



The Real Facebook Oversight Board

Facebook Quarterly Harms Report 2nd Quarter 2021

In conjunction with Facebook's second quarter earnings call for 2021, the Real Facebook Oversight Board is publishing our Quarterly Harms Report. The report is a compilation of the harms that investors have facilitated through their ownership of shares – a documentation of the so-called externalities of Facebook's business, with a focus on human life, privacy, and democracy.

The main harms in Q2 emerged as a result of:

- Facebook's self-appointed and trust-funded so-called Oversight Board. When asked to rule on whether former President Donald Trump should be permanently suspended from the platform for inciting an insurrection at the US Capitol, it punted the decision back to Facebook. In effect this meant that a platform that has actively profited from the former President's actions was given the decision on whether to allow him to return to it.
- Facebook's subsequent decision to potentially reinstate Trump in January 2023, in time for the 2024 presidential election.
- Facebook's failure to tackle continued algorithmic amplification of COVID disinformation, which led President Biden to [say Facebook is "killing people."](#)
- Facebook's reversion to their legacy news delivery algorithm, which has once again elevated prolific disinformation accounts to the top ranks of so-called news content.



The COVID “Disinformation Dozen”

A [recent report](#) published by the Center for Countering Digital Hate showed that over the two months prior to the release of the report, more than 73% of anti-vaccine content was posted by just twelve Facebook users, aptly called the “Disinformation Dozen:”

- 1) Joseph Mercola – Anti-vaxx entrepreneur with 1.7 million followers on Facebook
- 2) Robert F Kennedy Jr. – Founder of Children’s Health Defense
- 3) Ty & Charlene Bollinger – promoted the Bill Gates vaccination microchip conspiracy
- 4) Sherri Tenpenny – osteopath who has since been banned from Facebook
- 5) Rizza Islam – promoted conspiracy that COVID vaccination makes women infertile
- 6) Rashid Buttar – promoted infertility conspiracy
- 7) Erin Elizabeth – runs “Health Nut News,” a website devoted to health disinformation
- 8) Sayer Ji – claimed the Pfizer vaccination killed more than COVID did
- 9) Kelly Brogan – promoted anti-mask messages
- 10) Christiane Northup – promoted unknown and unverified cures for COVID
- 11) Ben Tapper – promoted anti-mask sentiment and COVID-testing hesitancy
- 12) Kevin Jenkins – called COVID vaccines an attempt to “wipe out black people”

When it comes to COVID disinformation, the vast majority of content comes from an extremely small group of highly visible users, making it far easier to combat it than Facebook admits. Disabling engagement for these users would result in a significant decrease in COVID disinformation on Facebook, yet the company has done almost nothing.

Allowing this deadly disinformation to keep flourishing on Facebook is dangerous.

The Real Facebook Oversight Board demands that Facebook:

Disable post engagement on proven disinformation superspreaders.

RFOB analysis of Facebook’s own data shows

83%
of **#1 POSTS**

in the last quarter are from **DISINFORMATION SUPERSPREADERS**

New York Times reporter and tech columnist Kevin Roose (@FacebooksTop10) has been compiling the Top Ten posts on Facebook by US pages almost every weekday using CrowdTangle, a Facebook-owned data analytics tool. The Real Facebook Oversight Board has aggregated all available data for the second quarter of 2021, which shows that a majority of the top ten posts and **more than 83% of number one posts this quarter originated from just five known disinformation superspreaders:**



Ben Shapiro

Editor of conservative website [Daily Wire](#)



Dan Bongino

Fox News pundit & former Republican congressional candidate



Franklin Graham

American evangelist & son of Billy Graham



Sean Hannity

Fox News Primetime show host



Fox News

mainstream American right-leaning news channel



Sample stories from these outlets include:

- 1. [Franklin Graham, Post on Cuba](#)
// Disinformation
- 2. [Dan Bongino, Post on Gwen Berry](#)
// Disinformation and Hate Speech
- 3. [Ben Shapiro, Post on Critical Race Theory](#) // Disinformation

However, the issue for Facebook is that they have shown they are indeed able to fix this deeply harmful problem. After the US election in November 2020, Facebook tweaked its algorithm to promote high-quality, reputable news sources like CNN, the New York Times, and NPR. [It worked](#). Using the same measurement tool, on [November 7, 2020](#), [Kevin Roose's Top Ten](#) immediately shifted, with

reputable sources providing six stories out of the ten. [On November 8, 2020](#), eight of the top ten posts came from CNN, NPR, or the New York Times. This trend lasted only until November 10, 2020, when Facebook reverted to the previous algorithm. Yet those four days confirm that Facebook is able to change its algorithm, which means that the decision to allow less reputable sources to dominate "news" is an active business choice to maximize profits rather than minimizing societal harm.

