

# FACEBOOK ON THE HOT SEAT BEFORE SENATE JUDICIARY COMMITTEE

This is a dedicated post to capture your comments about Facebook CEO Mark Zuckerberg's testimony before the Senate Judiciary Committee this afternoon. At the time of this post Zuckerberg has already been on the hot seat for more than two hours and another two hours is anticipated.

Before this hearing today I have already begun to think Facebook's oligopolistic position and its decade-plus inability to effectively police its operation requires a different approach than merely increasing regulation. While Facebook isn't the only corporation monetizing users' data as its core business model, its platform has become so ubiquitous that it is difficult to make use of a broad swath of online services without a Facebook login (or one of a very small number of competing platforms like Google or Twitter).

If Facebook's core mission is connecting people with a positive experience, it should be regulated like a telecommunications provider – they, too, are connectors – or it should be taken public like the U.S. Postal Service. USPS, after all, is about connecting individual and corporate users by mediating exchange of *analog* data.

The EU's General Data Protection Regulation (GDPR) offers a potential starting point as a model for the U.S. to regulate Facebook and other social media platforms. GDPR will shape both users' expectations and Facebook's service whether the U.S. is on board or not; we ought to look at GDPR as a baseline for this reason, while compliant with the First Amendment and existing data regulations like the Computer Fraud and Abuse Act (CFAA).

What aggravates me as I watch this hearing is

Zuckerberg's obvious inability to grasp nuance, whether divisions in political ideology or the fuzzy line between businesses' interests and users' rights. I don't know if regulation will be enough if Facebook (manifest in Zuckerberg's attitude) can't fully and willingly comply with the Federal Trade Commission's 2011 consent decree protecting users' privacy. It's possible fines for violations of this consent decree arising from the Cambridge Analytica/SCL abuse of users' data might substantively damage Facebook; will we end up "owning" Facebook before we can even regulate it?

Have at it in comments.

**UPDATE – 6:00 PM EDT** – One of my senators, Gary Peters, just asked Zuck about audio capture, whether Facebook uses audio technology to listen to users in order to place ads relevant to users' conversational topics. Zuck says no, which is really odd given the number of anecdotes floating around about ads popping up related to topics of conversation.

It strikes me this is one of the key problems with regulating social media: we are dealing with a technology which has outstripped its users AND its developers, evident in the inability to discuss Facebook's operations with real fluency on either the part of government or its progenitor.

This is the real danger of artificial intelligence (AI) used to "fix" Facebook's shortcomings; not only does Facebook not understand how its app is being abused, it can't assure the public it can prevent AI from being flawed or itself being abused because Facebook is not in absolute control of its platform.

Zuckerberg called the Russian influence operation an ongoing "arms race." Yeah – imagine arms made and sold by a weapons purveyor who has serious limitations understanding their own weapons. Gods help us.

**EDIT – 7:32 PM EDT** – Committee is trying to wrap up, Grassley is droning on in old-man-ese about

defending free speech but implying at the same time Facebook needs to help salvage Congress' public image. What a dumpster fire.

Future shock. Our entire society is suffering from future shock, unable to grasp the technology it relies on every day. Even the guy who launched Facebook can't say with absolute certainty how his platform operates. He can point to the users' Terms of Service but he can't say how any user or the government can be absolutely certain users' data is fully deleted if it goes overseas.

And conservatives aren't going to like this one bit, but they are worst off as a whole. They are older on average, including in Congress, and they struggle with usage let alone implications and the fundamentals of social media technology itself. They haven't moved fast enough from now-deceased Alaska Senator Ted Steven's understanding of the internet as a "series of tubes."