forestall, that possibility. For example, heavy-handed and expensive filtering mandates may prevent the emergence of competition from smaller companies that can't afford to comply.

In addition, users should be able to leave when a platform isn't serving them. Real data portability is key here and this will require companies to agree to standards for how social graph data is stored. Fostering competition in this space could be one of the most powerful incentives for companies to protect users against bad actors on their platform, be they fraudulent, misleading or hateful. Pressure on companies to allow full interoperability and data portability could lead to a race to the top for social networks.

Notice and Consent. Community guidelines and policing are touted as a way to protect online civility, but are often used to take down a wide variety of speech. The targets of reporting often have no idea what rule they have violated, since companies often fail to provide adequate notice. In addition to publishing their takedown guidelines and practices, one easy way that service providers can alleviate this problem is by having users affirmatively accept their community guidelines point by point, and accept them again each time they change.

Judicious Filters, Human Review, User Control. When implemented by the platform, we worry about filtering technologies that automatically take down speech, because the default for online speech should always be to keep it online until a human has reviewed it. Some narrow exceptions may be appropriate, e.g., where the content is illegal in every context. But in general platforms can and should simply use smart filters to better flag potentially unlawful content for human review and to recognize when their user flagging systems are being gamed by those seeking to get the platform to censor others.

Additionally, platforms are building tools that let *users* filter ads and other content, and this should continue. This approach has been criticized for furthering “information bubbles,” but those problems are less worrisome when users are in charge and informed, than when companies are making these decisions for users with one eye on their bottom lines.²⁶ For example, Facebook already allows users to choose what kinds of ads they want to see — a similar system should be put in place for content, along with tools that let users make those decisions on the fly rather than having to find a hidden interface.

²⁶ For example, research suggests recommendation algorithms may promote misinformation. See e.g. Paul Lewis, *'Fiction is outperforming reality': how YouTube's algorithm distorts truth*, The Guardian (Feb. 2, 2018),

<https://www.theguardian.com/technology/2018/feb/02/how-youtubes-algorithm-distorts-truth>.

Use of smart filters should continue, since they help users can better choose content they want to see and filter out content they don't want to see.

Procedural Protections, Including A Robust Appeal Process. Platforms that do reject content as part of the enforcement of their terms of service, or are pressured by governments to censor, must implement strong due process protections. EFF and other public interest organization have long recommended that they implement a variety of procedures to mitigate the likelihood and effect of mistakes. These procedures, outlined in the Manila Principles on Intermediary Liability,²⁷ include giving users the right to defend the content they have posted before it is taken down except in exceptional circumstances, and creating a robust, rapid and transparent appeal process.

Protect Anonymity. In addition to the virtual certainty that private censorship will lead to takedowns of valuable speech, it is already leading to attacks on anonymous speech. Anonymity²⁸ and pseudonymity²⁹ have played important roles throughout history, from secret ballots in ancient Greece, to the Federalist Papers, to 18th century English literature and early American satire. Today, online anonymity allows us to explore controversial ideas and connect with people around health and other sensitive concerns without exposing ourselves unnecessarily to harassment and stigma. It enables dissidents in oppressive regimes to tell their stories with less fear of retribution. Anonymity is often the greatest shield³⁰ that vulnerable groups have.

Current proposals from private companies all undermine online anonymity. For example, Twitter's ban on advertisements³¹ from Russia Today and Sputnik relies on the notion that the company will be better at identifying accounts controlled by Russia than Russia will be at disguising accounts to promote its content. To make it really effective, Twitter may have to adopt new policies to identify and attribute anonymous accounts, undermining both speech and user privacy. Given the problems with attribution, Twitter

²⁷ *Manila Principles on Intermediary Liability*, <https://www.manilaprinciples.org/> (last visited Apr. 24, 2018).

²⁸ *Anonymity*, Electronic Frontier Found., <https://www.eff.org/issues/anonymity> (last visited Apr. 24, 2018).

²⁹ Jillian York, *A Case for Pseudonyms*, Electronic Frontier Found. (July 29, 2011), <https://www.eff.org/deeplinks/2011/07/case-pseudonyms>.