It's time Facebook stopped making disinformation dollars. As our analysis shows, the vast majority of top posts on Facebook come from proven disinformation superspreaders. That means Facebook's advertising revenue is generated by disinformation. This is unethical, injurious, and, as President Biden has said, is killing people.

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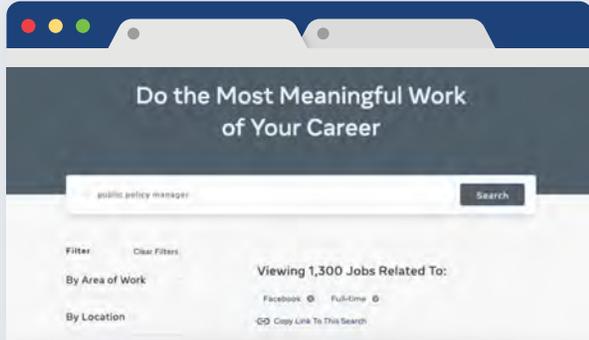
Uprank quality news sources by reprioritizing reputability in the news algorithm

Percentage share of number 1 posts on Facebook in Q2





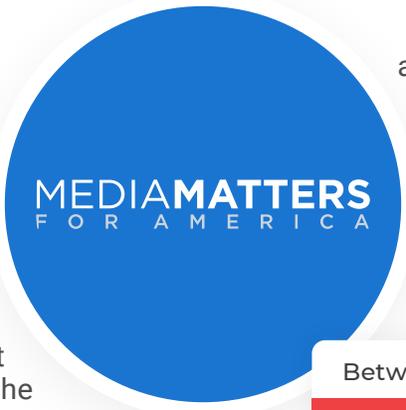
Facebook is hiring for more public policy manager positions than there are US Senators and members of the House of Representatives



According to a [search of Facebook's employment openings conducted on July 20, 2021](#), it was advertising 1300 positions globally under the search term "public policy manager." This is an understandable response to the call by governments around the world to introduce statutory regulation of Facebook and offers a snapshot of Facebook's plans to mount an enormous defense against necessary safeguards to their market dominance and societal impact.

Media Matters for America investigation shows Facebook is still profiting from Donald Trump

An investigation by Media Matters for America has brought to light the extensive loopholes that exist in Facebook's implementation of the so-called Trump suspension.



and speeches were found where he pushed misinformation and rhetoric that fomented violence on January 6. These posts earned more than 27 million interactions combined. Some of the individual posts had even earned over a million interactions.

Trump has been banned from the platform, but his **Save America Joint Fundraising Committee has run at least 251 ads promoting his June 26 rally in Ohio and his July 3 rally in Florida. These ads earned over 840,000 impressions, and Facebook earned more than \$15,100 in revenue on the ads.** Here's the rest of the story:

Between June 16 & June 25 **#TeamTrump**

RAN 258 ADS
SPENDING AT LEAST **\$10,200**

Earning at least 1.3 million impressions

Like Comment Share

- [Facebook earned thousands of dollars in ad revenue from Trump's Political Action Committee \(PAC\) in the last month, even though he is supposedly suspended from the platform.](#) It showed:
 - Facebook is still allowing Trump's PAC to fundraise on the platform despite his two-year suspension for inciting violence;
 - Facebook is still letting Trump and his allies promote rallies filled with election misinformation;
 - At least 55 of Trump's posts promoting his post-election (but pre-ban) rallies

- [Between June 16 and June 25 Team Trump ran 258 ads](#), spending at least \$10,200 and earning at least 1.3 million impressions on ads fundraising off Trump's visit to the border, attacking President Biden, supporting Trump and "the MAGA Movement," or promoting his upcoming rally in Ohio.

