



1500 K Street, NW
Suite 900
Washington, DC 20005

Tel: 202.662.8600
Fax: 202.783.0857
www.lawyerscommittee.org

May 21, 2025

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Washington, DC 20580

Re: FTC Request for Public Comment Regarding Technology Platform Censorship

The Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee") writes to provide the comments below in response to the Federal Trade Commission's ("FTC" or the "Commission") Request for Public Comment Regarding Technology Platform Censorship.¹

The Lawyers' Committee is a national, nonprofit civil rights legal organization that was founded in 1963 at the request of President John F. Kennedy to mobilize the nation's leading lawyers as agents for change in the Civil Rights Movement. The Lawyers' Committee uses legal advocacy to achieve racial justice, fighting inside and outside the courts to ensure that Black people and other people of color have the voice, opportunity, and power to make the promises of our democracy real. Our Digital Justice Initiative and Public Policy Project work at the intersection of racial justice, technology, and privacy to address predatory commercial data practices, discriminatory algorithms, invasions of privacy, disinformation, and online harms that disproportionately affect Black people and other people of color.

As our lives have moved increasingly online, we must ensure that people can use online platforms safely and securely and that bad actors cannot use platforms to incite violence against people offline. Just as patrons expect a restaurant to ensure basic safety on its premises, users rely on a platform operator to ensure basic safety on its platform. Content moderation is a critical part of a platform's ability to maintain a safe environment and prevent harm to users flowing from hateful or harassing speech, especially in ways that pose threats offline, and from content that could mislead people in harmful ways, such as voting disinformation. Civil rights organizations have long raised concerns that platform operators have not taken adequate action to ensure the rights of communities of color to equal enjoyment of their online services. Therefore, we urge the Commission to focus its efforts on promoting transparency and fairness in content moderation rather than taking action that would restrict or chill platforms' efforts to address harmful content.

¹ FED. TRADE COMM'N, REQUEST FOR PUBLIC COMMENTS REGARDING TECHNOLOGY PLATFORM CENSORSHIP (2025), https://www.ftc.gov/system/files/ftc_gov/pdf/P251203CensorshipRFI.pdf.

I. Platform operators must be able to remove harmful content that impacts Black people and other people of color online.

Platform operators have a key role to play in protecting civil rights online. Operators often post community guidelines or standards outlining the types of content prohibited on their platforms. Such prohibitions include harassment,² threats of violence,³ illegal content,⁴ misinformation,⁵ and other harmful content. These guidelines not only provide notice to users of prohibited conduct, but outline promises of how operators will ensure users are not harmed through their platforms.

Such policies are toothless without meaningful enforcement. Platforms may take a range of enforcement actions from content removal or de-prioritization up to account suspension for repeated violations. Oftentimes, platforms use AI tools to automatically make these decisions at a large scale. Such tools can be prone to mistakes, such as over-removals or unwarranted account suspensions.⁶ Platforms should provide clarity around their content moderation processes and offer a transparent appeals process with human review to help ensure that they timely resolve content moderation mistakes.

Many platform operators issue transparency reports outlining content moderation and enforcement metrics. However, these reports generally fail to provide meaningful details on the actionable content and how enforcement decisions are made. For example, from October to December 2024, YouTube removed over 1.5 million videos as harmful or dangerous,⁷ but did not provide details of how content violated its harmful or dangerous content policy, which covers weapons content, dangerous pranks, and explanatory videos on how to conduct online hacking or phishing attacks.⁸ During that same period, Instagram reported taking action on 8.2 million pieces of content for violence and incitement, but did not provide details on which parts of its violence and incitement policy were violated, the types of action taken on that content, or information about

² See *Harassment & cyberbullying policies*, YOUTUBE HELP, <https://support.google.com/youtube/answer/2802268?sjid=112820970943675663-NA> (last visited May 21, 2025).

³ See *Violence and Incitement: Policy details*, META TRANSPARENCY CTR., <https://transparency.meta.com/policies/community-standards/violence-incitement/#policy-details> (last visited May 21, 2025).

⁴ See *Instagram Community Guidelines FAQs*, INSTAGRAM (Apr. 18, 2018), <https://about.instagram.com/blog/announcements/instagram-community-guidelines-faqs/>.

⁵ See *Community Guidelines: Integrity and Authenticity*, TIKTOK (Apr. 17, 2024), <https://www.tiktok.com/community-guidelines/en/integrity-authenticity>.