³⁰ Dave Maass, *Online Anonymity Is Not Only for Trolls and Political Dissidents*, Electronic Frontier Found. (Oct. 29, 2013), <https://www.eff.org/deeplinks/2013/10/online-anonymity-not-only-trolls-and-political-dissidents>.

³¹ Kurt Opsahl, *Twitter's Ban on Russia Today Ads is Dangerous to Free Expression*, Electronic Frontier Found. (Oct. 27, 2017), <https://www.eff.org/deeplinks/2017/10/twitters-ban-russia-today-ads-dangerous-free-expression>.

will likely face calls to ban anyone from promoting a link to suspected Russian government content.

We get very little in exchange for giving up our ability to speak online anonymously. Facebook for many years required individuals to use their “real” name³² (and continues to require them to use a variant of it), but that didn’t stop Russian agents from gaming the rules. Instead, it undermined innocent people who need anonymity — including drag performers,³³ LGBTQ people,³⁴ Native Americans,³⁵ survivors of domestic and sexual violence, political dissidents, sex workers,³⁶ therapists, and doctors.

Study after study³⁷ has debunked the idea that forcibly identifying speakers is an effective strategy against those who spread bad information online. Moreover, myriad legal mechanisms exist to unmask anonymous speakers where their conduct is likely unlawful. Absent such legal process, however, social media platforms, and Congress, should take steps to protect anonymity, not undermine it.

Defend Platform Safe Harbors. Congress recently passed the “Allow States and Victims to Fight Online Sex Trafficking Act” also known as FOSTA, H.R. 1865.³⁸

³² Dia Kayyali, *Global Coalition to Facebook: ‘Authentic Names’ Are Authentically Dangerous for Your Users*, Electronic Frontier Found. (Oct. 5, 2015), <https://www.eff.org/deeplinks/2015/10/global-coalition-facebook-authentic-names-are-authentically-dangerous-your-users>.

³³ Sam Levin, *As Facebook blocks the names of trans users and drag queens, this burlesque performer is fighting back*, The Guardian (June 29, 2017), <https://www.theguardian.com/world/2017/jun/29/facebook-real-name-trans-drag-queen-dottie-lux>.

³⁴ Jillian York & Dia Kayyali, *Facebook’s ‘Real Name’ Policy Can Cause Real-World Harm for the LGBTQ Community*, Electronic Frontier Found. (Sept. 16, 2014), <https://www.eff.org/deeplinks/2014/09/facebooks-real-name-policy-can-cause-real-world-harm-lgbtq-community>.

³⁵ Dia Kayyali, *Facebook’s Name Policy Strikes Again, This Time at Native Americans*, Electronic Frontier Found. (Feb. 13, 2015), <https://www.eff.org/deeplinks/2015/02/facebooks-name-policy-strikes-again-time-native-americans>.

³⁶ Kashmir Hill, *How Facebook Outs Sex Workers*, Gizmodo (Oct. 11, 2017), <https://gizmodo.com/how-facebook-outs-sex-workers-1818861596>.

³⁷ J.Nathan Matias, *The Real Name Fallacy*, The Coral Project (Jan. 3, 2017), <https://blog.coralproject.net/the-real-name-fallacy/>.

³⁸ Allow States and Victims to Fight Online Sex Trafficking Act of 2017, Pub. L. No. 115-164.



FOSTA undermines Section 230³⁹ of the Communications Decent Act of 1996, which protects online platforms from liability for some types of speech by their users. It's likely that many of today's online platforms would never have formed⁴⁰ or received the investment they needed to grow and scale — the risk of litigation would have simply been too high. Similarly, in absence of Section 230 protections, noncommercial platforms like Wikipedia⁴¹ and the Internet Archive likely wouldn't have been founded. Section 230 strikes a careful balance between enabling the pursuit of justice and promoting free speech and innovation online: platforms can be held responsible for their own actions, and can still host user-generated content without fear of broad legal liability.

FOSTA is already impacting online speech: facing the risk of ruinous litigation, online platforms are becoming much more restrictive in what sorts of discussion — and what sorts of users — they allow, censoring innocent people and legal speech in the process.

