

**IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

MUSLIM ADVOCATES,

Plaintiff,

v.

MARK ZUCKERBERG, SHERYL K.
SANDBERG, JOEL KAPLAN, KEVIN
MARTIN, and FACEBOOK, INC.,

Defendants.

Case No. 2021 CA 001114 B
Judge Anthony C. Epstein

**AMENDED COMPLAINT
AND DEMAND FOR JURY TRIAL**

Plaintiff Muslim Advocates respectfully submits this Amended Complaint against Facebook, Inc. and the company's Chief Executive Officer Mark Zuckerberg, Chief Operating Officer Sheryl Sandberg, Vice President for Global Policy Joel Kaplan, and Vice President for U.S. Public Policy Kevin Martin (collectively, "defendants") for violating the District of Columbia's consumer protection law and bars on fraud and negligent misrepresentation, by making false and deceptive statements about Facebook's removal of hate speech and other harmful content from its platform and its compliance with the company's own Community Standards.

INTRODUCTION

On October 23, 2019, Facebook's CEO Mark Zuckerberg came to the District of Columbia to testify before the House Financial Services Committee. Under fire for allowing harmful content to run rampant on his company's massive social media platform, Mr. Zuckerberg made the misleading and false statement that Facebook takes down any content that violates its policies when the company learns of it. Mr. Zuckerberg stated, "If anyone, including a politician, is saying things that can cause, that is calling for violence or could risk imminent physical harm, or voter or census suppression when we roll out the census suppression policy, we will take that

content down.” But this is not remotely true. Facebook has repeatedly been alerted to specific instances of hate speech and other content that calls for violence in plain contravention of Facebook’s own policies. Yet Facebook has routinely decided not to take down this harmful content no matter the online and real-life consequences.

Mr. Zuckerberg also told the Committee: “I think lying is bad.”¹ Ironically, though, since at least April 2018, Mr. Zuckerberg and other senior Facebook executives have engaged in a coordinated campaign to convince the public, civil society, and their elected representatives in the nation’s capital that Facebook is a safe product by misrepresenting that Facebook takes down or removes any content that violates Facebook’s Community Standards or other policies when the company learns of it.

For example, on April 24 and April 25, 2018, a user reported to Facebook a photo and two groups that clearly violate Facebook’s Community Standards’ prohibitions on “dehumanizing speech including . . . reference or comparison to filth, bacteria, disease or feces” or “any violent speech or support for death.” Facebook responded to each report by declining to remove the content, which included a photo captioned “Islam is the cancer.”

Facebook similarly declined to remove (or require renaming of) a Facebook group called “Death to Murdering Islamic Muslim Cult Members,” which described itself by stating that “It’s Way Past Time to Wipe Out All Traces of their ‘Murdering Islamic Cult’ and their low Life, Knuckle Dragging, Cave Dwelling, Seventh Century ‘Sick Culture of Death’ Way of Thinking, As Well As Any And All Others That Support or Stand With Them. Just Think How Peaceful The World Will Be When Their Sick Cultural Way of Life is Wiped From The Face Of The Planet.”

¹ *An Examination of Facebook and Its Impact on the Financial Services and Housing Sectors: Hearing Before the H. Comm. on Fin. Servs.*, 116th Cong. 79 (2019) (Statement of Mark Zuckerberg), <https://financialservices.house.gov/uploadedfiles/chrg-116hhr42452.pdf>.

Facebook also declined to remove (or require renaming of) a Facebook group called “Filth of Islam,” which described itself by stating: “This group is for exposing the Filth of Islam and the Moronic Muslims. Some content is, and will be graphic. If something isn’t to your liking, please move past the post. Butthurts will not be tolerated or wanted.” A week after Facebook declined to remove the content, Facebook informed the user who reported the group that it had removed some specific content but would not remove the group or require it to alter its name.

At the same time that Facebook regularly refuses to remove hate speech and other harmful content that violates its own policies and Community Standards, Facebook assiduously promotes a public perception in both private and public forums that its online platform is a safe space where users can safely share personal information and stay connected to their friends and family.

The failure of Facebook and its senior executives to abide by their promises to the public, national officials, and civil rights leaders is not limited to high-profile cases. Every day, ordinary people are bombarded with harmful content in violation of Facebook’s own policies on hate speech, bullying, harassment, dangerous organizations, and violence. Hateful, anti-Muslim attacks are especially pervasive on Facebook. Yet Facebook refuses to remove this content or take it down, as its executives repeatedly promised that they and the company would do when they learn of such content. Instead, in an effort to convince the public, civil rights groups, and governmental regulators that their product is safe, Facebook’s officials have consistently misrepresented the company’s actual practices when it comes to enforcing Facebook’s own standards and policies to keep Facebook free of hate speech and other harmful content.

In fact, Facebook’s business model prioritizes growing user engagement over the safety of American Muslims and other vulnerable communities. Because hate speech and other harmful content drives user engagement and increased user engagement increases Facebook’s advertising revenues, Facebook routinely decides not to remove hate speech and other content that violates its

own Community Standards.

Online hate speech has disastrous real-world consequences, especially for Muslims. Anti-Muslim hate groups and hate speech run rampant on Facebook with anti-Muslim posts, ads, private groups, and other content. Armed, anti-Muslim protests in the United States have been organized on Facebook event pages. The Christchurch, New Zealand, mosque massacres were live-streamed on Facebook. The resulting video was shared via Facebook thousands of times. Facebook also has been used to orchestrate the Rohingya genocide in Myanmar, mass murders of Muslims in India, and riots and murders in Sri Lanka that targeted Muslims for death. If Facebook's executives enforced the company's Community Standards and policies, as they say they do, a significant amount of the anti-Muslim hate and real-world damage could have been, and could now be, avoided.

A July 2020 "civil rights audit" commissioned by Facebook itself found, "[f]rom the organization of events designed to intimidate members of the Muslim community at gathering places, to the prevalence of content demonizing Islam and Muslims, and the use of Facebook Live during the Christchurch massacre," Facebook has created an atmosphere where "Muslims feel under siege on Facebook[.]"² Likewise, a report by Muslim Advocates found that "Facebook is seeding and cultivating anti-Muslim bigotry amongst its users, leading to real world violence." The report also found that "Facebook is indisputably the world's engine for anti-Muslim violence."³

Regardless of whether Facebook's executives are legally entitled to operate a social media platform that acts as a cesspool for hate, its executives certainly cannot *misrepresent* to its users in the

² Facebook, Facebook Civil Rights Audit-Final Report at 57 (July 8, 2020), <https://about.fb.com/wp-content/uploads/2020/07/Civil-Rights-Audit-Final-Report.pdf> ("Facebook Civil Rights Audit").

³ Muslim Advocates, *Complicit: The Human Cost of Facebook's Disregard for Muslim Life* at 4 (Oct. 21, 2020), <https://muslimadvocates.org/wp-content/uploads/2020/10/Complicit-Report.pdf> ("Muslim Advocates Report").

District of Columbia, the public, national civil rights leaders, and Congress that Facebook does, in fact, remove or take down content that violates its own standards and policies while routinely refusing to do so. Facebook has no license to make false or deceptive statements in the District of Columbia as part of its longstanding campaign to make the public believe that Facebook is a safe product and to discourage increased regulation by Washington. Just as car manufacturers cannot make false statements about the risk of their vehicles to drivers and pedestrians to drive up sales, Facebook and its executives cannot make false statements about the content and groups that they permit to flourish on Facebook in order to convince the public to keep using its platform and drive-up Facebook's massive profits. Making false and deceptive statements about removing hateful and harmful content is illegal in the District of Columbia.

The law requires Facebook and its leaders to make a clear and simple choice: stop misrepresenting that you will remove content that violates your policies or conform your deeds to your words. Every business that operates in the District of Columbia must follow the same rules, and those rules offer no exception for publicly-traded tech companies.

PARTIES

1. Plaintiff Muslim Advocates is a non-profit organization based in the District of Columbia. Muslim Advocates is a national civil rights organization working in the courts, in the halls of power, and in communities to halt bigotry in its tracks. The organization ensures that American Muslims have a seat at the table with expert representation so that American Muslims and all people may live free from hate and discrimination.

2. Muslim Advocates' staff has decades of experience working on civil rights issues – including issues pertaining to religious freedom and racial and religious profiling. Muslim Advocates' staff works with community members around the country to understand the challenges

they face, including hate-based violence targeting the community, and the ways in which hate groups stoke fear and bias against the community by using social media platforms like Facebook.

3. Defendant Mark Zuckerberg (“Mr. Zuckerberg”) is the founder, Chairman, and Chief Executive Officer of Facebook, Inc. Mr. Zuckerberg is a resident of Palo Alto, California. Over the past three years, Mr. Zuckerberg has routinely worked from or in conjunction with Facebook’s office in the District of Columbia, testified before and communicated with Congress about Facebook’s policies and practices, communicated with the public, non-profit organizations, and government officials in the District of Columbia, and given direction to Facebook’s leadership and staff in the District of Columbia on taking such actions, including to the other individual defendants in this action.

4. Defendant Sheryl K. Sandberg (“Ms. Sandberg”) is the Chief Operating Officer of Facebook, Inc., and a member of Facebook’s board of directors. Ms. Sandberg is a resident of Menlo Park, California. Over the past three years, Ms. Sandberg has routinely worked from or in conjunction with Facebook’s office in the District of Columbia, testified before and communicated with Congress about Facebook’s policies and practices, communicated with the public, non-profit organizations, and government officials in the District of Columbia, and given direction to Facebook’s leadership and staff in the District of Columbia on taking such actions, including to the other individual defendants in this action.

5. Defendant Joel Kaplan (“Mr. Kaplan”) is the Vice President for Global Policy of Facebook, Inc. Mr. Kaplan is a resident of Chevy Chase, Maryland. Over the past three years, Mr. Kaplan has principally worked from and in conjunction with Facebook’s office in the District of Columbia and has been one of Facebook’s leading officials communicating with policymakers and non-governmental organizations about Facebook’s policies and practices. Upon information and belief, over the past three years Mr. Kaplan has approved and helped to draft and direct the

testimony that Mr. Zuckerberg, Ms. Sandberg, and other Facebook officials have provided in writing and orally to Congress. Further, he has briefed or informed such Facebook officials on what messages to communicate to the public and government officials. Mr. Kaplan has also accompanied and staffed Mr. Zuckerberg and Ms. Sandberg during their appearances before Congress in order to inform, guide, and direct their testimony.

6. Defendant Kevin J. Martin (“Mr. Martin”) was hired as and initially served as the Vice President for U.S. Public Policy at Facebook; he now leads the firm’s global economic policy team. Mr. Martin is a resident of the District of Columbia. Mr. Martin has managed Facebook’s public policy since 2015. Mr. Martin served on the Federal Communications Commission from 2001 to 2009, including as its Chairman from 2005 to 2009. Over the past three years, Mr. Martin has principally worked from and in conjunction with Facebook’s office in the District of Columbia and has been one of Facebook’s leading officials who communicates with the public, policymakers, and non-governmental organizations about Facebook’s policies and practices. Upon information and belief, over the past three years Mr. Martin has approved and helped to draft and direct the testimony that Mr. Zuckerberg, Ms. Sandberg, and other Facebook officials have provided in writing and orally to Congress, and has briefed or informed such Facebook officials on what messages to communicate to Congress. Mr. Martin has accompanied and staffed Mr. Zuckerberg and Ms. Sandberg during their appearances before Congress to inform, guide, and direct their testimony.