⁶ See Sarah Perez, *Pinterest finally admits mass bans were a mistake caused by an ‘internal error’*, TECHCRUNCH (May 14, 2025), <https://techcrunch.com/2025/05/14/pinterest-finally-admits-mass-bans-were-a-mistake-caused-by-an-internal-error/>.

⁷ See *Transparency Report: YouTube Community Guidelines enforcement*, GOOGLE, <https://transparencyreport.google.com/youtube-policy/removals?hl=en> (last visited May 21, 2025).

⁸ See *Harmful or dangerous content policy*, YOUTUBE HELP, <https://support.google.com/youtube/answer/2801964?sjid=15629890516395997910-NA> (last visited May 21, 2025).

its enforcement policies.⁹ Of the content actioned for violence and incitement, users appealed 1.4 million pieces of content, and Instagram restored 250,000 pieces of content after appeal, but Instagram has not provided information about how it made decisions on appeal.¹⁰

Unsurprisingly, platforms that do not remove hateful and harassing content, or that do not prioritize removal, end up with more of such content.¹¹ This not only harms marginalized communities, but the broader digital economy as well. The presence of hate speech on a platform is associated with worse perceptions of the platform and brands that advertise on the platform.¹² Self-regulation, while imperfect, is necessary to foster an online ecosystem where Black people and other people of color can freely participate and contribute to the digital economy. Therefore, the FTC should be careful not to take action that would discourage platforms from removing harmful content. Instead, the Commission should seek increased transparency from platform operators about how operators monitor their platforms for policy violations, decide on enforcement actions, and handle user appeals of enforcement actions.

II. Online hate and harassment often target Black communities and other marginalized communities.

Online hate and harassment have become rampant. In 2022, over forty percent of Americans reported online harassment and over a quarter of Americans reported severe online harassment, such as physical threats, stalking, doxing, and sexual harassment.¹³ Black people and other people of color in the United States have long experienced race-based harassment, hate, and discrimination. This has been exacerbated online. More than half of Black people who have experienced harassment online report that they were harassed due to their race or ethnicity.¹⁴ Black adolescents, in particular, regularly confront hate and discrimination based on their race online. A 2020 study found that 45% of Black adolescents reported at least one instance of online racial

⁹ See *Community Standards Enforcement Report: Violence and Incitement*, META TRANSPARENCY CTR., <https://transparency.meta.com/reports/community-standards-enforcement/violence-incitement/facebook/> (last updated Mar. 6, 2025).

¹⁰ *Id.*

¹¹ See, e.g., Sheera Frenkel & Kate Conger, Hate Speech’s Rise on Twitter Is Unprecedented, Researchers Find, N.Y. TIMES (Dec. 2, 2022), <https://www.nytimes.com/2022/12/02/technology/twitter-hate-speech.html> (slurs against gay men and antisemitic posts increased, and slurs against Black Americans tripled); Cristiano Lima & David DiMolfetta, *Antisemitic tweets soared on Twitter after Musk took over, study finds*, WASH. POST (Mar. 20, 2023), <https://www.washingtonpost.com/politics/2023/03/20/antisemitic-tweets-soared-twitter-after-musk-took-over-study-finds/> (study showing 105 percent increase in posts containing antisemitic language over four months).

¹² See Melissa Pittaoulis, Hate Speech & Digital Ads: The Impact of Harmful Content on Brands, COMPUT. & COMM’NS. INDUS. ASS’N RSRCH. CTR. (Sept. 5, 2023), <https://ccianet.org/research/reports/hate-speech-digital-ads-impact/#main-content>.

¹³ See *Online Hate and Harassment: The American Experience 2022*, ANTI-DEFAMATION LEAGUE: CTR. FOR TECH. & SOC’Y 10 (Sept. 2022), <https://www.adl.org/sites/default/files/pdfs/2022-09/Online-Hate-and-Harassment-Survey-2022.pdf>.

