

Statement for the Record

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ADL

Hearing: Preserving Free Speech and Reining in Big Tech Censorship

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*Working to stop the defamation of the Jewish people and to secure
Justice and fair treatment to all since 1913*

Chair McMorris Rodgers, Ranking Member Pallone, Chair Latta, & Ranking Member Matsui:

Since 1913, the mission of ADL (the Anti-Defamation League) has been to “stop the defamation of the Jewish people and to secure justice and fair treatment to all.” For over a century, ADL has been a leader in the fight against hate, bigotry, and antisemitism wherever it exists, including in online spaces. ADL has unique expertise in fighting hate online because of the organization’s work at the intersection of civil rights, extremism, and technology, and because we are rooted in and draw upon the lived experience of a community that has been relentlessly targeted online by extremists and bigots. Over the last several years, digital and social networks have become germane to our daily lives; unfortunately, however, the spread of hate, harassment, and antisemitism on these platforms has kept pace.

ADL brings decades of experience and expertise to the fight against hate and extremism online. Its Center on Extremism (“COE”) examines the ways extremists across the ideological spectrum exploit the online ecosystem to spread their messages, recruit adherents, finance hate, and commit acts of terrorism. ADL has also been at the forefront of efforts to combat online hate and harassment since the inception of its Center for Technology and Society (CTS). CTS is a research-driven advocacy center that works to end the proliferation of hate, harassment, and extremism online, and partners with industry, civil society, government, and targeted communities to work toward this goal. At present, CTS primarily focuses on (1) increasing accountability of tech companies for their dynamic role in the normalization and proliferation of hate and harassment online; and (2) improving access to justice, as well as prevention efforts, for victims and targets of digital abuse.

To better understand the state of hate online, CTS conducts two annual, nationally representative surveys. The first survey, [Online Hate and Harassment: The American Experience](#), polls Americans about their experiences of hate and abuse on social media. The second annual survey, [Hate is No Game: Hate and Harassment in Online Games](#), explores the social interactions, experiences, attitudes, and behaviors of online multiplayer gamers ages ten and above nationwide. *This testimony explores (1) the state of online hate, harassment, and extremism; (2) the role platforms play in spreading hate and extremism and how to hold them accountable; (3) how online harassment stifles the speech of vulnerable communities; (4) public opinion and ADL policy recommendations.* These conclusions, especially when considered in their totality, underscore the gravity and danger of a situation that will persist absent more robust efforts to combat it.

Online hate, harassment, and extremism continue to be rampant on social media and in online multiplayer games.

The spread of hateful and extremist content has systemic effects, but it also impacts individuals on a daily basis. This past year’s “Online Hate and Harassment: The American Experience” survey found that despite some platforms’ efforts to curb it, harassment remains concerningly high. Overall, 40% of adults experienced some type of harassment, with 27% reporting severe harassment. Sadly, albeit unsurprisingly, youth ages 13-17 experienced hate-based harassment at a higher rate than adults—nearly half of youth reported having experienced some type of harassment online.

Marginalized and targeted populations—women, People of Color, members of the LGBTQ+ community, and others—are disproportionately affected by online harms. For Jews, women, People of Color, and other marginalized or targeted groups, identity-based harassment, including more severe forms of harassment, like stalking and doxing, occurred at disproportionately high levels. For the fourth consecutive year, LGBTQ+ respondents were also more likely than any other group surveyed to experience harassment. Of note, twice as many Asian Americans reported experiencing online harassment in 2022 as in 2021, and at the same time, there has been a spike in offline violent and fatal attacks against Asian Americans. The increase in reports of online harassment comes at a time when antisemitic and other hate incidents and hate crimes have also been on the rise. While most hate speech online, even where harmful and offensive, is not illegal under United States law, we know and the platforms themselves have acknowledged that in many instances social media platforms’ features have facilitated a transition into unlawful speech and conduct, and that is a particular cause for concern.

According to the 2022 “Hate Is No Game” report, ADL’s online multiplayer games survey, the already-high rates of harassment experienced by American adult gamers have increased for the fourth consecutive year. More than 86% of adults ages 18-45 experienced harassment in online multiplayer games—representing over 67 million adult gamers. The largest increases in identity-based harassment occurred among adult respondents who identified as Jewish (34% compared to 22% in 2021), Latino (31% compared to 25% in 2021), and Muslim (30% compared to 26% in 2021). Alarming, exposure to white supremacist ideologies in online games among adults more than doubled to 20% in 2022 from 8% in 2021. Additionally, 15% of young people ages 10-17 reported exposure to discussions of white supremacist ideology in online games.

While social media platforms and tech companies have the power to address hate, harassment, and extremism—which pose significant threats to expression, safety, and democratic participation—they historically have not had any legal, financial, policy, or regulatory incentive to do so.

