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19 April 2018

The Honorable Greg Walden, Chairman
The Honorable Joe Barton, Vice Chairman
The Honorable Frank Pallone, Ranking Member
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman, Vice Chairman, and Ranking Member:

On behalf of our combined membership of over 240,000 individuals and 670 companies, we want to thank you and your committee for leading last week's hearing where Facebook Chairman and CEO Mark Zuckerberg was questioned about the recent Cambridge Analytica data breach.

As representatives of the millions of Americans who work in the creative industries in every state in the union, we applaud your call for greater accountability by Facebook, as well as other Silicon Valley companies. Last week's hearing was an important first step in ensuring that Facebook, Google, Twitter, and other internet platforms must (1) take meaningful action to protect their users' data, (2) take appropriate responsibility for the integrity of the news and information on their platforms, and (3) prevent the distribution of unlawful and harmful content through their channels.

In last week's hearing, Mr. Zuckerberg stressed several times that Facebook must "take a broader view of our responsibility," acknowledging that it is "responsible for the content" that appears on its service and must "take a more active view in policing the ecosystem" it created. While most content on Facebook is not produced by Facebook, they are the publisher and distributor of immense amounts of content to billions around the world. It is worth noting that a lot of that content is posted without the consent of the people who created it, including those in the creative industries we represent.

Mr. Zuckerberg characterizes Facebook's failure to take an appropriately broad view of its responsibility as a "big mistake" and promises that this will change. But if we are being honest, we must acknowledge that whether the lack of responsibility was a "mistake" or not, the failure of Facebook and others to take responsibility is rooted in decades-old policies, including legal immunities and safe harbors, that actually *absolve* internet platforms of accountability. We agree that change needs to happen – but we must ask ourselves whether we can expect to see real change as long as these companies are allowed to continue

to operate in a policy framework that prioritizes the growth of the internet over accountability and protects those that fail to act responsibly. We believe this question must be at the center of any action Congress takes in response to the recent failures.

Accountability does not stop with Facebook, of course. Google, another major global platform that has long resisted meaningful accountability, also needs to step forward and endorse the broader view of responsibility expressed by Mr. Zuckerberg – as do many others. The real problem is not Facebook, or Mark Zuckerberg, regardless of how sincerely he seeks to own the “mistakes” that led to the hearing last week. The problem is endemic in a system that applies a different set of rules to the internet and fails to impose ordinary norms of accountability on businesses that are built around monetizing other people’s personal information and content.

We can all appreciate the story of Facebook’s founding in Mr. Zuckerberg’s dorm room as a great moment in American entrepreneurialism. It’s a lovely tale, but it’s also history. Today’s reality is that Facebook has monopoly power. It commands and determines the flow of both information and revenue for billions of people and businesses. It is understandable that Congress took a very light hand for decades to help nascent internet-based industries grow and prosper. But now Facebook and Google are grown-ups – and it is time they behaved that way.

Apologies are just words unless accompanied by action – from Facebook and other internet platforms. If they will not act, then it is up to you and your colleagues in the House to take action and not let these platforms’ abuses continue to pile up.

We would be grateful if you would include this letter in the record for last week’s hearing.

Sincerely,

American Federation of Musicians
Content Creators Coalition
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