

July 26, 2021

Mark Zuckerberg
CEO
Facebook
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Zuckerberg:

We represent non-partisan organizations that work to combat voter suppression, stop online hate, and ensure all voters have an equal opportunity to participate in the political process. We are writing to express our deep concern that Facebook has not clearly defined what content it considers to be in the “voice” of public figures on the platform. Specifically, Facebook’s current interpretation of voice is not rooted in campaign finance law or any clearly defined rule and fails to consider how public figures can use political committees under their control to violate Facebook’s Community Standards, circumventing enforcement action.

Former president Donald Trump is currently exploiting this loophole through the use of the “Team Trump” Facebook page to run political advertisements and post content despite the two-year suspension placed on his Facebook and Instagram accounts for inciting the deadly January 6 insurrection at the U.S. Capitol building.¹ As you know, The Team Trump Facebook page is operated by Save America, a political action committee (“PAC”) controlled by Trump.² In response to concerns over why Team Trump has been allowed to run ads on the platform despite the former president’s suspension, Facebook explained that “groups affiliated with the former president are not barred from posting on Facebook so long as they are not posting in his voice.”³

Facebook has not publicly defined what content it considers to be in the voice of Trump. However, based on prior enforcement actions, it appears that only posts with videos of Trump⁴

¹ Nick Clegg, In Response to Oversight Board, Trump Suspended for Two Years; Will Only Be Reinstated if Conditions Permit, Facebook (June 4, 2021), <https://about.fb.com/news/2021/06/facebook-response-to-oversight-board-recommendations-trump/>

² <https://www.facebook.com/officialteamtrump/>;
<https://docquery.fec.gov/pdf/422/202011099336977422/202011099336977422.pdf>.

³ Lachlan Markay, Team Trump’s Facebook Ads Circumvent Ban, Axios (June 22, 2021), <https://www.axios.com/team-trumps-facebook-ads-circumvent-ban-16200df9-b6e4-4d12-94ab-29f8c1657d59.html>.

⁴ Facebook Bans ‘voice of Trump’ from platform, BBC (April 1, 2021), <https://www.bbc.com/news/world-us-canada-56598862>

or links⁵ to his website are considered to be in his voice and therefore a violation of his two-year suspension. Unfortunately, this interpretation of voice is not aligned with campaign finance law.

Under federal law, a leadership PAC is a political committee that is “established, financed, maintained or controlled by” a candidate or office holder.⁶ Trump’s establishment and control of Save America has been repeatedly affirmed under penalty of perjury⁷ by the PAC’s treasurer in the original November 2020 Federal Election Commission filing⁸ that created the PAC, in a February 2021 amendment of that filing,⁹ and again in an April 2021 amendment.¹⁰ All communications disseminated by this PAC, established and controlled by Trump, are unquestionably in Trump’s voice.

Allowing Team Trump to continue running political ads on Facebook is a significant loophole in Trump’s two-year suspension and provides a pathway for the former president to evade the ban. For example, Team Trump has posted ads asking users to “join President Trump,” “show President Trump what you think,” and “stand with President Trump.”¹¹ Further, Team Trump is soliciting donations and inviting supporters to Trump rallies.¹² These posts not only show how intertwined the former president is with his PAC but also indicate how he is using the Team Trump account to evade Facebook’s enforcement decision.

If Facebook’s new heightened penalties for public figures and enforcement decisions to suspend accounts are to have meaning, they must not be capable of easy circumvention. Therefore, we urge you to make the following changes to prevent Trump or any other accounts facing suspensions from using their control of PACs to engage in ban evasion on Facebook:

- Clearly define what content Facebook considers to be in the voice of public figures.
- Subject any Facebook pages run by a political committee or other political entity authorized, established, financed, maintained or controlled by an individual to the same content moderation decisions as that individual’s Facebook account.

⁵ Abram Brown, Why Facebook Rejected Some Trump PAC Fundraising Ads While Allowing Others, Forbes (June 22, 2021), <https://www.forbes.com/sites/abrambrown/2021/06/22/why-facebook-rejected-some-trump-pac-fundraising-ads-while-allowing-others/?sh=27c8573a291e>.

⁶ 52 U.S.C. § 30104(i)(8)(B).

⁷ 18 U.S.C. § 1001.

⁸ <https://docquery.fec.gov/pdf/422/202011099336977422/202011099336977422.pdf>

⁹ <https://docquery.fec.gov/pdf/104/202102279429078104/202102279429078104.pdf>

¹⁰ <https://docquery.fec.gov/pdf/404/202104219445124404/202104219445124404.pdf#navpanes=0>

¹¹ Donald Trump is back advertising on Facebook, FWIW (June 21, 2021), <https://fwiwnewsletter.substack.com/p/donald-trump-is-back-advertising>.

¹² *Id.*

- Subject the Team Trump account and any other account under Trump’s control, including any account of a political committee authorized and/or established by Trump pursuant to campaign finance law, to the same two year-ban as his Facebook and Instagram accounts.

Facebook must stop putting profits ahead of attacks on our democracy and close this glaring loophole in its content moderation policies. Allowing circumvention that is this transparent and egregious just undermines the legitimacy of Facebook’s rules and reinforces the critique that Facebook’s enforcement decisions are arbitrary, political, and self-serving. Thank you for your prompt attention to this matter.

Sincerely,

Common Cause
Accountable Tech
Blue Wave Postcard Movement
Center for American Progress
Clean Elections Texas
Decode Democracy
Fix Democracy First
Free Press
Global Project Against Hate and Extremism
Indivisible Marin
Indivisible Narberth and Beyond
Kairos
Lawyers’ Committee for Civil Rights Under Law
MediaJustice
Media Matters for America
MoveOn
National Hispanic Media Coalition
North Carolina Voters for Clean Elections
Northridge Indivisible
Power Coalition for Equity and Justice
Protect Democracy
Secure Elections Network
UltraViolet
Wisconsin Faith Voices for Justice