7. Defendant Facebook, Inc. (“Facebook”) is a Delaware corporation whose headquarters are located at 1 Hacker Way, Menlo Park, California 94025. Facebook’s Washington, D.C. headquarters are located at 575 Seventh Street, NW, Washington, DC 20004, where Facebook employs at least several hundred professionals who influence the public, civil society, and the federal government. Facebook also pays law firms and lobbyists in the District of

Columbia to influence the federal government and national leaders.⁴

JURISDICTION

8. This Court has subject-matter jurisdiction under D.C. Code § 11-921(a).

9. This Court has personal jurisdiction under D.C. Code § 13-423(a). The allegations and claims arise from defendants (1) transacting business in the District of Columbia, (2) causing tortious injury in the District of Columbia through acts and omissions in the District of Columbia, and (3) causing tortious injury in the District of Columbia through acts and omissions outside of the District of Columbia and regularly doing business in the District of Columbia and deriving substantial revenues from goods or services that are consumed or rendered in the District of Columbia. As described herein, many of the misrepresentations and statements that give rise to plaintiff's statutory and common law claims were made in or directed towards the District of Columbia, and those misrepresentations caused tortious injuries to Muslim Advocates in the District of Columbia, where it resides. In addition, the defendants have taken actions outside of the District of Columbia that caused injuries in the District of Columbia, and each year the defendants collectively derive at least tens of millions of dollars in revenues—including the individual defendants' salaries, benefits, and equity in Facebook—for providing services to users in the District of Columbia.

FACTUAL ALLEGATIONS

Background on Facebook and its Business, Products, and Services

10. Facebook owns and operates the world's most heavily used social networking website. As of December 2020, it had 1.84 billion daily active users and 2.8 billion monthly active

⁴ Lauren Feiner, *Facebook spent more on lobbying than any other Big Tech company in 2020*, CNBC.com (Jan. 22, 2021), <https://www.cnbc.com/2021/01/22/facebook-spent-more-on-lobbying-than-any-other-big-tech-company-in-2020.html>.

users.⁵ That means 1.84 billion people in the world use Facebook every day (about 23% of all people globally) and 2.8 billion use it at least once a month (about 36% of all people globally). More than 200 million Americans use Facebook’s services, which is almost 60% of the United States’ population.⁶

11. Facebook’s applications and websites include Facebook, Instagram, Messenger, and WhatsApp.

12. The Facebook application and website “enable[] people to connect, share, discover, and communicate with each other on mobile devices and personal computers,” including through the “Facebook News Feed, Stories, Groups, Shops, Marketplace, News, and Watch.”

13. The News Feed shows users a series of their friends’ posts, paid advertisements, and other content curated by Facebook. Users can comment on these posts or share posts with or without their additional comments. Facebook describes the News Feed as “a personalized, ever-changing collection of photos, videos, links, and updates from the friends, family, businesses, and news sources you’ve connected to on Facebook.”⁷

14. The Instagram application and website are “a place where people can express themselves through photos, videos, and private messaging, and connect with and shop from their favorite businesses and creators. They can do this through Instagram Feed, Stories, Reels, IGTV, Live, Shops, and messaging.”⁸

⁵ Facebook, Inc., *Form 10-K for the Fiscal Year Ending December 31, 2020* (“2020 Form 10-K”) at 52 (Jan. 27, 2021), <http://d18rn0p25nwr6d.cloudfront.net/CIK-0001326801/4dd7fa7f-1a51-4ed9-b9df-7f42cc3321eb.pdf>.

⁶ Statista Research Dep’t, *Leading countries based on Facebook audience size as of July 2021* (Aug. 2, 2021), <https://www.statista.com/statistics/268136/top-15-countries-based-on-number-of-facebook-users/>.

⁷ Facebook, *News Feed* (last visited Aug. 8, 2021), <https://www.facebook.com/formedia/solutions/news-feed>.

⁸ 2020 Form 10-K at 7.

15. The Messenger application allows Facebook users to communicate directly with other Facebook users through chats similar to text messages.

16. WhatsApp is an application for users to message each other in a private way.

17. Facebook’s products and services are made available in two forms: on websites that can be accessed via internet browsers, or as a phone or desktop application.

18. Facebook does not charge its customers money for the products and services that Facebook transfers and provides to them.

19. To receive Facebook’s products, goods, and services, either through its website or an application, users must agree to provide Facebook with their data and allow Facebook to monitor their online activities. Facebook users may only receive and use these products, goods, and services so long as they agree to provide this data and allow Facebook to monitor their online activities. If a user declines to accept those terms, they are not permitted to receive or use Facebook’s products, goods, and services.

20. “If you want to use Facebook, you give it permission to log your activity on the site: where you check into, the groups you join, who you interact with. . . . You can’t really stop Facebook from collecting this information—it’s the deal you make when you sign up.”⁹

21. In return for transferring and providing a range of products and services to its billions of users, Facebook collects data from each and every user, ranging from birthdays and genders to political affiliations and religions to interests in music, movies, and many more things that Facebook and its advertisers use to decide what content to provide to users in order to engage them. Facebook has even collected information on its users’ interests in hateful topics such as Nazi and other fascist leaders, the Confederacy, “Killing Muslims and Hajis,” “How to Burn Jews,” and

⁹ David Nield, *All the Ways Facebook Tracks You—and How to Limit It*, Wired (Jan. 12, 2020), <https://www.wired.com/story/ways-facebook-tracks-you-limit-it/>.

“Pillaging the Village and Raping the Women” so that ads could be targeted to users interested in those things.¹⁰

22. Facebook then processes these data and incorporates them into its advertising platform that it offers to businesses, nonprofits, political campaigns, and others for monetary payments. These data are used to create predictions of users’ interests, behaviors, and demographics that advertisers can use to target ads or outreach to specific groups, to create “Lookalike Audiences” that help advertisers identify users who are similar to their customers for targeting their ads, and for Facebook to determine which Facebook users within an audience selected by the advertiser should receive particular ads. Facebook also uses these data to determine what organic content (*i.e.*, non-advertising content) it will show to which users on Facebook’s apps.

23. More than 98% of Facebook’s revenue comes from advertisements targeted to Facebook users based on the users’ demographics, interests, and behaviors that Facebook culls from users’ activity while they engage with Facebook, including the content that users like, share with others, or otherwise interact with.

24. Because Facebook relies on selling and placing advertisements for nearly all of its revenue, its business model depends not only on collecting users’ data to help shape how ads are

¹⁰ See Julia Angwin, Madeleine Varner and Ariana Tobin, *Facebook Enabled Advertisers to Reach ‘Jew Haters’; After being contacted by ProPublica, Facebook removed several anti-Semitic ad categories and promised to improve monitoring*, Pro Publica (Sept. 14, 2017), <https://www.propublica.org/article/facebook-enabled-advertisers-to-reach-jew-haters>; Will Oremus & Bill Carey, *Facebook’s Offensive Ad Targeting Options Go Far Beyond ‘Jew Haters’*, Slate (Sept. 14, 2017), <https://slate.com/technology/2017/09/facebook-let-advertisers-target-jew-haters-it-doesnt-end-there.html>. Facebook’s leaders actually knew about some of these categories, but did not take action to remove them until news reports exposed them, and some of the categories remained on Facebook even after news reports. See Noam Scheiber, *Facebook’s Ad-Targeting Problem, Captured in a Literal Shade of Gray*, N.Y. Times (Sept. 28, 2017), <https://www.nytimes.com/2017/09/28/technology/facebook-ads.html> (explaining how Facebook defended allowing ads to be targeted to users whom Facebook identified as being interested in Confederate themes and Nazi leaders).

delivered, but also on users' engagement, which provides the necessary audience for advertisers to publish their ads. The more time users spend on Facebook's applications, the more data—such as links opened and reacted to, physical location, and organizations liked—Facebook mines from those users. And, the more time users spend on Facebook's applications, the greater opportunity Facebook has to show ads to users and, in turn, charge advertisers for placing those ads.

25. Facebook's business model therefore requires Facebook to find ways to bring new users onto its platform and to entice users to spend increasing amounts of time using its applications. Every additional minute a Facebook user spends on Facebook's applications, Facebook can show that user additional advertisements for which Facebook receives money from advertisers.

26. As Facebook explained in its most recent annual report filed with the SEC, "substantially all of [Facebook's] revenue is currently generated from third parties advertising" and that revenue would decline in the event of "decreases in user engagement, including time spent on our products."¹¹ In other words, user engagement is what drives Facebook's revenues, whether the engagement is with content that involves puppies, cats, or killing Muslims.

27. Incendiary content, including dangerous anti-Muslim content, tends to generate engagement among Facebook users. Whether agreeing, disagreeing, or being radicalized into misperceiving Muslims as threats, people spend more time on Facebook when they are shown anti-Muslim content than when they are not shown such content.

28. Facebook privately makes decisions to allow hate speech to remain on the platform because the presence of inflammatory, hateful speech, including dangerous anti-Muslim content, drives user engagement, and thereby generates additional profit for Facebook.

¹¹ 2020 Form 10-K at 15.

29. At the same time, however, the public perception that Facebook tolerates hate speech on its platform has the capacity to harm Facebook’s image, attract greater regulatory scrutiny, reduce the number of Facebook users or the time that some users spend on Facebook, and decrease the number and volume of advertisers on Facebook. Thus, Facebook has taken a public stance against hate speech and other harmful types of content while privately tolerating it to run rampant on its platform.

30. As Facebook put it bluntly in an annual report, “regulatory or legislative actions affecting the manner in which we display content to our users or obtain consent to various practices, or otherwise relating to content that is made available on our products, could adversely affect our financial results.”¹²

31. Facebook earned \$85.9 billion of revenue in 2020, \$70.7 billion of revenue in 2019, and \$55.8 billion of revenue in 2018. It earned \$29.1 billion of profit in 2020, \$18.5 billion of profit in 2019, and \$22.1 billion of profit in 2018.¹³

32. At least tens of millions of dollars Facebook’s earning in each of the last three years came from providing services to users in the District of Columbia.

Facebook’s Community Standards

33. Facebook competes with other major social media and technology companies, including Twitter, Google, Apple, Amazon, and Microsoft.¹⁴

¹² *Id.* at 8.

¹³ *Id.* at 52; Facebook, Inc., *Form 10-K for the Fiscal Year Ending December 31, 2019* (“2019 Form 10-K”) at 44 (Jan. 29, 2020), available at <https://www.sec.gov/Archives/edgar/data/1326801/000132680120000013/fb-12312019x10k.htm>; Facebook, Inc., *Form 10-K for the Fiscal Year Ending December 31, 2018* (“2018 Form 10-K”) at 15 (Jan. 31, 2019), <https://www.sec.gov/Archives/edgar/data/1326801/000132680119000009/fb-12312018x10k.htm>.

¹⁴ *See, e.g., id.* at 7.

34. When communicating with the public, leaders of non-profit organizations, and government officials, Facebook and its executives have differentiated Facebook from its competitors in the social media space by emphasizing the company’s “Community Standards” and other policies that Facebook purports to enforce on its own platform, and how enforcing those standards makes Facebook a safe place for people to use social media.

35. Since at least 2011, Facebook has had Community Standards that Facebook purportedly requires its users to follow when posting information or interacting with other users on Facebook. As Facebook’s CEO Mark Zuckerberg told Senators on June 8, 2018, “We require everyone on Facebook to comply with our Community Standards[.]”¹⁵

36. In order to sign up for a Facebook account, a potential user must agree to Facebook’s Terms of Service, which require users to make a commitment not to use Facebook’s Products “to do or share anything that violates these Terms, our Community Standards, and other terms and policies that apply to your use of Facebook.”¹⁶

37. Facebook’s Terms of Service also state, “We want people to use Facebook to express themselves and to share content that is important to them, but not at the expense of the safety and well-being of others or the integrity of our community.”¹⁷

38. Facebook’s Community Standards have evolved over the past decade and have become more detailed. But they have always prohibited certain types of content or conduct, such as bullying, intimidation, and harassment of other users, as well as threats to others, hate speech,

¹⁵ Facebook, Responses to Questions for the Record at 138 (June 8, 2018), *available at* <https://www.commerce.senate.gov/services/files/9D8E069D-2670-4530-BCDC-D3A63A8831C4>.

¹⁶ Facebook, Terms of Service (last visited Aug. 9, 2021), <https://perma.cc/M659-BCZV>.

