

Congress of the United States
Washington, DC 20515

June 27, 2022

Mr. Emmett Shear
Twitch Interactive, Inc.
350 Bush Street
San Francisco, CA 94104

Dear Mr. Shear:

We are writing to raise concerns regarding the use of Twitch's platform to foster and broadcast acts of violence, including the recent mass shooting at a supermarket in Buffalo, New York that left 10 dead.

We appreciate the public commitment that Twitch has made to combat acts of racism and violence on its platform, including in the recent public statement following the Buffalo shooting:

White supremacy, racism, and hatred should have no place anywhere, especially on Twitch, and undermine the vibrant and diverse community we are working together to build. We have a zero-tolerance policy against violence of any kind, and we use several mechanisms to detect, escalate, and remove violence on Twitch. This includes proactive detection, 24/7 review and urgent escalations for your user reports.¹

The swift removal of video recordings depicting acts of mass violence is not only essential to providing the effected communities the space to grieve; it is also necessary for the prevention of future violence. Multiple reports and firsthand accounts have shown that the ability to livestream hateful acts is a key motivator for perpetrators.² The Buffalo shooter specifically referenced the impact of livestreaming on his plans, saying, "live streaming this attack gives me some motivation in the way that I know that some people will be cheering for me."³

We recognize the steps that Twitch has taken in recent years to develop the capabilities that enabled the removal of the Buffalo's shooter's livestream within two minutes. However, we are writing to express concern that these actions may have fallen short of Twitch's promise to fight white supremacy, racism, and hatred.

As underscored in its public statement, Twitch has a responsibility to the broader community. This responsibility extends beyond Twitch's policing of its own platform to collaborating with other platforms in the identification and removal of violent, racist content, especially when that content originates on Twitch's platform. Industry observers have noted that recordings of Buffalo shooting video, livestreamed on Twitch, continue to resurface on other platforms. For

¹ Twitch, "A statement from Twitch regarding the Buffalo supermarket hate crime" (May 16, 2022) (https://safety.twitch.tv/s/article/A-statement-from-Twitch-regarding-the-Buffalo-supermarket-hate-crime?language=en_US).

² Axios, "Live streaming motivated the Buffalo shooter" (May 16, 2022) (<https://www.axios.com/2022/05/16/live-streaming-buffalo-shooter>).

³ *Ibid.*

example, in the days after the shooting, a reposted copy of the Twitch stream was viewed more than 3 million times on Streamable before being removed.⁴ Other platforms, including Facebook,⁵ Twitter,⁶ and TikTok⁷ have also seen the video reposted in the wake of the attack.

We are also concerned about the broader issue of hate and racism on Twitch's platform. Over the past two years, users and rights advocates have called attention to the increasing frequency of "hate raids" on Twitch's platform, where the channels of women, people of color, and LGBTQ+ streamers are flooded with hateful and threatening messages.⁸ One activist Twitch user noted that newer accounts, particularly less than a day old, were significantly more likely to post racist comments.⁹ Nevertheless, despite the evidence that newer, less verified users are likelier to spread hate on the platform, the *New York Times* observed, "Twitch... allows anyone with an account to go live, unlike sites like YouTube, which requires users to verify their account to do so and to have at least 50 subscribers to stream from a mobile device."¹⁰

In light of your promise for responsibility toward your users and the broader digital world, we request your response, in as much detail as possible, to the following inquiries by July 18, 2022:

1. What existing systems, protocols, tools, or practices will enable Twitch to rapidly identify and remove (i.e., in less than two minutes) violent livestreams in the future?
2. How is Twitch investing in new resources and capabilities to further accelerate the identification and removal of violent livestreams?
3. How does Twitch view its responsibility to help identify and remove violent content originating on its platform that is reposted to other websites and applications?
4. Beyond its efforts through the Global Internet Forum to Counter Terrorism, how is Twitch collaborating with the broader technology ecosystem to identify and remove violent content more efficiently?
5. What steps is Twitch taking on its platform to proactively root out hateful speech and actions that may contribute to the radicalization of its users?

⁴ NPR, "The alleged Buffalo shooter livestreamed the attack. How sites can stop such videos" (May 16, 2022) (<https://www.npr.org/2022/05/16/1099150097/buffalo-shooting-livestream-moderation>).

⁵ New York Times, "After Buffalo Shooting Video Spreads, Social Platforms Face Questions" (May 15, 2022) (<https://www.nytimes.com/2022/05/15/business/buffalo-shooting-social-media.html>).

⁶ TechCrunch, "Facebook and Twitter still can't contain the Buffalo shooting video" (May 17, 2022) (<https://techcrunch.com/2022/05/17/buffalo-shooting-footage-facebook-twitter-moderation/>).

