

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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MEMORANDUM

September 3, 2018

To: Committee on Energy and Commerce Democratic Members and Staff
Fr: Committee on Energy and Commerce Democratic Staff
Re: Hearing on “Twitter: Transparency and Accountability”

On Wednesday, September 5, 2018, at 1:30 p.m. in room 2123 of the Rayburn House Office Building, the Committee on Energy and Commerce will hold a hearing titled “Twitter: Transparency and Accountability.”

I. BACKGROUND

Twitter is a social media platform on which its users post messages and share content. Jack Dorsey co-founded Twitter in 2006, and served as CEO until 2008; he returned as CEO in 2015.¹ Mr. Dorsey is also the co-founder and CEO of Square, a mobile payments company.²

In 2013, Twitter became a publicly traded company with its shares listed on the New York Stock Exchange.³ Twitter had 335 million average monthly users worldwide for the three months that ended June 2018, including 68 million U.S. users.⁴ Twitter generates the substantial majority of its revenue from the sale of advertising. In fiscal year 2017, Twitter ad revenue totaled \$2.11 billion.⁵ The company posted a profit for the first time in February of 2018.⁶

¹ *The World's Billionaires*, Forbes (Mar. 6, 2018) (www.forbes.com/profile/jack-dorsey/?list=billionaires#1d4e95fe2372); Twitter, *Our Company* (about.twitter.com/en_us/company.html) (accessed Aug. 13, 2018).

² Square, Inc., *About Us* (squareup.com/about) (accessed Aug. 17, 2018).

³ *Why Twitter's IPO Was Really A Failure*, Forbes (Nov. 8, 2013) (www.forbes.com/sites/herhshefrin/2013/11/08/why-twitters-ipo-was-really-a-failure/#348260836e8f).

⁴ Twitter, Inc., *Form 10Q for the Quarterly Period Ended June 30, 2018*.

⁵ Twitter, Inc., *Form 10-K for the Fiscal Year Ended December 31, 2017*.

II. SELECTED ISSUES

A. Content Moderation

Like many other social media platforms, Twitter maintains rules and policies regarding the content users post on the platform.⁷ For example, Twitter prohibits graphic violence, abusive behavior, and intellectual property infringement.⁸ Twitter has a range of options for enforcing its policies prohibiting the posting of such material including:

- requiring the offender to delete prohibited content and suspending them until the content is deleted,
- temporarily limiting the user's ability to create posts or interact with other Twitter users,
- asking the user to verify account ownership with a phone number or email address; or
- permanently suspending the user's account.⁹

Twitter has faced significant criticism over the past few years about its policies for managing content and advertising posted on its platform and its enforcement of those policies.¹⁰ Some have alleged Twitter limited or diminished content based on political positions.¹¹ Many critics of Twitter's content moderation have argued that Twitter's enforcement of its policies is inconsistent.¹²

⁶ *Why Twitter Is Now Profitable for the First Time Ever*, Washington Post (Feb. 8, 2018).

⁷ Twitter, *Terms of Service* (May 25, 2018) (twitter.com/en/tos#update); Twitter, *The Twitter Rules* (help.twitter.com/en/rules-and-policies/twitter-rules) (accessed Aug. 14, 2018).

⁸ Twitter, *The Twitter Rules* (help.twitter.com/en/rules-and-policies/twitter-rules) (accessed Aug. 14, 2018).

⁹ *Id.*

¹⁰ *Twitter Is Still Dismissing Harassment Reports and Frustrating Victims*, BuzzFeed News (July 18, 2017) (www.buzzfeed.com/charliewarzel/twitter-is-still-dismissing-harassment-reports-and?utm_term=.gjagG3Ql8#.uxARVYgPn); *Rose McGowan's Twitter Account Locked After Posts About Weinstein*, New York Times (Oct. 12, 2017) (www.nytimes.com/2017/10/12/arts/rose-mcgowan-twitter-weinstein.html); *Twitter Still Isn't Doing Enough About Rape Threats against Women*, Teen Vogue (Apr. 20, 2017) (www.teenvogue.com/story/twitter-petition-rape-threats).

