



National Black Justice Coalition

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Honourable Michael F. Doyle
Chairman
House Committee of Energy and Commerce
Subcommittee on Communications and Technology
United States House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

Honourable Robert E. Latta
Ranking Member
House Committee of Energy and Commerce
House Subcommittee on Communications and Technology
United States House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

Re: Congressional Hearing on Mitigating the Spread of Disinformation and Misinformation Across Digital Platforms

Dear Chairman Doyle, Ranking Member Latta, and Members,

On behalf of the National Black Justice Coalition (NBJC), the nation's premier civil rights organization dedicated to the empowerment of Black lesbian, Gay, Bisexual, Transgender, Queer+ and Same Gender Loving (LGBTQ+/ SGL) people, including those living with HIV and AIDS, we I write to contribute to the record on important conversations about the spread of misinformation and disinformation across digital platforms.

Codified in 1996, Section 230 of the Communications Decency Act was designed to protect "internet speech". Technology innovation and the power of social media has grown tremendously since 1996. Leading up to the 2020 election, we have witnessed technology giants, like those invited to testify before congress, leverage Section 230's protections to respond to false information and disinformation--including efforts designed to prevent poor, stigmatized and minoritized individuals and communities from voting; suppress the efforts of civil rights and social justice organizers; and affirm anti-democratic and white supremacist propaganda.

Conversations about and efforts to ensure that the internet is both accessible and safe for everyone to use remain incredibly important; however, we remain concerned that current debates around misinformation and content moderation are focused on bad actors with large followers and multiple platforms from which to disseminate (mis/dis) information publicly. The current conversation, for example, focuses overwhelmingly on Trump and Parlor. What is being missed, as a result, is how even conversations about potential changes to Section 230 are negatively impacting social justice organizations like NBJC, non-profit organizations that engage in life affirming and life-saving advocacy and direct-action

work—organizations that would be crippled if stripped of the ability to share messages and to engage in actions across digital platforms--actions that have been threatened by conversations about content moderation generally, and Section 230 specifically.

NBJC's HIV/AIDS advocacy efforts, for example, have been impacted, in recent months, by conversations about potential changes to Section 230. Many of our ads for awareness days like National Black HIV/AIDS Awareness day and more recently National Women and Girls HIV/AIDS Awareness day were flagged for review by at least two of the platforms testifying before congress. Beyond that review timelines caused significant delays to our work and at times prevented us from engaging in our work altogether.

Here are but a few of the questions we hope will be considered in conversations about content moderation as a result of the important efforts to stop the spread of misinformation and disinformation:

- Under the last presidential administration, we saw evidence of civil rights and social justice activists become targets of federal and local law enforcement agencies. We also saw that when elected “leaders” sent dog whistles to white supremacist groups the personal and physical safety of civil rights and social justice activists were threatened, sometimes by groups that organized on line. What is being done, at present, to ensure the safety of civil rights and social justice activists?
- How are you currently protecting against bias that results from the existence of and collusion of anti-Blackness, white supremacy, and homophobia across the digital platforms that you provide?
- Tell us more about what recent and current action is being taken to ensure that social justice, civil rights, and non-profit organizations are not being negatively impacted by efforts to moderate content in ways that ensure everyone has safe access to the digital platforms you provide?
- What steps have been taken to ensure that there is diversity among the teams responsible for developing and operating systems that develop content moderation algorithms and systems as well as to ensure ethical development and use of technology more generally?
- What steps are the platforms taking to proactively promote and support content developed by and for stigmatized minoritized communities generally and BIPOC LGBTQ+ communities specifically?

Thank you for your consideration and taking the time to read our letter. We thank you in advance for considering the inclusion of the overlooked implications of this conversation as well as the questions we've submitted. Should you have any additional questions or need additional information please do not hesitate to contact Victoria Kirby York, Deputy Executive Director, at (202) 460-4420 or vkirbyyork@nbjc.org.

Yours in the work,

A handwritten signature in black ink, appearing to read "David J. Johns". The signature is fluid and cursive, with a long horizontal line extending to the right.

David J. Johns
Executive Director
National Black Justice Coalition