⁷ *Ibid.*

⁸ PC Gamer, "More hate raids strike Twitch as white supremacist takes credit" (March 14, 2022) (<https://www.pcgamer.com/more-hate-raids-strike-twitch-as-white-supremacist-takes-credit/>).

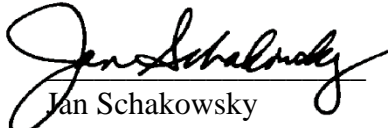
⁹ CNN, "Black and LGBTQ streamers on Twitch boycotted the platform after repeated 'hate raids'" (Sept 2, 2021) (<https://www.cnn.com/2021/09/02/tech/twitch-day-off-boycott-racism-cec/index.html>).

¹⁰ New York Times, "After Buffalo Shooting Video Spreads, Social Platforms Face Questions" (May 15, 2022).

6. What changes in policies and practices, if any, is Twitch considering to limit the spread of hateful and violent content (e.g., increased verification or streaming hurdles for new users)?
7. How does Twitch plan to work with law enforcement to proactively identify individuals who are likely to commit violence in order to make “red flag” laws more effective?

We look forward to your responses on these pressing matters and to working with you to cultivate a safer, less hateful digital world.

Sincerely,


Jan Schakowsky
Member of Congress


Robin Kelly
Member of Congress

Congress of the United States
Washington, DC 20515

June 27, 2022

Mr. Parag Agrawal
Twitter, Inc.
1355 Market St #900
San Francisco, CA 94103

Dear Mr. Agrawal,

We are writing to express our concern over a potential loophole in Twitter's safety policies that may allow the marketing of firearms, especially to minors, on its platform. We recognize that the post described below does not constitute an explicit violation of Twitter's policies. However, given Twitter's extensive prohibition of sales by gunmakers, we believe Twitter has expressed an interest in limiting content from weapons manufacturers. We ask that Twitter clarify its policies toward unpaid posts to better protect the safety of our digital and physical communities.

On May 24, an 18-year-old murdered 19 children and two teachers at Robb Elementary School in Uvalde, Texas using an AR-15 manufactured by Daniel Defense, Inc. While the precise motivation for the massacre remains unclear, there is substantial evidence that the manufacturer was operating a significant digital marketing footprint, openly advertising its weapons, particularly to young people.

Prominent industry observers, including Coalition for a Safer Web (CSW), have also drawn attention to inaction and underenforcement of terms and conditions by tech companies, including Twitter, in the wake of the Uvalde shooting. Former Ambassador Marc Ginsberg, President of CSW, recently commented, "The time is long overdue to end the free ride Daniel Defense benefits on social media.... [Daniel Defense's] not-too-subtle AR-15 marketing ads to teens and young adults smacks of extremist antisemitic white evangelicalism."

Daniel Defense's founder, Marty Daniel, has made his goal of reaching young people abundantly clear. A 2016 video encapsulating Daniel's philosophy depicts the founder "sitting with a small boy, teaching him how to shoot a rifle. 'There are two types of people in the world, good people and evil people,' Daniel says over a rock-music score as he shows the boy how to aim. 'And just in case evil people get in charge, good people need to have the ability to fight back.'"¹

The goal of familiarizing minors with dangerous weapons runs deep in the organization, and it appears to be a central pillar of the company's marketing strategy. In the days leading up to the Uvalde murders, "the company tweeted out a picture of a toddler holding rifle captioned with a quote from the Book of Proverbs: 'Train up a child in the way he should go, and when he is old, he will not depart from it.'"² Other tweets by Daniel Defense were not available for analysis

¹ New York Magazine, "The Ruthless Rise of a Gunmaker Daniel Defense established itself by allegedly undercutting a business partner and preying on American paranoia" (June 2, 2022) (<https://nymag.com/intelligencer/2022/06/ruthless-rise-of-daniel-defense-maker-of-the-uvalde-ar15.html>).

² *Ibid.*

since the company's Twitter account was made private in the days following the Uvalde shooting.³

This post was not a paid advertisement and therefore did not violate Twitter's safety policies on "selling...certain types of regulated goods and services."⁴ Specifically:

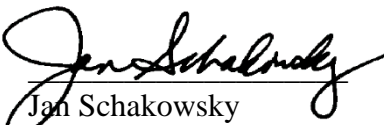
You may not use our service for any unlawful purpose or in furtherance of illegal activities. This includes selling, buying, or facilitating transactions in...certain types of regulated goods or services...Goods or services covered under this policy include, but are not limited to...weapons, including firearms, ammunition, and explosives, and instructions on making weapons (e.g., bombs, 3D printed guns, etc.).