¹⁷ *Id.*

and graphic violence.¹⁸

39. Facebook’s Community Standards at present define “**Hate Speech**” in the following way:

[W]e don’t allow hate speech on Facebook. It creates an environment of intimidation and exclusion, and in some cases may promote offline violence. We define hate speech as a direct attack against people on the basis of what we call protected characteristics: race, ethnicity, national origin, disability, religious affiliation, caste, sexual orientation, sex, gender identity and serious disease. We define attacks as violent or dehumanizing speech, harmful stereotypes, statements of inferiority, expressions of contempt, disgust or dismissal, cursing, and calls for exclusion or segregation. . . .

Do not post:

Content targeting a person or group of people (including all subsets except those described as having carried out violent crimes or sexual offenses) on the basis of their aforementioned protected characteristic(s) or immigration status with:

- Violent speech or support in written or visual form
- Dehumanizing speech or imagery in the form of comparisons, generalizations, or unqualified behavioral statements (in written or visual form) to or about:
 - Insects
 - Animals that are culturally perceived as intellectually or physically inferior
 - Filth, bacteria, disease and feces
 - Sexual predator
 - Subhumanity
 - Violent and sexual criminals
 - Other criminals (including but not limited to “thieves,” “bank robbers,” or saying “All [protected characteristic or quasi-protected characteristic] are ‘criminals’”)
 - Statements denying existence
- Mocking the concept, events or victims of hate crimes even if no real person is depicted in an image
- Designated dehumanizing comparisons, generalizations, or behavioral statements (in written or visual form)- that include:
 - Black people and apes or ape-like creatures
 - Black people and farm equipment

¹⁸ Facebook, Community Standards (Jan. 27, 2011) <https://web.archive.org/web/20110127224041/https://www.facebook.com/communitystandards/>.

- Caricatures of Black people in the form of blackface
- Jewish people and rats
- Jewish people running the world or controlling major institutions such as media networks, the economy or the government
- Denying or distorting information about the Holocaust
- Muslim people and pigs
- Muslim person and sexual relations with goats or pigs
- Mexican people and worm like creatures
- Women as household objects or referring to women as property or “objects”
- Transgender or non-binary people referred to as “it”
- Dalits, scheduled caste or ‘lower caste’ people as menial laborers

40. Likewise, Facebook’s Community Standards at present prohibit “**Violent and Graphic Content**,” stating, “We remove content that glorifies violence or celebrates the suffering or humiliation of others because it may create an environment that discourages participation.”

41. Facebook’s Community Standards at present prohibit “**Violence and Incitement**,” stating:

We aim to prevent potential offline harm that may be related to content on Facebook. While we understand that people commonly express disdain or disagreement by threatening or calling for violence in non-serious ways, we remove language that incites or facilitates serious violence. We remove content, disable accounts, and work with law enforcement when we believe there is a genuine risk of physical harm or direct threats to public safety. We also try to consider the language and context in order to distinguish casual statements from content that constitutes a credible threat to public or personal safety. In determining whether a threat is credible, we may also consider additional information like a person's public visibility and the risks to their physical safety.

42. Facebook’s Community Standards prohibit “**Dangerous Individuals and Organizations**,” stating:

In an effort to prevent and disrupt real-world harm, we do not allow any organizations or individuals that proclaim a violent mission or are engaged in violence to have a presence on Facebook. This includes organizations or individuals involved in the following:

- Terrorist activity
- Organized hate
- Mass murder (including attempts) or multiple murder

- Human trafficking
- Organized violence or criminal activity

We also remove content that expresses support or praise for groups, leaders, or individuals involved in these activities.

43. Facebook’s Community Standards at present prohibit “**Coordinating Harm and Publicizing Crime**,” stating, “In an effort to prevent and disrupt offline harm and copycat behavior, we prohibit people from facilitating, organizing, promoting, or admitting to certain criminal or harmful activities targeted at people, businesses, property or animals.”

44. Facebook’s Community Standards at present prohibit “**Bullying and Harassment**,” stating:

Bullying and harassment happen in many places and come in many different forms, from making threats to releasing personally identifiable information, to sending threatening messages, and making unwanted malicious contact. We do not tolerate this kind of behavior because it prevents people from feeling safe and respected on Facebook.

We distinguish between public figures and private individuals because we want to allow discussion, which often includes critical commentary of people who are featured in the news or who have a large public audience. For public figures, we remove attacks that are severe as well as certain attacks where the public figure is directly tagged in the post or comment. For private individuals, our protection goes further: we remove content that's meant to degrade or shame, including, for example, claims about someone's sexual activity. We recognize that bullying and harassment can have more of an emotional impact on minors, which is why our policies provide heightened protection for users between the ages of 13 and 18.

45. Facebook’s Community Standards at present prohibit “**Cruel and Insensitive**” content, stating, “We believe that people share and connect more freely when they do not feel targeted based on their vulnerabilities. As such, we have higher expectations for content that we call cruel and insensitive, which we define as content that targets victims of serious physical or emotional harm. We remove explicit attempts to mock victims[.]”

Facebook’s Executives Have Routinely Stated That Facebook Removes Content That Violates Its Community Standards and Policies When the Company Learns of Such Content

46. The presence of hate speech and other harmful content on Facebook’s platform presents a double-edged sword for Facebook. On the one hand, as studies have shown,¹⁹ divisive speech drives engagement by triggering strong reactions and responses in users. Divisive speech keeps users on the platform, maintaining a large audience from which Facebook can draw data and that advertisers can reach. On the other hand, harmful content can yield real-world negative consequences, thereby alienating people who would otherwise engage with Facebook and drawing the ire of regulators.

47. In light of these opposing forces, and the importance of user engagement and avoiding governmental regulation to Facebook’s bottom line, Facebook executives are heavily involved with Facebook’s promulgation and implementation of the Community Standards. They frequently weigh in on decisions to remove specific content or let it remain on the platform.²⁰ Content moderation is also a regular topic on quarterly earnings calls with investors and a repeated subject of Facebook’s annual reports. Mr. Zuckerberg has even told Muslim Advocates directly that he planned to “stay close to the work [of addressing hate speech] to follow [Facebook’s] progress” on the issue.

48. A central aspect of Facebook’s and its executives’ profit-maximization strategy for

¹⁹ See Lake Munn, *Angry by design: toxic communication and technical architectures*, Humanities and Social Sciences Communications volume 7 (2020), <https://www.nature.com/articles/s41599-020-00550-7> (“The problem with such sorting, of course, is that incendiary, polarizing posts consistently achieve high engagement. This content is meant to draw engagement, to provoke a reaction. Indeed, in 2018 an internal research team at Facebook reported precisely this finding: by design it was feeding people ‘more and more divisive content in an effort to gain user attention and increase time on the platform.’ However, Facebook management ignored these findings and shelved the research.”) (citations omitted).

²⁰ See, e.g., Andy Serwer and Max Zahn, *Exclusive: Facebook’s Zuckerberg and Sandberg are this involved with the company’s content issues*, Yahoo Finance (Sept. 9, 2019), tinyurl.com/rja5cxv7.

promoting Facebook’s products, goods, and services is to heavily rely on the existence of its Community Standards and its stated commitment to enforcing those standards.

49. In a page on its website titled “Staying Safe,” Facebook encourages users to rely on its Community Standards to report misconduct so that Facebook can act on reported misconduct.

50. However, Facebook and its executives have implemented design functions to its products that would make reporting misconduct more difficult. For example, in May 2019, Mr. Zuckerberg revealed a plan to introduce private groups to allow people to communicate privately. Several Facebook employees expressed concern. Chris Cox, Chief Product Officer at Facebook, pointed out to Mr. Zuckerberg that private groups would be harder to police and that “Facebook was setting the stage for conspiracy theorists, hate groups, and terrorists to organize and spread their messages under a cloak of darkness, using the platform’s tools.”²¹ Despite these concerns, Facebook announced Messenger Rooms on April 24, 2020.²² In the statement introducing the new feature on its website, Facebook announced, “When you create a room, you choose who can see and join it. You can remove people from the call and lock a room if you don’t want anyone else to enter.”

51. Facebook promotes its Community Standards in order to curry favor with government officials, non-profit leaders, and consumers in the District of Columbia to shield Facebook’s services from scrutiny.

52. Facebook and the individual defendants have engaged in a coordinated effort to convince users that its product is safe (or safer than people would otherwise think) and increase people’s use of Facebook, as well as to prevent governments from regulating Facebook more

²¹ Sheera Frenkel & Cecilia Kang, *An Ugly Truth: Inside Facebook’s Battle for Domination* (2021) (“An Ugly Truth”), pp. 222–24.

²² Facebook, *Introducing Messenger Rooms and More Ways to Connect When You’re Apart* (Apr. 24, 2020), <https://about.fb.com/news/2020/04/introducing-messenger-rooms/>.

rigorously and to discourage non-profit leaders from calling for governments to regulate Facebook more stringently or calling on the public to boycott Facebook.

53. As part of this coordinated campaign, Facebook’s executives, including the defendants in this action, have made statements aimed at convincing the public, including consumers in the District of Columbia, leaders in Congress, federal agencies, civil rights groups, and other civil society organizations that Facebook does actively remove or take down content that violates its Community Standards, policies, and other standards they have articulated whenever Facebook learns about such content.

54. Facebook has embarked upon the same efforts in other countries besides the United States, including by promising world leaders that Facebook would remove any content that violates its Community Standards or that is illegal in their countries when those leaders identify such content to Facebook.

55. In public meetings and private correspondence, Facebook’s executives have made repeated pronouncements that they remove certain types of content—such as hate speech, hate groups, or calls for violence—from the platform. These statements about the content that Facebook removes—that sometimes refer to Facebook’s Community Standards and sometimes are made without any such reference—are part of the same campaigns to convince the public, civil society, and officials at several levels of government that Facebook is safe (or at least safer than what people would otherwise think or believe).

56. For example, when Facebook’s CEO Mark Zuckerberg testified before the House Committee on Financial Services on October 23, 2019, he told the Committee: “*If anyone, including a politician, is saying things that can cause, that is calling for violence or could risk imminent physical harm, or voter or census suppression when we roll out the census suppression policy, we will take that content*

down.” (emphasis added).²³

57. In his testimony before the Senate Commerce and Judiciary Committees on April 10, 2018, Mr. Zuckerberg also stated that “when content gets flagged to us . . . *if it violates our policies, then we take it down.*”²⁴ (emphasis added).

58. The next day, on April 11, 2018, Mr. Zuckerberg emphasized to the House Energy and Commerce Committee, “We do not allow hate groups on Facebook overall. So, if there is a group that their primary purpose or a large part of what they do is spreading hate, we will ban them from the platform overall.”²⁵ He added that when it comes to ads that violate Facebook’s policies, if the ads “are flagged for us we will review and take [them] down if they violate our policies[.]”²⁶

59. In responding to questions for the record (*i.e.*, questions that members of Congress ask after a hearing for a response from the people who testified) from the Senate Commerce Committee on June 8, 2018, Mr. Zuckerberg told the Committee: “Our Community Standards and Ads Policies outline the content that is not allowed on the platform, such as hate speech, fake accounts, and praise, support, or representation of terrorism/terrorists. *When we find things that violate these Standards, we remove them.*” (emphasis added).²⁷ He added that “[c]ontent that violates our Community Standards is removed when [Facebook is] made aware of it,” and that Facebook

²³ Emily Stewart, *Watch AOC ask Mark Zuckerberg if she can run fake Facebook ads, too*, Vox (Oct. 23, 2019), <https://www.vox.com/policy-and-politics/2019/10/23/20929350/alexandria-ocasio-cortez-mark-zuckerberg-testimony-green-new-deal>.

²⁴ *Facebook, Social Media Privacy, and the Use and Abuse of Data: Joint Hearing Before the S. Comm. on Com., Sci., and Transp. and the S. Comm. on the Judiciary*, 115th Cong. 18 (2018) (Statement of Mark Zuckerberg), <https://www.govinfo.gov/content/pkg/CHRG-115shrg37801/pdf/CHRG-115shrg37801.pdf>.