Today, platforms are not merely holding up a mirror that reflects society’s existing state of divisiveness and polarization. Despite awareness of the prevalence of hate, harassment, and extremism on their platforms, and an increasing amount of internal and external research

demonstrating their harmful consequences, platforms typically lack adequate policies to mitigate these challenges or fail to enforce their policies uniformly and effectively. In its recent blog, [“Twitter Not Enforcing Its Policies on Antisemitic Content,”](#) CTS reports that, on average, Twitter only actioned 28% of antisemitic tweets that ADL reported as a trusted flagger.

Rather than encouraging users to engage thoughtfully and collaboratively online, social media platforms reward incendiary content by design and profit from the spread of hate, extremism, and misinformation across their platforms. The companies that run these platforms deliberately construct their core product mechanics—including user interfaces, recommendation engines and algorithms, as well as other targeting tools—to keep users scrolling and clicking. Collecting and leveraging enormous amounts of personal user data, platforms target their users with customized feeds and recommendations to push them to spend more and more time on their platform. In doing so, these companies have actively pulled some users toward extremism and hate, creating new trends, new communities built around hate-fuels conspiracies, and new harms. This content boomerangs across the social media ecosystem and into the physical world.

ADL’s Center on Extremism has engaged in extensive reporting and analysis on the proliferation of extremism on social media, which reverberates from platform to platform. For example, [COE reported](#) on a white supremacist murdering 10 Black Americans in May 2022 at a supermarket in Buffalo, New York, which was livestreamed on the social media platform Twitch, owned by Amazon. A video recording was then downloaded by unknown users from Twitch and distributed across numerous platforms, including Facebook, Instagram, Telegram, TikTok, and Twitter. And the shooter allegedly plotted his attack on the chat platform Discord and spread white supremacist dogma on fringe websites such as 4chan and Kiwi Farms. From Buffalo to Charleston to Charlottesville to Pittsburgh to Poway and El Paso, we have seen the fatal consequences of white supremacist extremism that often has a clear nexus to social media.

In addition to hosting extremist content posted by users, platforms have at times even played an active role in auto-generating, recommending, and amplifying radicalizing content. For example, Facebook has auto-generated business pages for terrorist groups, including ISIS, giving such groups the imprimatur of legitimacy, even as it purports to target those groups for content moderation. Tech companies bear responsibility when they serve as algorithmic megaphones for terrorists and extremists to promote hateful ideologies and as tools to plan violent attacks.

Congress must pay attention to the issues of online hate, harassment, and extremism because they [erode people’s ability](#) to engage in public discourse and can suppress speech for targeted groups.

ADL has long been a strong advocate for First Amendment rights when it comes to government action and similar free speech values in the private sector; at the same time, it is also a fervent

advocate for targets of hate and identity-based harassment, whose speech is often chilled when targeted online. For millions of people, online abuse is an everyday reality that disrupts their ability to communicate freely, work, go to school, socialize, or express their faith. For the last several years, ADL has shed light on the power of online harassment and its on-the-ground impact. This too is a free speech issue.

ADL and others have consistently documented how online spaces become unsafe for targets, especially marginalized and otherwise vulnerable people and communities. From [Twitch raids](#) on trans streamers to harassment campaigns on Twitter against [Black women](#) who are politicians or journalists—abusers weaponize harassment to make online spaces hostile to their targets. Online and offline hate incidents against Asian Americans have increased dramatically since 2020, corresponding with racist rhetoric framing the COVID-19 pandemic as having been caused by Chinese people. These harassment campaigns also frequently invoke antisemitism, racist tropes, and conspiracy theories, often overlapping with campaigns spreading health or election mis- and disinformation.

Further, online harassment—whether on social media or online games—causes significant emotional distress to its victims and undermines their feelings of physical safety. CTS research found the following impacts of online hate and harassment on its victims:

- *Of those adults who experience online hate and harassment:* 20% feel anxious or have trouble sleeping and concentrating; 13% struggle with more severe mental health outcomes such as depressive or suicidal thoughts from online harassment; 10% take steps to reduce risks to their physical safety; 9% report some kind of economic impact like withdrawing from online spaces and potentially losing professional opportunities; 29% stop or reduce their use of online platforms after experiencing online harassment; 20% worry about future harassment, and for marginalized communities these numbers trend even higher: 39% of Muslims, 38% of LGBTQ+ individuals, 26% of Jews, 24% of Women, 23% of Asian Americans, 22% of Black or African Americans to name a few.
- *Of those youth who either experienced online hate and harassment:* 36% worry about future harassment; 29% experience emotional or mental health challenges; 27% change their habits to avoid being alone or in certain locations stemming from fears related to the online harassment. Of additional concern, another 22% of youth experience offline harassment based on information available about them online.
- *The harassment that adults ages 18-45 and youth ages 13-17 experience in online multiplayer games also affects their online and offline lives:* 33% of adults and 30% of youth quit playing specific games; 11% of adults and 10% of youth treat people worse than usual; 10% of adults hold depressive or suicidal thoughts and 22% of youth felt uncomfortable or upset after playing; 9% of adults and 8% of youth do worse in school because of harassment.