Given the explicit focus on sales, Twitter's safety policies appear to allow gun manufacturers to disseminate unpaid marketing messages to increase the sale of their products, particularly to adolescents. We request your response, in as much detail as possible, to the following inquiries by July 18, 2022:

1. In addition to its published policies, what criteria does Twitter use in its review and escalation processes to moderate content posted by gun manufacturers advertising weapons—in either paid or unpaid posts—on its platform?
2. Is Twitter open to amending its policies related to unpaid content, including marketing messages that feature or appeal to young people, from gun manufacturers?

We look forward to your responses and to working with you to protect Americans from gun violence.

Sincerely,


Jan Schakowsky
Member of Congress


Robin Kelly
Member of Congress

³ *Ibid.*

⁴ Twitter, "Illegal or certain regulated goods or services" (April 2019) (<https://help.twitter.com/en/rules-and-policies/regulated-goods-services>).

Congress of the United States
Washington, DC 20515

June 27, 2022

Mr. Shou Zi Chew
TikTok, Inc.
5800 Bristol Parkway
Suite 100
Culver City, CA 90230

Dear Mr. Chew,

We are writing to express our concern over the insufficient enforcement of TikTok's community guidelines that allows the dissemination of content depicting the handling, use, and glorification of firearms—especially to minors—on its platform.

On May 24, an 18-year-old murdered 19 children and two teachers at Robb Elementary School in Uvalde, Texas using an AR-15 manufactured by Daniel Defense, Inc. While the precise motivation for the massacre remains unclear, there is substantial evidence that the manufacturer was operating a significant digital marketing footprint, openly advertising its weapons, particularly to young people.

Prominent industry observers, including Coalition for a Safer Web (CSW), have also drawn attention to inaction and underenforcement of terms and conditions by tech companies, including TikTok, in the wake of the Uvalde shooting. Former Ambassador Marc Ginsberg, President of CSW, recently commented, "The time is long overdue to end the free ride Daniel Defense benefits on social media in clear violation of each company's customer terms of service."

Furthermore, extensive user-generated content has been uploaded to platforms, including TikTok, that violates the letter and spirit of established terms of use and safety policies. Specifically, TikTok's community guidelines explicitly prohibit¹ such content:

We do not allow the depiction, promotion, or trade of firearms, ammunition, firearm accessories, or explosive weapons. We also prohibit instructions on how to manufacture those weapons...

Do not post, upload, stream, or share:

- Content that displays firearms, firearm accessories, ammunition, or explosive weapons
- Content that offers the purchase, sale, trade, or solicitation of firearms, accessories, ammunition, explosive weapons, or instructions on how to manufacture them

¹ TikTok, "Community Guidelines: Illegal activities and regulated goods" (Feb. 2022) (<https://www.tiktok.com/community-guidelines?lang=en#32>)

Despite stated restrictions of gun-related content, a search of hashtag “#DanielDefense” returns hundreds of user-generated videos on TikTok with combined 7.8 million views.² Many of these videos depict the handling, discharge, and general glorification of firearms, particularly high-powered assault weapons. Shockingly, a search of “#AR15” returns videos with more than 450 million views, many of which show AR-15 style weapons being discharged in dramatized warfare settings and children handling firearms.³

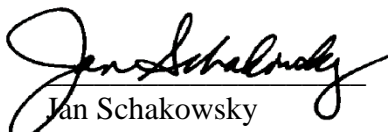
TikTok has publicly stated that it will “proactively enforce [its community guidelines] using a mix of technology and human moderation and aim to do so before people report potentially violative content to us.”⁴ However, these glaring examples, which have been viewable for several weeks following the Uvalde shooting, reveal TikTok’s pattern of lax and negligent enforcement.

We request your response, in as much detail as possible, to the following inquiries by July 18, 2022:

1. Has TikTok made the determination that user-generated content depicting the handling, discharge, and glorification of firearms—particularly high-powered assault rifles—does not violate its community guidelines?
2. What resources and processes does TikTok use to moderate gun-related content on its platform?
3. Does TikTok have plans to invest in additional resources, tools, and procedures to ensure compliance with its stated community guidelines?
4. In addition to its published policies, what criteria does TikTok use in its review and escalation processes to moderate user-generated content depicting firearms?
5. What additional clarification of its community guidelines toward gun-related content is TikTok considering, if any?

We look forward to your responses and to working with you to protect Americans from gun violence.

Sincerely,


Jan Schakowsky
Member of Congress


Robin Kelly
Member of Congress

² As of June 7, 2022

³ As of June 7, 2022

⁴ TikTok, “Community Guidelines” (Feb. 2022)

Congress of the United States
Washington, DC 20515

June 27, 2022

Mr. Mark Zuckerberg
Meta Platforms, Inc.
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Zuckerberg,

We are writing to express our concern over a potential loophole in Meta's terms and policies that may allow the marketing of firearms, especially to minors, on its platform. We recognize that several of the posts described in detail below do not constitute explicit violations of Meta's policies. However, given Meta's extensive prohibition of paid advertising and sales by gunmakers, we believe Meta has expressed an interest in limiting content from weapons manufacturers. We ask that Meta clarify its policies toward unpaid posts to better protect the safety of our digital and physical communities.