²⁵ *Facebook: Transparency and Use of Consumer Data: Hearing Before the H. Comm. on Energy and Com.*, 115th Cong. 28 (2018) (Statement of Mark Zuckerberg), <https://www.govinfo.gov/content/pkg/CHRG-115hhr30956/pdf/CHRG-115hhr30956.pdf>.

²⁶ *Id.* at 67.

²⁷ Facebook, Responses to Questions for the Record at 33, 43, 56 (June 8, 2019).

“remove[s] content that violates [its] policies, regardless of who posted the content.”

60. When Ms. Sandberg testified before the Senate Intelligence Committee on September 5, 2018, she told the Committee: “Senators, let me be clear. We are more determined than our opponents, and we will keep fighting. When bad actors try to use our site, we will block them. *When content violates our policies, we will take it down.*” (emphasis added).²⁸

61. This testimony was similar to Ms. Sandberg’s prepared statement in which she stated, “When we find bad actors, we will block them. And *when we find content that violates our policies, we will take it down.*” (emphasis added).²⁹ Pointing to one of Facebook’s Community Standards, she added that “if something is inauthentic . . . we take it down.”³⁰

62. Nathaniel Gleicher, the Head of Cybersecurity Policy at Facebook, testified before the House Intelligence Committee on behalf of Facebook on June 18, 2020, stating: “Groups that promote violence, groups that glorify violence, *we identify, investigate, and we remove them from the platform whenever we see it.*”³¹ (emphasis added). He added, “[W]e don’t allow symbols that represent hateful organizations or hateful ideologies unless they are put up with context or condemnation. . . . But in a situation where we don’t see either of those, we don’t allow it on the platform and we remove it.”³²

63. Likewise, on May 22, 2019, Mr. Gleicher testified before the House Committee on Oversight and Reform, Subcommittee on National Security, on behalf of Facebook, stating: “[W]e

²⁸ *Open Hearing on Foreign Influence Operations’ Use of Social Media Platforms: Hearing Before the S. Select Comm. on Intel.*, 115th Cong. 8 (2018) (Statement of Sheryl Sandberg), <https://www.govinfo.gov/content/pkg/CHRG-115shrg31350/pdf/CHRG-115shrg31350.pdf>.

²⁹ *Id.* at 18.

³⁰ *Id.* at 50.

³¹ *Emerging Trends in Online Foreign Influence Operations: Social Media, COVID-19, and Election Security: Hearing Before the H. Permanent Select Comm. on Intel.*, 116th Cong. 51 (2020) (Statement of Nathaniel Gleicher), <https://www.congress.gov/116/meeting/house/110805/documents/HHRG-116-IG00-Transcript-20200618.pdf>.

³² *Id.* at 68.

remove content that violates our Community Standards, which helps enforce the safety and security of the platform.”³³

64. At a hearing before the House Committee on Veterans Affairs on November 13, 2019, Mr. Gleicher, on behalf of Facebook, testified: “[W]e do not allow people to misrepresent themselves on Facebook, use fake accounts, artificially boost the popularity of content, or engage in behaviors that otherwise violate our Community Standards.”³⁴

65. Monika Bickert, the Head of Global Policy Management at Facebook, testified before the Senate Commerce Committee on January 17, 2018, on behalf of Facebook. In her written testimony to the Committee, Ms. Bickert wrote: “We also remove any content that praises or supports terrorists or their actions whenever we become aware of it, and when we uncover evidence of imminent harm, we promptly inform authorities.”

66. On September 18, 2019, Ms. Bickert testified before the Senate Commerce Committee on behalf of Facebook. In her written testimony, she stated unequivocally, “When we find content that violates our standards, we remove it.”

67. Neil Potts, then a Director at Facebook with oversight over the development and implementation of Facebook’s Community Standards and currently a Vice President of Public Policy at Facebook, testified before the House Committee on the Judiciary on April 9, 2019, on behalf of Facebook. In his written testimony to the Committee, Mr. Potts wrote: “We disallow hate speech because it creates an environment of intimidation and exclusion that limits people’s willingness to communicate and share with one another. In fact, Facebook rejects not just hate

³³ *Securing U.S. Election Infrastructure and Protecting Political Discourse: Hearing Before the Subcomm. on Nat’l Sec. of the H. Comm. on Oversight and Reform*, 116th Cong. 35 (2019) (Statement of Nathaniel Gleicher), <https://www.govinfo.gov/content/pkg/CHRG-116hhrg36662/pdf/CHRG-116hhrg36662.pdf>.

³⁴ *Hearing Before the H. Comm. on Veterans Affs.*, 116th Cong. 33 (2019) (Testimony of Nathaniel Gleicher), <https://www.congress.gov/116/meeting/house/110183/witnesses/HHRG-116-VR00-Wstate-GleicherN-20191113.pdf>.

speech, but all hateful ideologies. *That means that white supremacists are not allowed on our platform under any circumstances*, and we have recently announced a ban on white nationalism and white separatism as well. We will therefore now use our Dangerous Organizations policy to remove from our platform praise, support, or representation of white supremacy, as well as of white nationalism or white separatism, because both ideologies are inextricably linked with white supremacy and with violence more generally. We have already banned more than 200 white supremacist groups because of our Dangerous Organizations policy.” (emphasis added).³⁵

68. In his responses to questions by members of Congress during the April 9, 2019 hearing, Mr. Potts stated, “Facebook embraces the responsibility of making sure our tools are used for good and we take that responsibility seriously. I would like to be clear: there is no place for terrorism or hate on Facebook. *We remove any content that incites violence, bullies, harasses or threatens others*, and that’s why we have had longstanding policies against terrorism and hate and why we have invested so heavily in safety and security in the past few years.” (emphasis added).³⁶

69. Mr. Potts further stated in the April 9, 2019 hearing that “Facebook rejects all hateful ideologies. *Our rules have always been clear that white supremacists are not allowed on the platform under any circumstance*. In fact, we have banned more than 200 white supremacist organizations under our dangerous organizations policy, and last month we extended that policy to include a ban on all praise, support and representation of white nationalism and white separatism.” (emphasis added).³⁷

70. During the April 9, 2019 hearing, Mr. Potts responded to a question from

³⁵ *Hearing Before the Subcomm. on the Const. of the S. Comm. on the Judiciary*, 116th Cong. 5 (2019) (Testimony of Neil Potts), <https://www.judiciary.senate.gov/imo/media/doc/Potts%20Testimony.pdf>.

³⁶ *Hate Crimes and White Nationalism: Hearing Before the H. Comm. on the Judiciary*, 116th Cong. at 32:40 (2019) (testimony of Neil Potts), <https://www.c-span.org/video/?459662-1/house-judiciary-committee-holds-hearing-hate-crimes#>.

³⁷ *Id.* at 33:50.

Representative Pramila Jayapal, who asked if there are still white nationalist pages on Facebook, by stating, “*When we become aware of these pages we will remove them. We do that through a variety of ways, both reactively, when someone reports that to us, we will remove those pages if they violate our terms.*” (emphasis added).³⁸

71. Upon information and belief, defendants Mr. Kaplan and Mr. Martin have approved and/or helped to draft and direct the testimony that Mr. Zuckerberg, Ms. Sandberg, Mr. Gleicher, Ms. Bickert, and Mr. Potts, and other Facebook officials have provided in writing and orally to Congress, and have briefed or informed such Facebook officials on what messages to communicate to Congress, including some or all of the testimony identified in this Amended Complaint.

72. In private communications with Muslim Advocates’ staff, Facebook’s top executives and leaders have repeated the common refrain that, if content violates Facebook’s Community Standards, policies, or some other articulated standard, Facebook will remove the content.

73. On March 26, 2019, Monique Dorsainvil, Public Policy Director at Facebook, sent an email to Muslim Advocates’ former Executive Director Farhana Khera stating, “Under our dangerous organizations policy, for example, we will remove hate figures and organizations—they aren’t allowed to maintain a presence on the platform even if they’re using Facebook or Instagram to post family pictures. . . . As mentioned in a meeting with Muslim Advocates recently at our DC office, we expanded our credible violence policy such that we now remove content that encourages people to bring weapons to an event or location in order to intimidate or harass.”

74. On May 1, 2019, Ms. Sandberg sent an email to Ms. Khera stating, “We will remove anything that violates our Community Standards.”

³⁸ *Id.* at 3:07:14.

75. On March 17, 2020, Mr. Martin sent an email to Ms. Qureshi stating, “On hate speech—which we define as violent or dehumanizing speech, statements of inferiority, or calls for exclusion and/or segregation, based on protected characteristics—*our policies strictly prohibit anti-Muslim, white supremacist, and hate group content.* . . . We do not and will not tolerate harassment or discrimination in our workplace, *nor do we allow hate figures or hate groups to have a presence on our platform.*” (emphases added).

76. The statements that Facebook’s executives have made to Congress and to Muslim Advocates’ staff are consistent with statements that Facebook’s spokespeople have made to national and international media to spread the same message about its purported practice of removing all content that violates its standards and policies when Facebook learns of it.

77. For example, in December 2019, a Facebook spokesperson told the *Guardian* newspaper, “Nobody can advocate or advertise hate or violence on Facebook and we remove any violations as soon as we become aware.”³⁹

78. In March 2021, a Facebook spokesperson told the *Guardian*: “We don’t allow anyone to praise violent actions and we remove content that represents or supports the organisations we ban under our policies.”⁴⁰

79. Over the past three years and even earlier, Facebook has organized at least dozens of meetings with civil rights groups, including Muslim Advocates, members of Congress and their staff, and other leaders, that took place in the District of Columbia in order to communicate the

³⁹ Michael McGowan, Christopher Knaus, and Nick Evershed, *Monetising hate: covert enterprise co-opts far-right Facebook pages to churn out anti-Islamic posts*, *The Guardian* (Dec. 5, 2019), <https://www.theguardian.com/technology/2019/dec/05/monetising-hate-covert-enterprise-co-opts-far-right-facebook-pages-to-churn-out-anti-islamic-posts>.

⁴⁰ Alex Hern, *Facebook leak underscores strategy to operate in oppressive regimes*, *The Guardian* (Mar. 23, 2021), <https://www.theguardian.com/technology/2021/mar/23/facebook-leak-underscore-strategy-operate-repressive-regimes>.

same message that Facebook will remove groups or content that violate Facebook's Community Standards or other policies when such content is flagged or identified to Facebook by third parties. Mr. Zuckerberg, Ms. Sandberg, Mr. Martin and other Facebook leaders have attended these types of meetings during the past three years. In these meetings, they have repeatedly made statements to the same effect that Facebook will remove any groups or content that violate Facebook's Community Standards or other policies when they learn of the content.⁴¹

80. These meetings were part of Facebook's strategy to convince civil rights groups to collaborate with and support Facebook's leaders rather than to call for boycotts of Facebook or for greater regulation of it. As part of this strategy, Facebook hired former civil rights leaders and law firms to attend these meetings in the District of Columbia in order to vouch for Facebook and encourage civil rights groups to work with Facebook. Facebook noted in its most recent annual report that these civil rights groups could generate and have generated unfavorable media coverage about content shared on its platform, which would negatively affect its business.⁴²

81. Following such meetings, Facebook staff and executives communicated directly with Muslim Advocates staff with the message that engaging with Facebook would help address the concerns of American Muslim communities.

82. Facebook executives repeatedly solicited and obtained assistance from Muslim Advocates in developing the company's Community Standards and for the purpose of helping to create a public image that the company was working with civil rights organizations to keep people

⁴¹ For example, as the Southern Poverty Law Center explained, Facebook's officials in private meetings told it "the same thing that Zuckerberg told Congress" about how Facebook would remove hate groups and other groups and content that violates Facebook's Community Standards. Michael Edison Hayden, *Facebook Has Failed to Stop Anti-Muslim Hate Groups, Despite Mark Zuckerberg's Pledge*, Newsweek (Apr. 20, 2018), <https://www.newsweek.com/facebook-anti-muslim-hate-groups-890338>.