- [Facebook keeps touting its labels, but data suggests labels actually amplified Trump's misinformation](#)
 - Trump's posts with labels earned roughly 2.6 times more average interactions per post than his posts overall, and posts containing his misinformation are still spreading on the platform and earning engagement even though he is suspended for now.



Facebook labeled 147 of Trump's 868 posts that cited right-wing media outlets.



THESE 147 POSTS EARNED OVER
42 MILLION INTERACTIONS,
OR AN AVERAGE OF ROUGHLY



91,000 interactions per post

WHICH IS **MORE THAN DOUBLE** THE AVERAGE FOR ALL TRUMP'S POSTS CITING RIGHT-WING MEDIA OUTLETS.

See post

- [Trump used Facebook to amplify Fox News and its personalities. Of course the network wants him reinstated.](#)
 - Trump cited right-wing media outlets in roughly 868 posts between January 1, 2020, and January 6, 2021, when he was suspended from Facebook. Roughly 65% of Trump's posts mentioning right-wing media outlets exclusively amplified Fox or Fox personalities – including Fox News, Fox Business, shows such as Fox & Friends, or hosts such as Tucker Carlson or Sean Hannity.
 - **If Facebook reinstate Trump, as is likely, he will presumably again amplify Fox News and its programming online.**



Additional 2021 Q2 Highlights

Oversight Board punts Trump decision back to Zuckerberg

In January 2021, [Facebook referred their decision](#) to suspend Donald Trump's Facebook account for inciting a violent insurrection to their self-created Oversight Board. On May 5th, that Oversight Board tried to [have it both ways](#) by confirming the decision to ban former President Trump in the immediate aftermath of the insurrection on January 6th, while simultaneously taking issue with the indefinite nature of the ban. The Oversight Board, which is funded, appointed, organized, and promoted by Facebook itself, was designed to hold Facebook accountable by taking decisions on its most challenging content moderation cases. Yet when it was needed most – to make a seemingly straightforward content moderation decision – it further reinforced the inadequacy that already results from its bylaws, which were written by Facebook. Facebook has lauded its Oversight Board as a "supreme court" type of body that would decide cases, creat-

ing a pseudo-legal precedent that Facebook could then use to determine similar content moderation decisions. By punting the decision on the former president back to Facebook, it failed to fulfill its obligation and made clear that its inefficacy is by design. If inciting a violent mob to mount an insurrection with intent to stop the democratic process and harm elected officials is not enough for the Oversight Board to take a stand, what is?

Facebook announces Trump's possible return: just in time for 2024

A month after the Oversight Board punted the Trump case back to Facebook, the company made another harmful decision: [Trump is to be allowed back on the platform in January of 2023, so long as conditions allow.](#)





The move was a demonstration of accountability theater: Facebook hides behind a façade of action, while in reality it has no transparent, equally enforced standards to apply to its users. The move also entrenches the power of the Oversight Board, an illegitimate body designed and funded by Facebook. As the company tries to edge closer to being seen as operating almost as a pseudo nation state with its own judiciary and unaccountable power over speech, it is imperative that we remind ourselves that Facebook is not a country. These excesses can and should be curbed by democratically accountable oversight and overarching rules aligned with human rights standards that are independently monitored through regular enforcement audits. And the timing of this decision gives it additional importance: if Trump is reinstated, he will be free to mount a campaign for the 2024 presidential election on Facebook, forcing the world to relive the horror of a xenophobic, racist fascist having unlimited freedom and reach to spread hate and lies.