On May 24, an 18-year-old murdered 19 children and two teachers at Robb Elementary School in Uvalde, Texas using an AR-15 manufactured by Daniel Defense, Inc. While the precise motivation for the massacre remains unclear, there is substantial evidence that the manufacturer was operating a significant digital marketing footprint, including messages that feature or appeal to young people.

Prominent industry observers, including Coalition for a Safer Web (CSW), have also drawn attention to inaction and underenforcement of terms and conditions by tech companies, including Facebook, in the wake of the Uvalde shooting. Former Ambassador Marc Ginsberg, President of CSW, recently commented, "The time is long overdue to end the free ride Daniel Defense benefits on social media.... [Daniel Defense's] not-too-subtle AR-15 marketing ads to teens and young adults smacks of extremist antisemitic white evangelicalism."

Daniel Defense's founder, Marty Daniel, has made his goal of reaching young people abundantly clear. A 2016 video encapsulating Daniel's philosophy depicts the founder "sitting with a small boy, teaching him how to shoot a rifle. 'There are two types of people in the world, good people and evil people,' Daniel says over a rock-music score as he shows the boy how to aim. 'And just in case evil people get in charge, good people need to have the ability to fight back.'"¹

The goal of familiarizing minors with dangerous weapons runs deep in the organization, and it appears to be a central pillar of the company's marketing strategy. *The New York Times* also reported that Daniel Defense has used popular images and themed messages, including *Stars Wars* and video game *Call of Duty* to appeal to a younger audience. On May 4, 2022, Daniel

¹ New York Magazine, "The Ruthless Rise of a Gunmaker Daniel Defense established itself by allegedly undercutting a business partner and preying on American paranoia" (June 2, 2022) (<https://nymag.com/intelligencer/2022/06/ruthless-rise-of-daniel-defense-maker-of-the-uvalde-ar15.html>).

Defense posted a Star Wars-themed photo to Facebook and Instagram featuring a decorated firearm, Star Wars target, and the following caption: “If only Stormtroopers had a Daniel, they wouldn’t miss! #maythe4th”²

Another Facebook post from May 10, 2020 features a photo of a child wearing a Daniel Defense baseball cap while holding a firearm and being embraced by his mother. The caption reads, “Happy Mother’s Day to all of the outdoor mamas out there! What is your favorite outdoor memory with mom? Share your story below!”³ The account posted another parent-child photo in 2015, featuring a young girl holding a pink rifle standing next to her father, captioned: “The new definition of a pink princess... Happy Fathers Day! Time is running out to get in on the \$500 shopping spree giveaway. Just submit a pic of you shooting with dad, son or daughter for a chance to win.”⁴ The photo was part of a series of at least four posts featuring children handling firearms in June 2015.

These posts were not paid advertisements and therefore did not violate Meta’s terms and policies on gun-related advertising described under the section on “prohibited content.” Specifically: “Ads must not promote the sale or use of weapons, ammunition, or explosives. This includes ads for weapon modification accessories.”⁵ Given the explicit focus on paid advertising, Meta’s terms and policies appear to allow gun manufacturers to disseminate unpaid marketing messages—in some cases featuring or using messages that appeal to children—to increase the appeal and sale of their products, particularly to young people.

We request your response, in as much detail as possible, to the following inquiries by July 18, 2022:

1. In addition to its published policies, what criteria does Meta use in its review and escalation processes to moderate content posted by gun manufacturers advertising weapons—in either paid or unpaid posts—on its platform?
2. Is Meta open to amending its policies related to unpaid content, including marketing messages that feature or appeal to young people, from gun manufacturers?

We look forward to your responses and to working with you to protect Americans from gun violence.

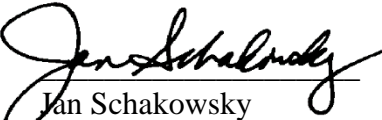
² Daniel Defense (on Facebook), “If only Stormtroopers had a Daniel, they wouldn’t miss! #maythe4th” (May 4, 2022) (<https://www.facebook.com/DanielDefense/>).

³ Daniel Defense (on Facebook) (May 10, 2020) (<https://www.facebook.com/DanielDefense/photos/2774727725908402>)

⁴ Daniel Defense (on Facebook) (June 21, 2015) (<https://www.facebook.com/DanielDefense/photos/815464271834767>).

⁵ Meta, “Terms and Policies” (Accessed June 6, 2022) (https://www.facebook.com/policies_center/ads/prohibited_content/weapons)

Sincerely,


Jan Schakowsky
Member of Congress


Robin Kelly
Member of Congress