

United States Senate

June 24, 2022

Mark Zuckerberg
Chairman, Chief Executive Officer
Meta
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Zuckerberg:

We write seeking answers to questions about Facebook’s online gun sales policies following the publication of an article in the *Washington Post* entitled “Facebook’s ban on gun sales gives sellers 10 strikes before booting them.”¹ According to the *Post*’s reporting, despite previous assurances that Facebook would prohibit firearms sales on its social media platforms,² Facebook allows gun sellers and buyers to violate its policy 10 times before Facebook removes them from its platform. If this reporting is accurate, it is deeply disturbing and calls into question Facebook’s commitment to stopping online gun sales and its representations to us about its policies.³

We have written to you in the past about Facebook’s facilitation of online gun sales — for example, in 2013, urging Instagram (owned by Meta) to follow the example of other online marketplaces such as Craigslist and eBay in prohibiting gun sales on their platforms;⁴ in 2016, after Facebook had announced a ban on private gun sales, when it was discovered that users were still engaged in those transactions;⁵ and in 2020, when a report documented Facebook’s failure to track down and remove gun sellers who simply moved to new private groups when Facebook

¹ Elizabeth Dwoskin and Naomi Nix. *Facebook’s ban on gun sales gives sellers 10 strikes before booting them*, Wash. Post (June 9, 2022), <https://www.washingtonpost.com/technology/2022/06/09/facebook-gun-sellers-10-strikes/>.

² E.g., Letter to Senator Markey from Erin Egan, Vice President, U.S. Policy, Facebook (July 27, 2016), <https://www.markey.senate.gov/imo/media/doc/2016-FacebookResponse-Markey-Letter-GunSales.pdf>.

³ *Id.*

⁴ Letter from Senator Edward J. Markey to Instagram CEO Kevin Systrom (Nov. 4, 2013), https://www.markey.senate.gov/imo/media/doc/2013-11-4_Instagram1.pdf.

⁵ Letter from Senator Edward J. Markey to Facebook CEO Mark Zuckerberg and Instagram CEO Kevin Systrom (July 13, 2016), <https://www.markey.senate.gov/imo/media/doc/2016-07-13-Letter-Facebook-Instagram-GunSales.pdf>.

shut them down.⁶ In response, as far back as 2014, Facebook claimed — and then repeated its claim — that it would limit or block firearms sales on its platforms.⁷

Now, with the United States facing an unrelenting gun violence epidemic,⁸ Facebook reportedly continues to allow users to sell firearms on its platform after repeated violations of its ban on peer-to-peer firearms sales. An unenforced ban is no ban at all, and simply invites more of the purportedly prohibited conduct.

We remain deeply concerned that gun sales on Facebook — or advertised sales posted online but negotiated and concluded offline — may circumvent or violate state and federal laws, resulting in numerous unlawful sales of handguns, assault weapons, and other firearms. We want all communities, whether offline or online, to be safe for their members.

In order to understand Facebook’s 10-strike policy, we ask that you to respond to the following questions in writing by July 15, 2022:

1. According to the *Washington Post*: “Facebook prohibits gun sales on its service. But buyers and sellers can violate the rule 10 times before they are kicked off the social network, according to internal guidance obtained by” the *Post*.⁹ Is this report accurate? If not, how is it inaccurate? Please provide documentation relating to the policy described in the *Post* article.
2. According to the *Washington Post*: “A separate, five-strikes policy extends even to gun sellers and purchasers who actively call for violence or praise a known dangerous organization, according to the documents.”¹⁰ Is this reporting accurate? If it is accurate, why does Facebook have such a separate five-strikes policy? If not, how is the reporting inaccurate?
3. According to the *Washington Post*: “Until 2020, the strike threshold for guns was more than 10 That threshold seemed ‘too high’ to many employees, who argued to reduce it to 10 strikes or lower.”¹¹ Is this reporting accurate? If it is accurate, what was the strike threshold before 2020? Please describe the process by which the strike threshold was reduced. If not, how is the reporting inaccurate?

⁶ Letter from Senator Robert Menendez, Senator Edward J. Markey, *et al.* to Mark Zuckerberg (Feb. 27, 2020), <https://www.menendez.senate.gov/imo/media/doc/Facebook%20Private%20Group%20Gun%20Sale%20Letter.pdf>.

⁷ *E.g.*, Letter to Senator Markey from Erin Egan, Vice President, U.S. Policy, Facebook (July 27, 2016), <https://www.markey.senate.gov/imo/media/doc/2016-FacebookResponse-Markey-Letter-GunSales.pdf>.

⁸ Júlia Ledur and Kate Rabinowitz, *There have been over 250 mass shootings so far in 2022*, Wash. Post (June 2, 2022), <https://www.washingtonpost.com/nation/2022/06/02/mass-shootings-in-2022/>.

⁹ Elizabeth Dwoskin and Naomi Nix, *Facebook’s ban on gun sales gives sellers 10 strikes before booting them*, Wash. Post (June 9, 2022), <https://www.washingtonpost.com/technology/2022/06/09/facebook-gun-sellers-10-strikes/>.

¹⁰ *Id.*

¹¹ *Id.*

4. According to the *Washington Post*: “By 2021, company executives were debating the penalties again; some were frustrated that the company shared little information about its strike system with the public.”¹² Is this reporting accurate? Why did Facebook share only “little information about its strike system with the public”? If not, how is the reporting inaccurate?
5. According to the *Washington Post*: “Late last year, Facebook created a five-strike rule if the gun seller had certain other violations. For example, a person who posted a statement of support for Hitler, and then posted about wanting to kill minorities, and then put up two different posts about selling assault weapons would not trigger the five-strike removal policy. In contrast, four gun sale posts and one post praising Hitler would cause removal.” Is this reporting accurate? Please explain how, why, and when the posts described would be removed under the five-strike rule. If not, how is the reporting inaccurate?
6. According to the *Washington Post*: “A direct or ‘credible’ threat to kill a specific person warrants immediate removal, and a referral to law enforcement, but this happens very rarely Facebook has the discretion to launch a separate investigation and take down offending content and accounts at any point.”¹³ Is this reporting accurate? If not, how is the reporting inaccurate? How many times has Facebook (a) immediately removed a post that has made a direct or credible threat to kill a specific person and (b) made a law-enforcement referral based on the threat?
7. According to the *Washington Post*: “The strikes system has come under scrutiny by the Oversight Board, an independent body that reviews Facebook’s content moderation decisions, which last year pushed the company to give users more information about how many strikes have been assessed against them and the consequences for continuing to flout the rules.”¹⁴ Is this reporting accurate? How has the Oversight Board pushed Facebook to give users more information about the number of strikes assessed against them and the consequences for violating the rules? How has Facebook responded and why?
8. What instructions or guidance are given to Facebook’s content moderators about its policies on banning users who repeatedly seek to buy or sell guns? Please provide copies of all instructions or guidance given to content moderators on the topic of guns in the last twelve months. Please answer the same question and provide the same documents for Instagram, and explain any differences between the platforms’ instructions or guidance.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

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Facebook's 10-strike policy is unwarranted and dangerous. We urge you to take immediate measures to meaningfully and effectively enforce your prohibition on firearms sales. Giving users multiple opportunities to sell weapons that can end up in the wrong hands is a loophole that calls into question Facebook's representations about and commitment to ending gun sales on its platform. Facebook must do better.

Sincerely,



Edward J. Markey
United States Senator



Robert Menendez
United States Senator



Amy Klobuchar
United States Senator