While these findings illustrate several consequences of online hate and harassment, they are not all-encompassing: evidence indicates that online harassment and abuse often escalates into eventual real-world violence.

ADL has [highlighted](#) the difference between expressing viewpoints and implicitly or explicitly calling for harassment of individuals with whom you disagree. Harassment must be addressed in the spirit of facilitating a digital world that encourages free speech, community and innovation without amplifying hate and incitement. This is especially important because social media influencers do not need to engage directly in hate and harassment to cause harm. In reality, platforms often miss how influential accounts with large followings engage in “stochastic harassment”: weaponizing talking points that incite others to harassment without being a harasser.

The public supports meaningful action to hold platforms and perpetrators accountable and wants the government to take action.

According to ADL’s aforementioned “Online Hate and Harassment: The American Experience 2022” report, the public wants both platforms and perpetrators of online hate to have more accountability. In fact, 89% of adults and 87% of youth support enacting laws to prevent [doxing](#), the disclosure of private or personally identifying information with intent to cause harm. The vast majority of Americans also overwhelmingly endorse holding platforms to account for their role in perpetuating extremism. Specifically, 77% of adults and 74% of youth believe that laws should be enacted that hold social media platforms accountable for recommending that users join extremist groups. This sentiment is carried over in the online multiplayer gaming space. According to the “Hate is No Game” survey, 59% of adult gamers believe that laws should be strengthened and enforced to better protect targets of hate, harassment, and extremism on online multiplayer games. Additionally, 59% of adult gamers agree that laws should be created to increase transparency around how games address these issues, and 58% believe that policymakers should support additional research to better understand, combat, and legislate on these issues in online games.

In response to public outcry and support from our own research, ADL developed the [REPAIR Plan](#), a comprehensive framework to meaningfully decrease online hate, harassment, and extremism.

Through the REPAIR Plan, ADL has supported the ongoing work of Congress to address these concerns. Throughout the 117th Congress, ADL worked with various members of Congress on multiple initiatives in this space including the Digital Services Oversight and Safety Act, the Banning Surveillance Advertising Act, the Algorithmic Justice & Online Platform Transparency Act, the Protecting Americans from Dangerous Algorithms Act, and the FTC Whistleblower Act. Further, ADL has supported the Justice Against Malicious Algorithms Act, the Safeguarding

Against Fraud, Exploitation, Threats, Extremism, and Consumer Harms Act, and Deceptive Experiences to Online Users Reduction Act.

Building upon these efforts, ADL urges Congress to compel platform transparency, a necessary incentive for platforms to articulate their policies on hate, harassment, and misinformation, to apply their rules consistently, and to enable the public and lawmakers to understand if and how those policies are enforced. ADL was proud to champion California's AB 587, signed into law last year, which requires large social media companies to provide bi-annual reports on their content moderation policies and enforcement behaviors. AB 587 puts information in the hands of users whose lives are profoundly impacted by platforms' policies and enforcement practices. The law in no way disempowers platforms or runs afoul of the First Amendment because it does not force platforms to adopt any particular views or policies; rather, it simply requires that a platform disclose the policies that it has in place, as well as the ways in which it enforces those policies. While this isn't a catch-all solution to the many challenges that the Internet and emerging technologies pose, it is a necessary and foundational instrument in the toolkit for a more equitable internet.

In addition to championing legislative efforts around platform transparency, ADL has been at the forefront of conversations surrounding Section 230 reform. In December 2022, ADL filed an amicus brief with the U.S. Supreme Court in *Gonzalez v. Google*, the first case ever in which the Court has grappled with Section 230 and its scope. ADL's stance on Section 230 is two-fold: while it believes that one provision—the one that empowers platforms to moderate harmful online content—is crucial and must remain intact, it believes that the other provision—which has historically afforded near-blanket immunity from liability for platforms—must be updated, so that plaintiffs with valid claims have an opportunity for redress of grievances. Section 230 was enacted before social media as we know it existed, yet it continues to be interpreted to provide technology companies with sweeping legal immunity for not only third-party content, but even for how their own tools are exacerbating hate, harassment, and extremism. When there is a legitimate claim that platforms played a role in enabling hate crimes, civil rights violations or acts of terror, victims deserve their day in court. To date, the overly-broad interpretation of Section 230 has barred plaintiffs from being able to seek accountability through the courts. ADL maintains that while platforms should not necessarily be accountable for user-generated hate content, they should not be granted automatic immunity for their own behavior that results in legally actionable harm.

As [antisemitism is being reported in record-high numbers](#) and the country reckons with the implications of social media platforms having facilitated extremist attacks, it is incumbent on members of Congress to drive forward legislative solutions that protect the safety and well-being of Americans. The House Energy & Commerce Committee has been at the forefront of many of these efforts, and ADL is particularly appreciative of Chairwoman McMorris Rodgers and Ranking Member Pallone's bipartisan leadership to address privacy concerns with the American

Data Privacy and Protection Act. ADL looks forward to continued work on these issues with the Committee.