¹⁴ See Emily A. Vogels, *The State of Online Harassment*, PEW RSCH. CTR. (Jan. 13, 2021), <https://www.pewresearch.org/internet/2021/01/13/the-state-of-online-harassment/>.

discrimination over a two-week period.¹⁵ Such online discrimination can negatively impact mental health, including higher instances of depression and anxiety, as well as academic performance.¹⁶ Black women and other women of color are disproportionately subjected to online harassment. A 2018 study found that Black women were 84% more likely to be mentioned in abusive or problematic tweets than white women.¹⁷ Similarly, a 2020 study found that women of color seeking office were five times more likely than other candidates to experience online abuse related to their gender and racial identities.¹⁸

Online hate and harassment often include disparaging or discriminatory remarks, symbols, images, or other behaviors based on and directed at people because of their race or color.¹⁹ This is significantly more common and explicit online than offline because of online anonymity.²⁰ Coordinated harassment attacks have become commonplace online. In *Dumpson v. Ade*, the operator of an online message board incited his followers to harass and cyberbully the first Black female student government president of American University by posting links to the woman's social media accounts and directions to harass her.²¹ His users did so, including by posting threatening comments referencing events she was planning to attend, making her fear for her physical safety.²²

Perpetrators of white supremacist attacks have developed a playbook using online platforms to publicize their attacks and philosophies. The shooter who perpetrated a racist mass shooting at a grocery store in Buffalo, New York, livestreamed his attack on Twitch²³ and posted an extensive diary and manifesto using Discord.²⁴ Copies of the Buffalo shooting recording quickly proliferated on various platforms.²⁵ While some platforms effectively removed the videos,

¹⁵ See Juan Del Toro & Ming-Te Wang, *Online Racism and Mental Health Among Black American Adolescents in 2020*, 62 J. AM. ACAD. CHILD AND ADOLESCENT PSYCHIATRY 25, 29 (2023), <https://pmc.ncbi.nlm.nih.gov/articles/PMC9805489/>.

¹⁶ See Alvin Thomas, *Online Racial Harassment Leads to Lower Academic Confidence for Black and Hispanic Students*, THE CONVERSATION (Jan. 23, 2023), <https://theconversation.com/online-racial-harassment-leads-to-lower-academic-confidence-for-black-and-hispanic-students-197515>.

¹⁷ See *Crowdsourced Twitter study reveals shocking scale of online abuse against women*, AMNESTY INT'L (Dec. 18, 2018), <https://www.amnesty.org/en/latest/press-release/2018/12/crowdsourced-twitter-study-reveals-shocking-scale-of-online-abuse-against-women/>.

¹⁸ See Dhananjay Thakur et al., *An Unrepresentative Democracy: How Disinformation and Online Abuse Hinder Women of Color Political Candidates in the United States*, CTR. FOR DEMOCRACY & TECH. 8 (Oct. 2022), <https://cdt.org/wp-content/uploads/2022/10/update-anunrepresentativedemocracy-a11y-102622-1710.pdf>.

¹⁹ See, e.g., Brendesha Tynes et al., *Trajectories of Online Racial Discrimination and Psychological Functioning among African American and Latino Adolescents*, 91(5) Child Dev. 1577, 1578 (2020) <https://sred.onlinelibrary.wiley.com/doi/10.1111/cdev.13350>.

²⁰ See Brian Keum & Matthew J. Miller, *Racism on the Internet: Conceptualization and Recommendations for Research*, 8 PSYCH. OF VIOLENCE 782, 783 (2018), <https://doi.org/10.1037/vio0000201>.

²¹ No. CV:18-1011, 2019 WL 3767171 at *5 (D.D.C. Aug. 9, 2019).

²² *Id.* at *1-2.

²³ *Investigative Report on the role of online platforms in the tragic mass shooting in Buffalo on May 14, 2022*, OFF. OF THE N.Y. STATE ATT'Y GENERAL LETITIA JAMES 31 (Oct. 18, 2022), <https://ag.ny.gov/sites/default/files/buffaloshooting-onlineplatformsreport.pdf>.

²⁴ *Id.* at 27.

²⁵ *Id.* at 34-37.

others failed to timely remove these horrific recordings.²⁶ The Buffalo shooter wrote that he became radicalized online through exposure to white supremacist conspiracy theories like the Great Replacement Theory,²⁷ and viewing the footage and manifesto posted by the mass shooter who attacked two mosques in Christchurch, New Zealand.²⁸

Black people and other people of color are repeatedly subjected to hateful and discriminatory content online, which can cause serious mental and physical harm.²⁹ Such content not only impacts people when it is aimed at them directly, but when they hear or see hateful content directed at others like them.³⁰

Online hate and harassment targeting Black people and other people of color has a profound chilling effect on the free expression of groups that have experienced longstanding discrimination. In fact, that is often the intent. While social media platforms have become the “modern public square,”³¹ online hate and harassment can lead people to self-censor and withdraw from this public square.³² Women are especially likely to withdraw from online discourse in response to harassment,³³ and many prominent women of color have done so.³⁴

Online harassment can also have serious economic consequences for Black people and other people of color. The chilling effect of online hate and harassment directly impacts those who

²⁶ *Id.*

²⁷ The Great Replacement Theory is a conspiracy theory that elites are complicit in allowing white populations to be replaced by non-white populations. *See id.* at 24.