⁴² 2018 Form 10-K at 15 (Jan. 31, 2019).

safe on the platform.

83. In response to these solicitations, combined with Facebook's repeated assurances that the company removes hate from the platform when it becomes aware of it, Muslim Advocates provided Facebook with many hours of its own research regarding the Muslim community. Muslim Advocates did so because Muslim Advocates believed its contributions would help Facebook follow through on the company's commitment, embodied in its Community Standards, to remove hate and other harmful content from the platform, especially when Facebook learned of hate speech that violated its Community Standards.

84. The research Muslim Advocates provided to Facebook included: individual anecdotes of experiences Muslim community members had on Facebook; language to include in Facebook's Community Standards; violations of Facebook's Community Standards; anti-Muslim trends and themes on Facebook; and the effects on Muslim communities of Facebook event pages organizing calls to arms against Muslims to intimidate Muslims at their places of worship throughout the country.

85. After benefiting from Muslim Advocates' expertise regarding the Muslim community and the challenges the Muslim community faces on the platform, Facebook was able to market its product as safe to the Muslim community by representing that it was working civil rights groups to develop and enforce Community Standards that appeared to provide the Muslim community and other marginalized communities with protection from violent speech, hate, and abuse on the platform.

86. In light of public scandals involving Facebook—from privacy breaches such as Cambridge Analytica to multiple news reports that Facebook's platform was being used to organize real-life violence—Facebook has attempted to control the damage to its public reputation by representing that it works actively and closely with civil rights organizations like Muslim Advocates.

87. On October 25, 2019, Facebook spokesperson Ruchika Budhraj told the Washington Post, “Our partnership with civil rights groups has led to important outcomes, such as combating voter suppression and hate, and preventing discrimination in ads on Facebook We’ll continue partnering and seeking input from the civil rights community to address the concerns they have about our policies and products.”⁴³

88. On July 9, 2020, Facebook published a business news announcement on its website under the section, “Sharing Our Actions on Stopping Hate” titled “Meetings with Civil Rights Leaders” in which the company stated, “Thanks to [the] leadership” of lawyers employed by Facebook to conduct an internal civil rights audit “and the continued advocacy of civil rights groups and leaders, we are in a different place today than we were two years ago when the audit first began. Employees are asking questions about civil rights issues and implications before launching policies and products, our engagement with the civil rights community is deeper and more meaningful, and leadership all the way up to Mark Zuckerberg and Sheryl Sandberg is listening and learning. We will continue to engage with [the lawyers conducting the civil rights audit] and the civil rights community as we work to improve on civil rights issues as a company and a community.”⁴⁴

89. But for the repeated statements that Facebook and its executives made that Facebook would actually remove content that violates its Community Standards when Facebook learned of such content, Muslim Advocates would not have assisted and engaged with Facebook’s repeated solicitations to Muslim Advocates to review Facebook’s policies and provide its own

⁴³ Craig Timberg, *Civil rights leaders thought they’d figured out how to deal with Facebook. But now they are ‘livid,’* Washington Post (Oct. 25, 2019), <https://www.washingtonpost.com/technology/2019/10/25/civil-rights-leaders-thought-theyd-figured-out-how-deal-with-facebook-now-they-are-livid/>.

⁴⁴ Facebook, *Sharing Our Actions on Stopping Hate* (updated July 9, 2020), <https://www.facebook.com/business/news/sharing-actions-on-stopping-hate>.

feedback about how to identify all such content. In fact, Muslim Advocates regularly declines to assist or work with companies or organizations because of its limited resources. If Muslim Advocates had known that Facebook would routinely disregard its own Community Standards and refuse to remove content that violates the Community Standards even after it learned of such content, Muslim Advocates would not have provided such assistance to Facebook or engaged with Facebook as described above.

While Facebook’s Executives Were Telling the Public that They Removed Content that Violated its Community Standards, Policies, and other Articulated Standards, They Knew that the Company Routinely Chose Not to Remove Such Content

90. Both before and after Facebook's executives made the statements identified in the prior sections, Facebook routinely did not and does not remove content that clearly violated its Community Standards, policies, and the other standards articulated to Congress, even when such content was flagged or identified to Facebook by third parties—including but not limited to Facebook’s standards on “Hate Speech,” “Violent and Graphic Content,” “Violence and Incitement,” “Dangerous Individuals and Organizations,” “Coordinating Harm and Publicizing Crime,” and “Bullying Harassment.”

91. Over the past three years, Facebook’s executives making those statements identified above knew that Facebook routinely did not remove content that violated its Community Standards, policies, and the other standards articulated to Congress, even when such content had been specifically flagged or identified to Facebook by third parties, and they knew that Facebook routinely would not remove such content in the future.

92. Over the past three years and even earlier, Facebook has been repeatedly placed on notice that anti-Muslim hate groups and anti-Muslim content were flourishing on the platform.

93. Despite civil rights groups like Muslim Advocates, other non-profit groups, and numerous individuals and activists putting Facebook on notice of the specific anti-Muslim hate

groups and content that clearly violate its Community Standards, policies, and other standards articulated to Congress, Facebook has routinely decided affirmatively not to remove that content.

94. On July 7, 2020, Mr. Zuckerberg, Ms. Sandberg, and other Facebook executives held a video conference with the organizers of Stop Hate for Profit, where civil rights leaders raised concerns that Facebook was not enforcing its own policies against hate speech on Facebook’s platform.⁴⁵

95. According to a July, 23, 2020 NBC News report, Facebook management repeatedly ignored and suppressed internal research showing racial bias in the way that the platform removes content. “The lack of action on this issue from the management has contributed to a growing sense among some Facebook employees that a small inner circle of senior executives — including Chief Executive Mark Zuckerberg, Chief Operating Officer Sheryl Sandberg, Nick Clegg, Vice president of Global Affairs and Communications, and Joel Kaplan, Vice President of Global Public Policy — are making decisions that run counter to the recommendations of subject matter experts and researchers below them, particularly around hate speech, violence and racial bias, the employees said [One] engineer . . . accused Zuckerberg of making misleading statements about the company’s handling of hate speech.”⁴⁶

96. While there are many types of groups and content that Facebook refuses to remove despite violations of its Community Standards, policies, and other standards articulated to Congress, anti-Muslim groups and content are a leading area where Facebook does not remove such groups or content.

⁴⁵ *An Ugly Truth*, p. 276.

⁴⁶ Olivia Solon, *Facebook ignored racial bias research, employees say*, NBC News (July 23, 2020), <https://www.nbcnews.com/tech/tech-news/facebook-management-ignored-internal-research-showing-racial-bias-current-former-n1234746>.

97. Below, plaintiff identifies instances in which Facebook has not removed or taken down anti-Muslim content or groups that violate Facebook’s Community Standards or other standards articulated to Congress even after Facebook has learned of such content or groups. These examples are not exhaustive. They are representative of a larger pattern of content and groups that violate Facebook’s Community Standards and other policies that Facebook has not removed or taken down during the past three years or earlier, despite learning of such groups or content.

Professor Squire’s Research and Flagging Anti-Muslim Groups and Content

98. For example, Elon University Professor Megan Squire, a scholar who has published research about anti-Muslim networks on Facebook,⁴⁷ has frequently alerted Facebook about groups and content that violate its Community Standards, policies, and other standards articulated to Congress, yet Facebook routinely failed to remove such groups or content.

99. An analysis by Professor Squire of far-right groups on Facebook found a significant cross-over with anti-Muslim hate. Professor Squire found that anti-Muslim attitudes are not only flourishing on the platform, but also acting as a “common denominator” for a range of other extremist ideologies, including xenophobic anti-immigrant groups, pro-Confederate groups, militant anti-government conspiracy theorists, and white nationalists.⁴⁸

100. Facebook did not, however, remove the hate groups identified by Professor Squire. Facebook did not explain why these groups’ obvious violations of Facebook’s Community Standards did not trigger removal.

⁴⁷ Megan Squire, *Network Analysis of Anti-Muslim Groups on Facebook*, 10th Internat’l Conf. on Soc. Informatics (2018), https://www.researchgate.net/publication/327747920_Network_Analysis_of_Anti-Muslim_Groups_on_Facebook_10th_International_Conference_SocInfo_2018_St_Petersburg_Russia_September_25-28_2018_Proceedings_Part_I.

⁴⁸ Ishmael Daro, *Here’s How Anti-Muslim Groups on Facebook Overlap With a Range of Far-Right Extremism*, BuzzFeed News (Aug. 4, 2018), <https://www.buzzfeednews.com/article/ishmaeldaro/anti-muslim-content-facebook-groups-study>.

101. On January 16, 2018, an article about Professor Squire’s work was published in *Wired* explaining how she had used the Facebook application programming interface (“API”) to identify hate groups and their members.⁴⁹

102. On January 30, 2018, Facebook announced that it was changing its API; those changes would make the kinds of searches that Professor Squire conducted to do her research on Facebook impossible other than if done by Facebook employees. That change went into effect April 4, 2018.⁵⁰

103. In a report published in September 2018 that analyzed hate groups on Facebook from June 2017 to March 2018, Professor Squire found that anti-Muslim bias served as a common denominator among hate groups around the world. She identified 202 anti-Muslim hate groups in the United States that operate as groups on Facebook and post anti-Muslim hate content, providing examples and identifying some groups by name. The 202 anti-Muslim hate groups were part of a larger list of 2000 hate groups she identified on the platform.

104. Professor Squire published an updated report in August 2019, following a deeper analysis of these hate groups’ Facebook pages, identifying 202 U.S.-based expressly anti-Muslim hate groups “created to provoke hostility and discrimination toward a class of people, [Muslims], based on myths and stereotypes about their religion.”

105. Of the 202 hate groups identified by Professor Squire for her report in September 2018 and August 2019, most remained on the platform as of the date of the filing of this action. All or most of these hate groups and/or content in their groups violate Facebook’s Community Standards, policies, and other standards articulated to Congress.

⁴⁹ Adam Maida, *Meet Antifa’s Secret Weapon Against Far-Right Extremists*, *Wired* (Jan. 16, 2018), <https://www.wired.com/story/free-speech-issue-antifa-data-mining/>.

⁵⁰ Facebook, *An Update on Our Plans to Restrict Data Access on Facebook* (Apr. 4, 2018), <https://about.fb.com/news/2018/04/restricting-data-access/>.

106. The following are examples of where Professor Squire flagged and identified hate speech for Facebook that violates its Community Standards, policies, or other standards articulated to Congress, but that Facebook has decided not to remove or take down as of the date of filing of this action (or, Facebook removed it after initially refusing to remove or take it down for some time).

107. On September 26, 2017, Professor Squire notified Facebook of a group called “American Infidels All [sic].” Its group description includes the statement: “DO NOT SUBMIT TO aLLAH [sic]. Show no mercy. Kill all of them when it starts.” Facebook responded to Professor Squire on September 29, 2017, and informed her that it would not remove this group or this content. This group and content violated Facebook Community Standards on Hate Speech or Dangerous Organizations.

108. On March 30, 2018, Professor Squire reported to Facebook a group called “Infidels Unite Against Islam.” Its group page contained the language: “Infidels unite against Islam, Islam is a disease, that we must root out.” Professor Squire specifically referenced the Community Standards’ definition of Hate Speech that prohibited “dehumanizing speech including . . . reference or comparison to filth, bacteria, disease, or feces.” Facebook responded on April 1, 2018, and informed her that it would not remove this group or this content.

109. On April 10, 2018, Professor Squire reported to Facebook a group named “Anti-Islam Movement,” a group with a cover photo of the scope of a gun and the caption “72 Virgins Dating Service, The Relationship is up to you . . . We just arrange the meeting.” The group description contained the language: “Lord make me fast and accurate, let my aim be true and my hand faster.” Facebook responded on April 12, 2018, and informed her that it would not remove this group or this content. Later, however, on April 17, 2018, Facebook acknowledged that the group violated its Community Standards and removed it.