What forms that erasure takes will vary from platform to platform. For some, it has already resulted in increasingly restrictive terms of service — banning sexual content, for example, or advertisements for legal escort services.⁴² For others, it will mean over-reliance on automated filters to delete borderline posts.⁴³ No matter what methods platforms use to mitigate their risk, one thing is certain: when platforms choose to err on the side of censorship, marginalized voices are censored disproportionately.⁴⁴ The Internet will become a less inclusive place, something that hurts all of us.⁴⁵

³⁹ *Section 230 of the Communications Decency Act*, Electronic Frontier Found., <https://www.eff.org/issues/cda230> (last visited Apr. 24, 2018).

⁴⁰ *Section 230 Matters*, <https://230matters.com/letter.html> (last visited Apr. 24, 2018).

⁴¹ Leighanna Mixer, *Three Principles in CDA 230 that make Wikipedia Possible*, Wikimedia Blog (Nov. 9, 2017), <https://blog.wikimedia.org/2017/11/09/cda-230-principles-wikipedia/>.

⁴² Eric Goldman, *Worst of Both Worlds FOSTA Signed Into Law, Completing Section 230's Evisceration* (April 11, 2018), <https://blog.ericgoldman.org/archives/2018/04/worst-of-both-worlds-fosta-signed-into-law-completing-section-230s-evisceration.htm>.

⁴³ Joe Mullin, *How FOSTA Could Give Hollywood the Filters It's Long Wanted*, Electronic Frontier Found. (Mar. 16, 2018), <https://www.eff.org/deeplinks/2018/03/how-fosta-will-get-hollywood-filters-theyve-long-wanted>.

⁴⁴ Elliot Harmon & Jeremy Gillula, *Stop SESTA: Whose Voices Will SESTA Silence?*, Electronic Frontier Found. (Sept. 13, 2017), <https://www.eff.org/deeplinks/2017/09/stop-sesta-whose-voices-will-sesta-silence>.

⁴⁵ Elliot Harmon, *South Dakota Civil Liberties Groups Urge Senator Tune to Put the Brakes on SESTA*, Electronic Frontier Found. (Oct. 17, 2017),

We urge Congress to resist any further calls to erode the platform safe harbors.

Keep Core Infrastructure Out of It. Our comments here focus on social media platforms, but the problem of private censorship goes far beyond social media. As noted above, for example, a CDN's decision to cut off a customer that was promulgating hateful speech effectively shut down the site. From the Egyptian government knocking its own country offline by pressuring local ISPs, to CDNs cutting off service, to Russian efforts to block access to apps that allow encrypted communications, we have seen myriad sobering examples of how online speech can be endangered.

Internet speech depends on an often-fragile consensus among many systems and operators. Using that system to edit speech, based on potentially conflicting opinions about what can be spoken on the Internet, risks shattering that consensus. Takedowns by some intermediaries — such as certificate authorities or CDNs — are far more likely to cause collateral damage.

The best, most consistent, positions these potential weak links can take to protect free speech is to simply resist all attempts to use them as a control point. They can act to defend their role as a conduit, rather than a publisher. For example, companies that manage domain names, including GoDaddy and Google, should refuse to suspend or impair domain names based on the expressive content of websites or services. And Congress and other policymakers should avoid promulgating any new intermediary requirements that might have unintended consequences for online speech.

Conclusion

Fighting censorship—by governments, large private corporations, or anyone else—has been core to EFF's mission for more than 25 years, not because we enjoy defending reprehensible content, but because we know that tools for censorship are more often *used by the powerful, against the powerless*.⁴⁶ And we are worried about how platforms are responding to new pressures to filter the content on their services not because there's a slippery slope from judicious moderation to active censorship — but because *we are already far down that slope*. Platforms should reverse course, and Congress should help. In particular, rather than instituting more mandates for filtering or speech removal, Congress should defend safe harbors, protect anonymous speech, encourage platforms to be open about their takedown rules and to follow a consistent, fair, and transparent process.

<https://www.eff.org/deeplinks/2017/10/south-dakota-civil-liberties-groups-urge-senator-thune-put-brakes-sesta>.

⁴⁶ Cindy Cohn, *10+ Years of Activists Silenced: Internet Intermediaries' Long History of Censorship*, Electronic Frontier Found. (Aug. 23, 2017), <https://www.eff.org/deeplinks/2017/08/10-years-activists-silenced-internet-intermediaries-long-history-censorship>.



Thank you for the opportunity to participate in this important discussion, and we look forward to working with you further on this important issue.