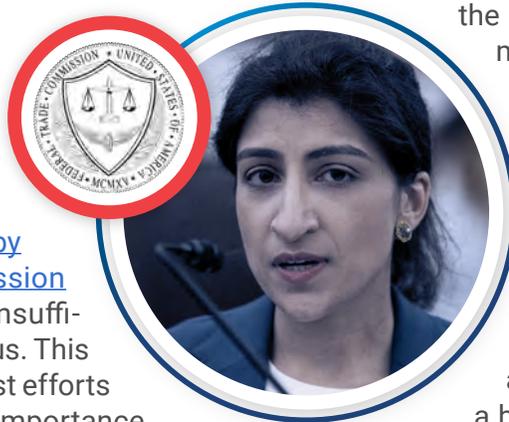
Precedent set by this decision despite the new “policy clarifications”

At the same time that Facebook announced former President Trump could be allowed back on their platform in 2023, [they also released a set of new policy clarifications about the treatment of public officials](#). Yet, instead of actually clarifying their policy, Facebook released a meaningless statement designed to assuage the fears of those concerned with Trump’s reinstatement: Facebook promised to stop treating the speech of public officials as always “newsworthy” and instead prioritize urgent action on harmful speech when necessary. And the updated policy announcement just happens to miss the existing loophole whereby the speech of politicians [is not subject to Facebook’s external fact-checking protocol](#). These supposed updates have yet to be applied to any other world leaders, prompting skepticism about Facebook’s commitment to this new policy.

Antitrust litigation encounters judicial roadblock

[A federal judge threw out two major antitrust lawsuits that were brought by the Federal Trade Commission \(FTC\)](#) on the grounds of insufficient facts and delayed focus. This dealt a huge blow to antitrust efforts and reaffirmed the critical importance of independent oversight groups. Many in Washington and across the country were looking to antitrust efforts as a potential mechanism to rein in Facebook’s excesses and harms. It appears that the FTC and the Biden administration will need to work harder to bring such a case. In the meantime this only confirms the importance of independent oversight. Groups such as ours, highlighting the harms caused by Facebook, aid the mission to hold Facebook to account.

With the FTC still aiming to bring antitrust litigation, [Facebook has asked for chair Lina Khan to recuse herself](#) from any investigation or lawsuits brought against Facebook. The company notes her time on



the House Judiciary Antitrust Subcommittee as evidence that she may be predisposed to condemn Facebook for engaging in violations of antitrust law. The company likely feels threatened by Khan and has accused her of having “consistently made public statements” against Facebook and its actions. Facebook follows Amazon in asking for Khan’s recusal, signaling a broad trend of nervousness among tech giants. One must ask whether they’d ask the same were Khan a known anti-regulation libertarian.

Facebook becomes a trillion dollar company

Despite the harms profiled above, Facebook’s stock price rose sharply by 4.2% on June 28th, the same day that the federal judge tossed out the FTC’s antitrust case. This pushed the company over \$1 trillion in market capitalization, [making it one of only a half dozen companies to reach such a threshold](#). With Wall Street clearly pleased at this announcement, it raises serious questions as to the societal



impact of Wall Street investors. Is there a line too far? The line that prompted action on Big Tobacco was the direct attempt to cover up the carcinogenic nature of the product. What will it be for Facebook? [Researchers are already making this comparison](#) to Big Tech, arguing that social media giants such as Facebook must be treated in a similar fashion to Big Tobacco, with more stringent consumer protection regulations.

Ongoing Regulatory Activity & Investigations Into Facebook:

- Irish Data Protection Commission (DPC): On April 14, 2021, the Irish DPC [announced](#) an investigation into Facebook after the personal data of approximately 533 million users was published on the internet. Facebook also lost its challenge against the DPC in the Irish Supreme Court on its [EU-US data flows](#).
- US antitrust bills recently [introduced](#): A suite of bipartisan antitrust bills were introduced and passed out of the House Judiciary Committee after a lengthy markup period. Many Democrats and Republicans disagree on the specific proposals of the legislation. House Majority Leader Steny Hoyer [said](#) the bills are not yet ready for a House floor vote.
- European Commission [opens an antitrust investigation](#) into Facebook: Executive Vice-President Margrethe Vestager said: “We will look in detail at whether this data gives Facebook an undue competitive advantage in particular on the online classified ads sector, where people buy and sell goods every day, and where Facebook also competes with companies from which it collects data.”
- Britain’s Competitions and Market Authority [investigation](#) into Facebook’s use of ad data: This investigation is in partnership with the European Commission’s antitrust investigation.
- [Instagram Kids & State AGs \(44\)](#): Attorneys General from 44 states asked Facebook to scrap plans to build “Instagram Kids” citing mental health concerns around children’s use of social media and the company’s lax data policies about handling user information of minors.
- Germany: The Federal Cartel Office [extended](#) its antitrust investigation into ties between Facebook and Oculus. This comes after a legislative change in Germany that sets out new competitive market rules.