110. On April 11, 2018, Professor Squire reported to Facebook a group called “Death to Islam Undercover.” She reported it as violating Facebook’s Community Standards that prohibit “hate groups,” such as “organizations and people dedicated to promoting hatred against protected groups.” As part of those standards, protected groups were defined to include religious affiliation. Facebook responded to this report on April 12, 2018, by informing Professor Squire that it would not remove this group or its content. However, six days later Facebook informed Professor Squire that it had removed some unspecified content from the group, but would allow the group to remain on the platform.

111. On April 24, 2018, Professor Squire reported to Facebook a group called “Veterans Against Islamic Filth” as violating Facebook’s Community Standards that prohibited “dehumanizing speech including . . . reference or comparison to filth, bacteria, disease, or feces.” Facebook responded that it would not remove this group or this content.

112. On April 25, 2018, Professor Squire reported to Facebook a group called “Purge Worldwide (The Cure for the Islamic disease in your country).” The description of the group stated: “This is an anti Islamic group A Place to share information about what is happening in your part of the world. The meaning of purge Verb: 1) Rid (someone) of unwanted feeling, memory, or condition. 2. Physically remove (something) completely. Noun: An abrupt or violent removal of a group of people.” Professor Squire reported the group for containing “dehumanizing speech including . . . reference or comparison to filth, bacteria, disease, or feces.” Facebook responded by informing Professor Squire that it would not remove this group or this content.

113. On April 27, 2018, Professor Squire reported a group called “Pro-Islamophobia saves lives” that contained a photo of a charred body of a toddler for violating Facebook’s Community Standards’ prohibition against “Videos of dying, wounded or dead people if they contain... charred or burning people.” Facebook responded that it would not remove the group.

114. On January 26, 2019, Professor Squire reported a group called “Islam is pure evil” for violation of Facebook’s Community Standards that prohibited hate speech. Facebook responded it would not remove the group.

115. On June 30, 2019, Professor Squire reported a group called “Islam is a Cancer” for violation of Facebook’s Community Standards that prohibited “Dehumanizing speech including... reference or comparison to filth, bacteria, disease, or feces.” Facebook responded it would not remove the group.

116. On June 30, 2019, Professor Squire reported a group called “Purge Islam Globaly [sic]” for violation of Facebook’s Community Standards that prohibited hate speech. Facebook responded it would not remove the group.

117. On July 6, 2019, Professor Squire reported a group called “PIG Purge Islam Globally” for violation of Facebook’s Community Standards that prohibited hate speech. Facebook responded it would not remove the group.

Anti-Muslim Hate Speech and Content

118. In response to representations by Facebook and its executives regarding their commitment to taking down hate, as well as Facebook’s solicitations of Muslim Advocates for Muslim Advocates’ insight and expertise, Muslim Advocates committed substantial resources to educate Facebook about anti-Muslim groups and content that violate Facebook’s Community Standards, including groups and events pages that could have deadly consequences if not removed or taken down immediately.

119. For example, in December 2017, Muslim Advocates presented Facebook with a list of 26 different groups whose pages and content violated Facebook’s Community Standards by denigrating Muslims in violation of the Community Standards by comparing them to disease or filth or calling for them to be segregated from non-Muslims based on religious affiliation. But in

April 2018, when Mr. Zuckerberg testified before Congress, 24 of those 26 groups remained active on Facebook because Facebook had failed to remove the groups or their content.⁵¹ Deciding not to remove those groups and content was wholly inconsistent with Mr. Zuckerberg’s pledge to Congress in April 2018 that the company removes content that violates Facebook’s policies and his representation that “We do not allow hate groups on Facebook overall. So, if there is a group that their primary purpose or a large part of what they do is spreading hate, we will ban them from the platform overall.”⁵²

120. As of April 1, 2021, 19 of those 26 hate groups still had pages and content available on Facebook that plainly violated Facebook’s Community Standards.

121. In 2019, a major study found that dozens of current and former American law enforcement officers were members of Facebook groups dedicated to anti-Muslim bigotry.⁵³ With names such as “Veterans Against Islamic Filth,” “PURGE WORLDWIDE (The Cure for the Islamic disease in your country),” and “Americans Against Mosques,” these groups serve as private forums to share hateful messages about Muslims. Upon information and belief, Facebook was aware of the existence of these groups and the content within them as a result of Professor Squire’s efforts and otherwise. Failing to remove those groups and content was inconsistent with Mr. Zuckerberg’s pledge to Congress in April 2018 that the company removes content that violates Facebook’s policies and specifically that “We do not allow hate groups on Facebook overall. So, if

⁵¹ Michael Edison Hayden, *Facebook Has Failed to Stop Anti-Muslim Hate Groups, Despite Mark Zuckerberg Pledge*, Newsweek (Apr. 20, 2018), <https://www.newsweek.com/facebook-anti-muslim-hate-groups-890338>.

⁵² *Facebook: Transparency and Use of Consumer Data: Hearing Before the H. Committee on Energy and Com.*, 115th Cong. 28 (2018) (Statement of Mark Zuckerberg), <https://www.govinfo.gov/content/pkg/CHRG-115hhr30956/pdf/CHRG-115hhr30956.pdf>.

⁵³ Will Carless and Michael Corey, American cops have openly engaged in Islamophobia on Facebook, with no penalties, *Reveal News* (June 27, 2019), <https://revealnews.org/article/american-cops-have-openly-engaged-in-islamophobia-on-facebook-with-no-penalties/>.

there is a group that their primary purpose or a large part of what they do is spreading hate, we will ban them from the platform overall.”⁵⁴

122. Perhaps the most notable case of allowing anti-Muslim hate speech that violates the site’s rules involves former President Donald Trump. In 2016, Mr. Zuckerberg decided not to remove a post calling for a ban on all Muslims entering the United States.⁵⁵

123. President Trump’s anti-Muslim posts on Facebook have not been removed (even after he was banned from Facebook in 2021). In contrast, Muslim public figures have been regularly threatened and attacked on the platform. On numerous occasions, Muslim public officials in Congress and around the country have been targeted with hateful content—even death threats—on Facebook and Instagram without Facebook taking action to remove the content.⁵⁶

Anti-Muslim Event Pages

124. For years, Facebook’s event pages have been used by white nationalists, militias, and anti-Muslim hate groups to organize armed hate rallies targeting mosques and Muslim community centers across the country. Facebook has knowingly permitted white nationalist militias to directly intimidate worshippers and threaten mosques by organizing using Facebook event pages. This permission violated Facebook’s Community Standards, policies, and other standards articulated to Congress, and was inconsistent with specific promises made by Facebook officials regarding the removal of content.

125. For example, in 2017, anti-Muslim hate group ACT for America used Facebook to

⁵⁴ *Facebook: Transparency and Use of Consumer Data*, 115th Cong., at 28.

⁵⁵ Julia Carrie Wong, *Zuckerberg proves he is Facebook’s editor by allowing Trump’s hate speech*, *The Guardian* (Oct. 21, 2016), <https://www.theguardian.com/technology/2016/oct/21/mark-zuckerberg-facebook-trump-hate-speech-censorship>.

⁵⁶ Melissa Nan Burke, *Tlaib not cowed by ‘hateful’ threats, behavior*, *The Detroit News* (Jan. 28, 2019), <https://www.detroitnews.com/story/news/politics/2019/01/27/tlaib-death-threats-anti-muslim-slurs/2668471002/>.

organize two series of protests around the country—the first of which took place during the Islamic holy month of Ramadan. Muslim Advocates notified Facebook of the events organized by ACT for America. Muslim Advocates also raised concerns about how the platform is regularly used by hate groups to plan events targeting Muslims and other communities, with some even calling for people to take up arms against Muslims. (Despite the fact that Muslim Advocates has repeatedly flagged the hate group to Facebook officials for violations of Community Standards, ACT for America remains on the platform.)

126. In 2016, two Russian Facebook pages organized dueling rallies in front of the Islamic Da’wah Center of Houston.⁵⁷ Heart of Texas, a Russian-controlled Facebook group that promoted Texas secession had amassed hundreds of thousands of followers. One of their ads on Facebook announced a noon rally on May 21, 2016, to “Stop Islamification of Texas.” A separate Russian-sponsored group, United Muslims of America (stealing the identity of a legitimate California-based Muslim organization), advertised a “Save Islamic Knowledge” rally for the same place and time. The armed protest terrified those inside the religious center.⁵⁸ This material concerning the rallies violated Facebook’s Community Standards and policies related to hate speech and was inconsistent with specific promises made by Facebook officials regarding the removal of content.

127. Even Facebook’s hired civil rights auditors have highlighted the company’s failure to enforce its own Community Standards prohibiting a call to arms during an anti-Muslim protest

⁵⁷ Claire Albright, *A Russian Facebook page organized a protest in Texas. A different Russian page launched the counterprotest*, The Texas Tribune (Nov. 1, 2017), <https://www.texastribune.org/2017/11/01/russian-facebook-page-organized-protest-texas-different-russian-page-1/>.

⁵⁸ Claire Ballor, *Shariah law protesters, some toting rifles, gather in front of North Texas Islamic center*, The Dallas Morning News (June 10, 2017), <https://www.dallasnews.com/news/2017/06/10/shariah-law-protesters-some-toting-rifles-gather-in-front-of-north-texas-islamic-center/>.

organized on their events pages in August 2019.⁵⁹ The auditors described an event page that was used to intimidate attendees of the Islamic Society of North America's annual convention in Houston, Texas. Despite the fact that this was the second year in a row where this same hate group threatened the conference, it took Facebook more than 24 hours to remove the event page after learning of it.

128. In May 2020, the Tech Transparency Project found more than 100 American white supremacist groups, many explicitly anti-Muslim, active on Facebook, either in their own group pages or in content Facebook creates itself through auto-generation.⁶⁰ In response to the report, Facebook only nominally altered some of the auto-generated content, but left the hate groups largely untouched.⁶¹ This material violated Facebook's Community Standards, and Facebook's failure to remove the content contradicts the commitments Facebook and its executives made to Congress, users, and civil rights groups to remove groups and content that violates the company's Community Standards.

Militia Groups

129. On January 6, 2021, armed insurgents violently attacked law enforcement officials (including Capitol Police and D.C. Metropolitan Police officers) and stormed into the Capitol in an attempt to disrupt the counting of electoral college votes and kill Vice President Mike Pence and members of Congress. Multiple news sources have reported that the attack was substantially planned on Facebook.

⁵⁹ Facebook Civil Rights Audit at 58.

⁶⁰ Tech Transparency Project, *White Supremacist Groups Are Thriving on Facebook*, p.3 (May 21, 2020), <https://www.techtransparencyproject.org/sites/default/files/Facebook-White-Supremacy-Report.pdf>.

⁶¹ Global Project Against Hate and Extremism & Muslim Advocates, *Complicit: The human cost of Facebook's disregard for Muslim life*, p. 34 (Oct 21, 2020), https://muslimadvocates.org/wp-content/uploads/2021/01/MuslimAdvocates_FBReport_Final2021_reduced.pdf.

130. On behalf of Facebook, Ms. Sandberg publicly stated that the January 6 attack was planned on platforms other than Facebook, claiming that Facebook had stronger systems to remove false and hateful speech that violates its policies.⁶²

131. But that assertion was flatly false. Indeed, the Tech Transparency Project reported that extremist groups had used Facebook for months prior to January 6, 2021, to organize and incite members in violation of Facebook's standards, policies, and promises to Congress.⁶³

132. The insurrection planned on Facebook and other social media sites should have come as no surprise. The Tech Transparency Project reported in April 2020 that "boogaloo" groups were using Facebook to prepare for a second civil war. It also reported that members of private boogaloo groups that it flagged later engaged in real or attempted violence.⁶⁴ These groups, pages, and content violated Facebook's policies and other promises made by Facebook executives regarding the removal of groups and content.