¹¹ *85 Percent of Republicans Say Facebook, Twitter Censor Conservative Political Opinions*, Newsweek (June 28, 2018) (www.newsweek.com/bias-facebook-twitter-silicon-valley-liberal-conservative-republican-democrat-1000131).

¹² See e.g., note 15; *Twitter's Suspension of Rose McGowan Epitomizes the Site's Most Infuriating Problem*, Vox (Oct. 12, 2017) (www.vox.com/culture/2017/10/12/16464752/twitter-suspended-rose-mcgowan); *Twitter Will Hide More Bad Tweets in Conversations and Searches*,

Foreign agents use Twitter and other social media platforms to spread discord using highly charged issues like race and immigration and to influence elections.¹³ American Twitter users often unknowingly interact (i.e., retweet, like, or follow.) with fake accounts operated by foreign actors.¹⁴ Recently, Twitter deleted 770 accounts believed to be linked to Russian and Iranian disinformation campaigns.¹⁵

B. Privacy

Most user activity on Twitter is public and searchable by anyone.¹⁶ When a user tweets, retweets, or likes a post, it is viewable by anyone, including people who do not have a Twitter account.¹⁷ Twitter also tracks browsing history across the internet and mobile devices through the use of Tweet buttons, Follow buttons, embedded Tweets on websites other than Twitter, and other means.¹⁸ Like Facebook, Twitter is able to build a profile of users' and non-users' browsing history.¹⁹

Most types of information that Twitter collects about both users and non-users is used to serve tailored content and targeted, interest-based advertising.²⁰ Until last year, Twitter's privacy policy included a promise to support "Do Not Track," a privacy preference that can be set in most web browsers to prevent the collection of tracking data.²¹ Now the company follows the Digital Advertising Alliance Self-Regulatory Principles for Online Behavioral Advertising,

The Verge (May 15, 2018) (www.theverge.com/2018/5/15/17352962/twitter-abuse-changes-ranking-tweets-conversations-search).

¹³ *How Russia Used Social Media to Divide Americans*, The Guardian (Oct. 14, 2017) (www.theguardian.com/us-news/2017/oct/14/russia-us-politics-social-media-facebook).

¹⁴ *Twitter to Notify Users Who Got Played by Russian Propaganda Accounts*, Mashable (Jan. 19, 2018) (mashable.com/2018/01/19/twitter-notify-users-russian-propaganda/#C1RO0O6nVkqg).

¹⁵ *Facebook, Twitter Dismantle Disinformation Campaigns Tied to Iran and Russia*, Reuters (Aug. 21, 2018) (www.reuters.com/article/us-facebook-russia-usa/facebook-twitter-dismantle-disinformation-campaigns-tied-to-iran-and-russia-idUSKCN1L62FD); *Twitter Suspends Nearly 500 More Accounts for 'Coordinated Manipulation'*, Fortune (Aug. 28, 2018) (fortune.com/2018/08/28/twitter-suspends-more-accounts/).

¹⁶ Twitter, *Twitter Privacy Policy* (May 25, 2018) (twitter.com/en/privacy).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Electronic Frontier Foundation, *New Twitter Policy Abandons a Longstanding Privacy Pledge* (May 22, 2017) (www.eff.org/deeplinks/2017/05/new-twitter-policy-abandons-longstanding-privacy-pledge).

²⁰ *See* note 4.

²¹ *Id.*

which purportedly allows consumers to opt out of interest-based advertising, but does not allow them to opt out of tracking.²²

III. WITNESS

Jack Dorsey
CEO
Twitter, Inc.

²² *Id.*; Digital Advertising Alliance, *Protect My Choices Download Page* (www.aboutads.info/PMC) (accessed Aug. 15, 2018).