²⁸ *Id.* at 19.

²⁹ *See, e.g.*, Alyan Layug et al., *The Impacts of Social Media Use and Online Racial Discrimination on Asian American Mental Health: Cross-sectional Survey in the United States During COVID-19*, 6 JMIR FORMATIVE RSCH. 1, 21 (2022), <https://formative.jmir.org/2022/9/e38589> (finding that “individual and vicarious forms of online discrimination experienced during the COVID-19 pandemic were … positively associated with [secondary traumatic stress], depression, and anxiety”).

³⁰ *See* Maeve Duggan, *Online Harassment 2017*, PEW RSCH. CTR. 32 (July 11, 2017) https://www.pewresearch.org/internet/wp-content/uploads/sites/9/2017/07/PI_2017.07.11_Online-Harassment_FINAL.pdf.

³¹ *Packingham v. North Carolina*, 582 U.S. 98, 107 (2017).

³² *See* Duggan, *supra* note 30, at 26.

³³ *See, e.g.*, George Veletsianos et al., *Women Scholars’ Experiences with Online Harassment and Abuse: Self-Protection, Resistance, Acceptance, and Self-Blame*, 20 NEW MEDIA & SOC’Y 4689, 4702 (2018), <https://doi.org/10.1177/1461444818781324> (harassment of women scholars led to their avoiding certain social media platforms and “turning to silence”); Amanda Lenhart et al., *Online Harassment, Digital Abuse, and Cyberstalking in America*, DATA & SOC’Y RSCH. INST. & CTR. FOR INNOVATIVE PUB. HEALTH RSCH. 4 (Nov. 21, 2016), https://www.datasociety.net/pubs/oh/Online_Harassment_2016.pdf (41% of women ages 15-29 self-censor).

³⁴ *See, e.g.*, *Hate in Elections: How Racism and Bigotry Threaten Election Integrity in the United States*, JAMES BYRD JR. CTR. TO STOP HATE AT THE LAWS. COMM. FOR CIV. RTS. UNDER L. 11 (Sept. 2020), https://www.lawyerscommittee.org/wp-content/uploads/2020/09/LC2_HATE-IN-ELECTIONS_RPT_E_HIGH-1.pdf (Black female lawmaker in Vermont left office after severe harassment online and in person); ‘*Ghostbusters’ Star Leslie Jones Quits Twitter After Online Harassment*, ABC NEWS (July 20, 2016), <https://abcnews.go.com/Entertainment/ghostbustersstarleslie-jones-quits-twitter-online-harassment/story?id=40698459>; *Aliyah Boston Reveals What She’s Learned Since Cutting Out Social Media*, <https://www.si.com/onsi/athlete-lifestyle/news/aliyah-boston-reveals-what-she-learned-since-cutting-out-social-media> (WNBA player quit social media after repeated exposure to online hate).

actively use online platforms for work, such as content creators, thought leaders, public figures, and entrepreneurs who use online platforms for brand development, marketing, and community development. Given the digital nature of modern professional life, Black people and other people of color who have withdrawn their online presence are at a significant disadvantage when they are unable to use online platforms to develop a professional reputation, network, or search for jobs.

To be sure, platform operators have not done enough to stop the use of their platforms to proliferate hateful and harassing content designed to intimidate Black people and other people of color online. However, when considering regulation or enforcement of content moderation practices, the FTC must consider the risk that such action could deter platform operators from even attempting to remove harmful content, contrary to their own business interests, and open the floodgates to even more hateful and harassing content.