133. During the Capitol Riots on January 6, 2021, Facebook employees began calling for Facebook to ban Trump from the platform. Mike Schroepfer, Chief Technology Officer at Facebook, wrote on an internal message board, "Hang in there everyone." An employee responded, "All due respect, but haven't we had enough time to figure out how to manage discourse without enabling violence? We've been fueling the fire for a long time and we shouldn't be surprised that it's now out of control."⁶⁵

134. In March 2021, the Tech Transparency Project issued a report of its investigation

⁶² Elizabeth Dwoskin, *Facebook's Sandberg deflected blame for Capitol riot, but new evidence shows how platform played role*, Washington Post (Jan. 13, 2021), <https://www.washingtonpost.com/technology/2021/01/13/facebook-role-in-capitol-protest/>.

⁶³ Tech Transparency Project, *Capitol Attack Was Months in the Making on Facebook* (Jan. 19, 2021), <https://www.techtransparencyproject.org/articles/capitol-attack-was-months-making-facebook>.

⁶⁴ Tech Transparency Project, *Facebook's Boogaloo Problem: A Record of Failure* (Aug. 12, 2020) <https://www.techtransparencyproject.org/articles/facebooks-boogaloo-problem-record-failure>.

⁶⁵ An Ugly Truth, p. 291.

that identified 201 militia pages and 13 militia groups on Facebook as of March 18, 2021, more than two months after the January 6, 2021 insurrection at the United States Capitol.⁶⁶ This material violated Facebook’s Community Standards, policies and standards articulated to Congress about its removal of groups and content.

135. In identifying active militia pages, the Tech Transparency Project investigation found that roughly 70% (140) of the Facebook pages identified in its report had the word “militia” in their name and were thus easily identifiable by Facebook. Because Facebook has said that it monitored militia activity, that means Facebook chose to leave these pages on the platform.

136. The Tech Transparency Project also found that Facebook itself is auto-generating pages for some militia organizations, effectively expanding the reach of the movement. This material that is created by Facebook, which by its very nature Facebook itself knows about, violated Facebook’s Community Standards, policies and standards articulated to Congress and to Muslim Advocates about its removal of groups and content.⁶⁷

137. The Tech Transparency Project further found that Facebook directs users who “like” certain militia pages toward other militia groups, helping these organizations potentially recruit and radicalize additional Facebook users. The content of these pages routinely violates Facebook’s Community Standards, policies, and standards articulated to Congress and to Muslim Advocates about its removal of groups and content.

138. The Tech Transparency Project found that some Facebook militia groups are circulating propaganda on behalf of the far-right and anti-Muslim group, the Proud Boys, whose

⁶⁶ Tech Transparency Project, *Facebook’s Militia Mess* (Mar. 24, 2021), <https://www.techtransparencyproject.org/articles/facebooks-militia-mess>.

⁶⁷ Tech Transparency Project, *White Supremacist Groups Are Thriving on Facebook* at 3.

members have been charged in the Capitol insurrection.⁶⁸ This content routinely violates Facebook’s Community Standards, policies, and standards articulated to Congress and to Muslim Advocates about its removal of groups and content.

139. On February 1, 2021, the Southern Poverty Law Center published its annual report identifying hate groups in the United States. It identified over 838 hate groups, including at least 72 anti-Muslim groups,⁶⁹ as part of that report. Two months later, as of April 1, 2021, at least 148 of those hate groups have Facebook pages. Many of them have content that clearly violates Facebook’s Community Standards and policies. For example, one page included a picture of a Qur’an in a urinal; another compared Congresswoman Ilhan Omar’s hijab to a KKK hood and compared the Congresswoman herself to Hitler; another had the caption “Never forget, Islam did this” captioning a photograph of 9/11. The hate group list published annually by the Southern Poverty Law Center is widely publicized, including by being posted on Facebook,⁷⁰ and Facebook was on notice of its publication.

140. These are not merely isolated instances of Facebook failing to enforce its own standards and policies. They are illustrations of the systemic problem of anti-Muslim hate that is part of a larger ecosystem of white supremacist, racist, and Islamophobic groups that Facebook has not only failed to mitigate but has exacerbated by failing to conform its conduct to the promises of its executives to remove such content and even by facilitating it through content creation.

141. Indeed, Facebook’s own civil rights audit, completed in July 2020 after sustained pressure from civil rights and human rights groups, identified anti-Muslim hate speech on the

⁶⁸ Tech Transparency Project, *Facebook’s Militia Mess* (Mar. 24, 2021), <https://www.techtransparencyproject.org/articles/facebooks-militia-mess>,

⁶⁹ Hate Map, Southern Poverty Law Center, <https://www.splcenter.org/hate-map?ideology=anti-muslim>.

⁷⁰ See Southern Poverty Law Center Facebook Page, Facebook, <https://www.facebook.com/SPLCenter> (last accessed Aug. 4, 2021) (hosting Year In Hate Report as “pinned” item).

platform as a longstanding problem. The auditors hired by Facebook and employed as Facebook’s counsel wrote that “the organization of events designed to intimidate members of the Muslim community at gathering places, to the prevalence of content demonizing Islam and Muslims, and the use of Facebook Live during the Christchurch massacre” created an atmosphere “where Muslims feel under siege on Facebook.”⁷¹

Additional Incidents of Unremoved Content Causing Real Life Harm

142. In many high-profile incidents, Facebook has decided not to remove anti-Muslim and other biased content that violated its Community Standards, policies, and other promises made by Facebook executives, even though Facebook knew about that content and should have known that the content could have harmful and even deadly real-life consequences.

143. For example, a United Nations fact-finding mission found that Facebook played a “determining role” in stirring up hatred against Rohingya Muslims in Myanmar.⁷²

144. On April 10, 2018, Mr. Zuckerberg testified before Congress, where he admitted there was a problem of hate speech in Myanmar. Mr. Zuckerberg committed that Facebook would hire dozens more Burmese speakers and would work with civil society groups to take down accounts of local leaders spreading disinformation and calling for violence. Yet four months later, a Reuters analysis found that hate speech flourished on Facebook in Myanmar. Reuters found more than 1,000 examples of posts, comments, and pornographic images attacking Rohingya and other Burmese Muslims on Facebook.⁷³

⁷¹ Facebook Civil Rights Audit at 57.

⁷² United Nations Office of the High Commissioner for Human Rights, *Myanmar: UN Fact-Finding Mission releases its full account of massive violations by military in Rakhine, Kachin, and Shan States*, United Nations Human Rights Office (Sept. 18, 2018), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23575>.

⁷³ Steve Stecklow, *Why Facebook is losing the war on hate speech in Myanmar*, Reuters (Aug. 15, 2018), <https://www.reuters.com/investigates/special-report/myanmar-facebook-hate/>.

145. In fact, “Matt Schissler, a Myanmar-based activist, informed Facebook that an elderly [Burmese] man was being maligned on the site. The man worked at a charity and did not have a Facebook account. He had been photographed delivering foods to camps for Rohingya [who had been displaced by the violence in Myanmar]. His image was then shared to Facebook, where people accused him of ‘helping the enemy’ and threatened violent attacks. Schissler reported the photograph through Facebook's automated systems, to be told that it did not contain any images that were hateful or threatening. When he explained that it wasn’t the photo but the posts and comments underneath it that were problematic, he received no answer. He then reached out to Facebook staff to take action. Weeks later, he was told they could do nothing unless the man in the photograph reported the image to Facebook himself - an impossibility given that he didn't have a Facebook account,” and contrary to Facebook’s Community Standards, which say nothing about a requirement that the subject of a photo needs to be the one who reports it in order to have it removed when it contains violent and threatening content.⁷⁴

146. The Christchurch, New Zealand, mosque massacres of March 5, 2019, were live-streamed on Facebook.⁷⁵ The videos were shared an unknown number of times worldwide despite Facebook’s knowledge that the videos were being disseminated, but were eventually taken down.⁷⁶

147. Facebook’s failure to enforce its own Community Standards and policies has also led to deadly results at home. In August of 2020, a white supremacist militia group called the Kenosha Guard created a Facebook event that called for people to “take up arms” and defend the

⁷⁴ *An Ugly Truth* pg. 179.

⁷⁵ Emanuel Stoakes, *New Zealand mosque attack victims confront gunman in courtroom*, Washington Post (Aug. 24, 2020), https://www.washingtonpost.com/world/asia_pacific/brenton-tarrant-sentence-new-zealand-mosque-attack-christchurch/2020/08/23/abd51832-e10c-11ea-82d8-5e55d47e90ca_story.html.

⁷⁶ Andrew Liptak, *Facebook says that it removed 1.5 million videos of the New Zealand mass shooting*, The Verge (Mar. 17, 2019), <https://www.theverge.com/2019/3/17/18269453/facebook-new-zealand-attack-removed-1-5-million-videos-content-moderation>.

city of Kenosha from “evil thugs.”⁷⁷ The event page warned police they would be “outnumbered.” Facebook received at least 455 user reports flagging that event, but Facebook decided not to remove that content, notwithstanding the Community Standards’ prohibition on “calls to arm.”⁷⁸

148. On August 25, 2020, an Illinois teenager who answered the call to arms that Facebook refused to remove shot and killed two peaceful protesters in Kenosha, Wisconsin, at the very event promoted by the call to arms.⁷⁹ (A third peaceful protester was also shot by the teenager, but survived). Facebook initially claimed that it took down the event page *after* the double murder had occurred. In fact, however, it was the page administrator for the Kenosha Guard that took down the event page, not Facebook.⁸⁰

149. On August 27, 2020, Ms. Qureshi sent an email to Mr. Clegg, Mr. Martin, Lindsay Elin, Ms. Dorsainvil, and Shaarik Zafar at Facebook stating, “[F]or the love of God, take these lies about [Anthony] Huber and posts glorifying Kyle [Rittenhouse] down. And, I beg you, finally, finally stop allowing hate groups and white nationalists to use your event pages before more people die.”

⁷⁷ Katie Paul and Elizabeth Culliford, *Facebook’s Zuckerberg says Kenosha post did not violate ‘call to arms’ policy*, Reuters (Nov. 17, 2020), https://www.reuters.com/article/usa-tech-senate-int/facebook-zuckerberg-says-kenosha-post-did-not-violate-call-to-arms-policy-idUSKBN27Y096_

⁷⁸ Ryan Mac, *A Kenosha Militia Facebook Event Asking Attendees To Bring Weapons Was Reported 455 Times. Moderators Said It Didn’t Violate Any Rules.*, BuzzFeed News (Aug. 28, 2020), <https://www.buzzfeednews.com/article/ryanmac/kenosha-militia-facebook-reported-455-times-moderators>.

⁷⁹ Muslim Advocates, *Facebook Ignored Warnings About Event Page Abuses for Years* (Sept. 16, 2020), <https://muslimadvocates.org/2020/09/facebook-ignored-warnings-about-event-page-abuses-for-years/>.

⁸⁰ Ryan Mac and Craig Silverman, *How Facebook Failed Kenosha*, BuzzFeed News (Sept. 3, 2020), <https://www.buzzfeednews.com/article/ryanmac/facebook-failed-kenosha>.

150. In response, Facebook falsely stated that it removed the page for violating the Community Standards when, in fact, the page administrator had voluntarily removed it before Facebook took action.

Donald Trump

151. Until January 6, 2021—when Facebook banned former President Trump from its platform after the violent takeover of the U.S. Capitol inspired by Mr. Trump—Facebook did not enforce its Community Standards, policies, or other standards articulated to Congress with respect to Mr. Trump, even though Mr. Trump’s inflammatory posts routinely violated those standards and policies.

152. As noted above, Mr. Zuckerberg told Congress in April 2018 that “If anyone, including a politician, is saying things . . . that is calling for violence or could risk imminent physical harm, or voter or census suppression when we roll out the census suppression policy, we will take that content down.” But as nearly every American knows, in 2020, Mr. Trump routinely did all of the things that Mr. Zuckerberg said Facebook would take down—called for violence, risked imminent physical harm to various groups of Americans, and attempted to suppress the vote (including through repeated attacks on lawful, mail-in voting).