Most Common Words of Facebook’s US News Coverage in Q2

Trump Facebook president board Donald platform post decision former ban company oversight election media accounts social twitter rules supporters reported republican content new Capitol time policy day people suspension January political group public months Biden violence down so critics campaign blog administration Zuckerberg suspended instagram statement speech right million users response following created violated news including democrats claims office house comments allowed action national indefinite called back review politicians Mark Wednesday government wrote vote tweeted shared page jan inciting Washington presidential google American party moderation leaders law CEO think risk removed misinformation false continued clear apply announced white week website

This chart represents the words used most frequently in a representative sample of US media stories containing the keywords “Facebook” and “Trump” in this quarter. Only a few of these words seem to imply use in an unfavorable context – such as “violence,” “critics,” “violated,” “inciting,” and “misinformation.” This suggests surprisingly banal and uncritical reporting of the relationship between Facebook and the former president who incited an insurrection on the company’s product itself.



Q2 Media Analysis

Media Cloud tool offers insight on tone of Facebook coverage

Using a tool called [Media Cloud](#) built by a team of researchers from Harvard’s Berkman Klein Center, we were able to hone in on how the media is talking about former President Trump’s presence on Facebook during this quarter. Using the boolean search term “facebook” AND “trump” the Media Cloud software crawls the internet searching for US media stories containing these two words within the specified time frame of this quarter. Here’s what we found:

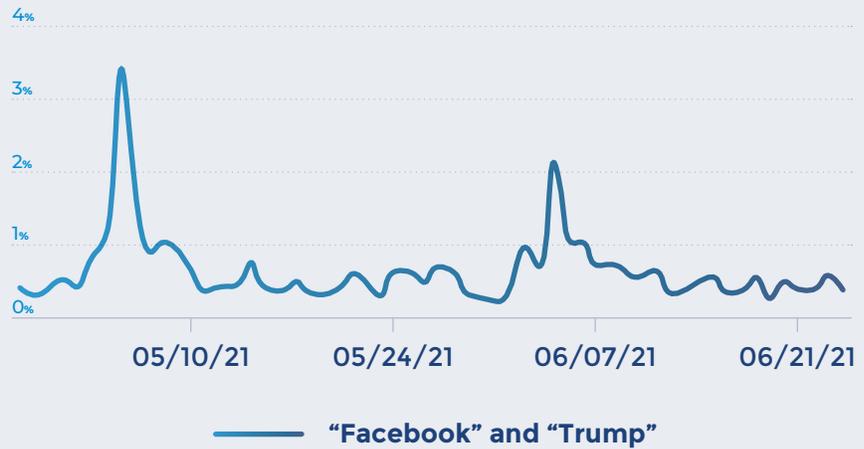


Chart Analysis:

Visible media attention and pick up on two key dates: 5/3 and 6/4. May 3rd was the date on which the Oversight Board announced their decision to punt back to Facebook, and June 4th was the day Facebook announced they would reinstate the “inciter-in-chief.” These clearly show how the Oversight Board drives media attention, undeservedly

lending legitimacy to the body and entrenching its power. It is also interesting that the spike surrounding the OB’s decision is larger than the spike on Facebook’s subsequent decision, perhaps suggesting a greater media appetite for the OB’s rulings than for Facebook’s implementation.

The Most Common People Cited or Quoted in The Coverage

Analysis of the top people used in stories containing the words “Trump” and “Facebook” reveals some key insights. The first is that, unsurprisingly, the majority of the top names are famous politicians, suggesting that when journalists discuss Trump and Facebook they are often referencing his impact and interaction with other politicians. This only underlines the importance of a ban for former President Trump. Another name near the bottom of the list also stands out: Nick Clegg, Facebook’s Vice President for Global Affairs and Communications. Aside from Zuckerberg himself, Clegg is the only non-politician on the list. His inclusion here suggests that journalists are turning to Clegg and his PR work first, before consulting analysts outside Facebook, which inevitably impacts the balance of coverage.