III. Disinformation campaigns target Black voters and other voters of color to discourage turnout.

In addition to online hate and harassment, Black people and other people of color are targeted with online voter disinformation designed to impair their ability to vote. While in the past, Black voters were targeted by “guns, torches, burning crosses, and other dire methods perpetuated under the cover of white hoods,” in today’s world, people “carry out electoral terror using telephones, computers, and modern technology adapted to serve the same deleterious ends.”³⁵ This includes concerted influence campaigns by both domestic and foreign actors. According to a report by the Senate Select Committee on Intelligence, in 2016, Russia’s Internet Research Agency targeted Black people more than any other group in the United States in its influence campaign, including by posting and spreading content to dissuade Black voters from participating in the election.³⁶

While foreign influence is certainly a concern, voter disinformation campaigns often occur at the local level. For example, in Detroit in 2020, Facebook stories targeted at Latino voters claimed voting was dangerous because “the government would record who people voted for and they might face consequences.”³⁷ Just before the November 2024 election, a message circulated on messaging apps warning Black voters in Gwinnett County, Georgia that white supremacists

³⁵ See *Nat'l Coal. on Black Civic Participation v. Wohl*, 498 F. Supp. 3d 457, 464 (S.D.N.Y. 2020).

³⁶ See RUSSIAN ACTIVE MEASURES CAMPAIGNS AND INTERFERENCE IN THE 2016 U.S. ELECTION, VOL. 2: RUSSIA’S USE OF SOCIAL MEDIA WITH ADDITIONAL VIEWS, S. REP. NO. 116-290, at 6, 59 (2020), <https://www.congress.gov/116/crpt/srpt290/CRPT-116srpt290.pdf>.

³⁷ See Ashley Nerbovig, *Michigan’s immigrant communities hit with misinformation on closed platforms*, DETROIT FREE PRESS (Nov. 27, 2020), <https://www.freep.com/story/news/politics/elections/2020/11/27/michigan-election-misinformation-immigrant-whatsapp/6393693002/>.

were planning attacks against them.³⁸ Such messages are designed to intimidate Black voters and discourage turnout.³⁹

Generative AI has made it easier for bad actors to create fake disinformation content. A video circulating on social media before the 2024 election seemingly showed two Haitian men discussing how one of them quickly gained U.S. citizenship and was able to vote in two different counties in Georgia.⁴⁰ U.S. intelligence agencies determined the video was created as part of a Russian disinformation campaign, but the video was already viewed hundreds of thousands of times on various platforms before it was removed.⁴¹

Although voter interference is illegal, given the speed and volume at which content proliferates online, the harms of disinformation are difficult to manage once content is online. The most effective way to manage online voting disinformation is for platform operators to monitor and remove such content, sometimes before posting. Indeed, many platforms prohibit election misinformation, including incorrect information about the time, place, means, or eligibility for voting⁴² and false statements about authoritative information, like bill text.⁴³ Even with such moderation efforts, election disinformation was rampant ahead of the 2024 elections,⁴⁴ demonstrating that platform operators must do even more to combat election disinformation. As the FTC seeks to ensure users have fair access to online platforms, it is crucial to remember Black people and people of color may face serious harm to their speech and voting rights if online platforms do not conduct effective content moderation.

The Lawyers' Committee appreciates the opportunity to provide comments on this issue. We urge the FTC to approach any regulation or enforcement action concerning content moderation with care to promote transparency and fairness in content moderation and to avoid actions that would discourage platform operators from moderating harmful content on their platforms, contrary to their own business interests, and at great cost to Black people and other people of color. Please contact me with any questions.

³⁸ See Anna Rascouët-Paz, *Hoax Message Warns Black Voters in Georgia of Threat of Attacks by White Supremacists*, SNOPES (Nov. 4, 2024), <https://www.snopes.com/fact-check/voting-georgia-white-supremacist-attacks/>.

³⁹ *Id.*

⁴⁰ See Shayan Sardarizadeh & Olga Robinson, *US officials say Russians faked 'Haitian voters' video*, BBC (Nov. 1, 2024), <https://www.bbc.com/news/articles/c9vny12jnpjo>.

⁴¹ *Id.*

⁴² See *Elections misinformation policies*, YOUTUBE HELP, <https://support.google.com/youtube/answer/10835034?sjid=18231972540012443389-NA> (last visited May 21, 2025).

⁴³ See *Community Guidelines: Civic and Election Integrity*, TIKTOK, <https://www.tiktok.com/community-guidelines/en/integrity-authenticity#2> (last visited May 21, 2025).

⁴⁴ See Darrell M. West, *How disinformation defined the 2024 election narrative*, BROOKINGS INST. (Nov. 7, 2024), <https://www.brookings.edu/articles/how-disinformation-defined-the-2024-election-narrative/>.

Sincerely,

A handwritten signature in black ink, appearing to read "J. J. John".

Jina John
Policy Counsel
Lawyers' Committee for Civil Rights Under Law