153. Despite the fact that Facebook’s executives and their staff carefully monitored Mr. Trump’s posts on Facebook, they did not remove any of them. In only the rarest of circumstances, they put warnings on Mr. Trump’s posts. Even after Facebook banned Mr. Trump from Facebook—after Mr. Trump incited a violent takeover of the United States Capitol that left five people dead—Facebook did not remove Mr. Trump’s posts that violated Facebook’s standards and policies. They remain on Facebook to this day.

154. In one of the most famous examples of Mr. Trump violating Facebook’s standards and policies, on May 29, 2020, responding to Americans protesting the murder of George Floyd,

Mr. Trump posted on Facebook that the protesters are “THUGS” and that he had told the governor of Minnesota that “the Military is with him all the way. Any difficulty and we will assume control, but when the looting starts, the shooting starts.”

155. This post was a clear threat that if protesters engage in looting of property, the military or police would shoot them, and an encouragement of the military (or “militia”) to shoot looters or nearby protesters. Accordingly, it violated Facebook’s ban on “Violence and Incitement,” as “language that incites or facilitates serious violence.” It was shared tens of thousands of times on Facebook.⁸¹ Despite the fact that Facebook and its CEO Mark Zuckerberg knew this post violated Facebook’s Community Standards, Mr. Zuckerberg decided that the post would not be removed. This prompted a number of Facebook employees to publicly condemn Mr. Zuckerberg’s refusal to enforce the company’s Community Standards with respect to Mr. Trump. Perhaps Mr. Zuckerberg made this decision because Mr. Zuckerberg had told Mr. Trump that he was “No. 1 on Facebook” at a private dinner that they had a few months earlier.⁸²

156. On December 8, 2015, Mr. Kaplan, in a video conference with Ms. Sandberg, Elliot Schrage, Ms. Bickert and other policy and communications officials, advised against the removal of a post by Mr. Trump in which he called for a Muslim ban, barring Muslim immigrants from entering the country. Mr. Kaplan advised against removing the post because Mr. Trump, an influential user and important advertiser even apart from his effect on overall user engagement, and his supporters would see the move as reflecting a political bias and would consider it a form of censorship, and Mr. Kaplan did not want to “poke the bear.” Facebook ultimately did not remove

⁸¹ Sam Shead, *Facebook staff angry with Zuckerberg for leaving up Trump’s ‘looting ... shooting’ post*, CNBC (June 1, 2020), <https://www.cnbc.com/2020/06/01/facebook-staff-angry--zuckerberg.html>.

⁸² Charlie Wood, *Facebook CEO Mark Zuckerberg congratulated Trump for being ‘No. 1 on Facebook,’ according to Trump*, Business Insider (Jan. 7, 2020), <https://www.businessinsider.com/trump-mark-zuckerberg-dinner-number-one-facebook-2020-1>.

the post despite the fact that the post was in violation of Facebook’s Community Standards.

Alex Jones

157. Facebook’s dishonesty about its policy is further exemplified by its actions pertaining to radio show host and conspiracy theorist Alex Jones. In May 2019, Facebook banned Alex Jones from Facebook for calling for or carrying out acts of violence, following hateful ideologies, using hate speech or slurs, and posting content that goes against Facebook’s policies. In doing so, Facebook stated, “We’ve always banned individuals or organizations that promote or engage in violence and hate, regardless of ideology.”⁸³

158. But Mr. Zuckerberg overruled his own experts and decided that while Facebook would permanently ban Mr. Jones and his company, Facebook would still allow users to post information from Mr. Jones and his company. This meant that Mr. Jones’ followers could continue to share the content on Facebook that Facebook had already determined violated its policies.⁸⁴

159. In fact, in the 30 days prior to January 6, 2021, content from Mr. Jones’ websites, telling fans to “prepare for war,” amassed over 1.1 million interactions across Facebook, even though Mr. Jones had been banned well over a year prior.⁸⁵ Researchers found 583 public posts that shared content from Mr. Jones’ own domains—InfoWars and Banned.video—in the 30-day period prior to the United States Capitol riots. These posts linked to a total of 95 unique articles from Mr. Jones’ domains and garnered 1,181,893 interactions across Facebook.

⁸³ Casey Newton, *Facebook bans Alex Jones and Laura Loomer for violating its policies against dangerous individuals*, The Verge (May 2, 2019), <https://www.theverge.com/2019/5/2/18526964/facebook-ban-alex-jones-laura-loomer-milo-louis-farrakhan>.

⁸⁴ Ryan Mac and Craig Silverman, “*Mark Changed the Rules*”: *How Facebook Went Easy on Alex Jones and Other Right-Wing Figures*, BuzzFeed News (Feb. 21, 2021), <https://www.buzzfeednews.com/article/ryanmac/mark-zuckerberg-joel-kaplan-facebook-alex-jones>.

⁸⁵ David Gilbert, *Alex Jones Incited the Capitol Riot on Facebook Even Though He Was Banned 2 Years Ago*, Vice (Apr. 1, 2021), <https://www.vice.com/en/article/jgqyvg/facebook-helped-alex-jones-share-prepare-for-war-posts-before-the-capitol-riots>.

The Statements by Facebook’s Executives Were Misrepresentations

160. As the events in the prior section describe, the repeated statements by Facebook’s executives about removing all content and groups that violate Facebook’s Community Standards, policies, and other standards articulated to Congress and privately to Muslim Advocates staff were intentionally false.

161. Those statements were made for the express purpose of falsely communicating to Muslim Advocates (as well as members of Congress, other federal officials, non-profit leaders, the public, and Facebook’s own users) that the Facebook platform was and is safe and that the public should continue to use its platform; assuring federal officials that the company could police itself and did not require new legislation or regulations to supervise the company’s conduct; attempting to convince leaders of non-profit organizations, such as Muslim Advocates, that they need not spend their energy or resources pushing for additional regulation, scrutiny, or boycotts of the company.

162. By making the statements described above, the defendants represented that the goods and services they provide to hundreds of thousands of District of Columbia residents, including Muslim Advocates, had specific characteristics, benefits, standards, and qualities—*i.e.*, that Facebook’s platform would not have any content that violates Facebook’s Community Standards or other policies after Facebook learns about such content or such content is flagged to Facebook by others—when Facebook’s platform in fact does not have such characteristics, benefits, standards, or qualities.

163. Furthermore, by making these same statements the defendants have misrepresented a material fact: that they supposedly take down all content from Facebook’s platform that plainly violates Facebook’s Community Standards, policies, and other standards articulated to Congress and privately to Muslim Advocates staff when Facebook learns about such content or such content

is flagged to Facebook by others. As described above, Facebook routinely has not done so.

164. In addition, in making these statements the defendants failed to disclose or adequately disclose a material fact—that they routinely decide not to remove content that violates Facebook’s Community Standards, policies, and other standards articulated to Congress and privately to Muslim Advocates staff when Facebook learns about such content or such content is flagged to Facebook by others. Failing to state this material fact has a tendency to mislead consumers into believing that Facebook does, in fact, remove all content that violates its Community Standards, policies, and other standards articulated to Congress and privately to Muslim Advocates staff when Facebook learns about such content or when such content is flagged to Facebook by others.

Muslim Advocates’ Interactions With Facebook

165. In reliance on Facebook’s representations that it removes content that violates its Community Standards and will remove such content in the future, Muslim Advocates has committed substantial resources to engage with and provide services to assist Facebook.

166. Specifically, Muslim Advocates has educated Facebook about the militias, white nationalists, and other anti-Muslim hate groups proliferating on the platform. This education has included providing examples of Facebook users using the platform’s event pages to direct harassment and violence at vulnerable communities, explaining how ordinary Facebook users are radicalized into spreading anti-Muslim hate through Facebook groups, and pointing to viral anti-Muslim posts elevated by Facebook’s algorithm. Although Muslim Advocates provided some (though not all) of these services as early as 2013, it did so more recently in reliance on Facebook’s repeated representations about removing content that violates Facebook’s community standards.

167. Additionally in reliance on Facebook’s representations, Muslim Advocates has harnessed its expertise to provide Facebook with insight about American Muslim communities and

to provide feedback that Facebook employees solicited from Muslim Advocates regarding the development of Facebook's Community Standards.

168. Over the years, Muslim Advocates has met with senior members of the Facebook team including, but not limited to, Mr. Zuckerberg, Ms. Sandberg, Mr. Martin, and Ms. Bickert to provide these services.

169. Providing these significant services to Facebook—which totaled, over time, many hundreds of hours—prevented Muslim Advocates from using its staff time and institutional resources on other measures that would protect the communities that Muslim Advocates serves. These other measures include, but are not limited to, developing informational resources regarding online safety and the dangers of online hate and what people can do when they come into contact with such content; making recommendations to Islamic Centers to increase physical security in response to hate rallies; devoting more resources to working with other technology companies to keep Muslims safe online; engaging in federal policy advocacy on behalf of the American Muslim community; and supporting and counseling community members harmed by the prior Presidential administration's anti-Muslim policies or other forms of anti-Muslim hate. Committing resources to Facebook therefore directly frustrated and impeded Muslim Advocates' mission of "halt[ing] bigotry in its tracks" and creat[ing] a society wherein "all Americans may live free from hate and discrimination."

170. Facebook has exploited the substantial assistance and expertise that Muslim Advocates has provided it to burnish Facebook's public image and maximize revenue, without taking the promised steps to remove hate speech and other content that violates its Community Standards when it learns of such content, which induced Muslim Advocates to provide that assistance.

171. Despite concerns about Facebook's handling of hate speech, Muslim Advocates

continued to provide these services because of Facebook’s repeated representations—both in private overtures and in public and highly scrutinized forums such as Congress—about what action Facebook had taken in the past and would take in the future.

172. Facebook’s misrepresentations about removing content that violates its standards also caused separate harm to Muslim Advocates. By misrepresenting that it takes down content that violates the Community Standards, Facebook fostered a platform that generated incidents of anti-Muslim hate while simultaneously leading Muslim Advocates to believe that Facebook would take action in response to hate speech. Facebook’s misrepresentations thus resulted in Muslim Advocates responding to the anti-Muslim hate on the platform in furtherance of its mission to protect the Muslim community. These responses expended resources distinct from those spent providing direct services to Facebook.

173. Since 2018, Muslim Advocates has dedicated hundreds of hours a year, and often much more, to the effort to rid Facebook of anti-Muslim content that violates Facebook’s Community Standards and policies. This included identifying content that violated Facebook’s standards to bring to Facebook’s attention for removal and other action. Given Muslim Advocates’ size (approximately 20 full-time staff) this is an enormous diversion of resources that could be fruitfully spent elsewhere. The resources that Muslim Advocates has dedicated to that effort would have been spent on the other projects described above.

174. The existence of hate speech on the platform—because Facebook did not live up to its promises—also resulted in Muslim Advocates working to mitigate the real-world consequences of that content. For example, when an anti-Muslim group organized a protest in Dallas on Facebook, the content was reported to Facebook as violating its policies, but Facebook took no action to remove it. Because Facebook enabled the protestors to reach a wide audience that would not otherwise have seen their call to action and to coordinate among themselves, the anti-Muslim

protest was larger and more effective than it would otherwise have been. Muslim Advocates devoted significant staff time and resources to working with the community that was traumatized by this protest and by the bigoted language directed at Muslims. If Facebook had enforced its policies, these resources would not have been expended in this manner and could have been spent on other parts of Muslim Advocates' mission.

175. As Facebook's conduct contradicted its public messaging, Muslim Advocates also devoted staff time and resources to advocating—to Facebook, civil rights groups, and the general public—for Facebook to act in accordance with its policies and informing others that Facebook was violating its policies.⁸⁶

176. For instance, Muslim Advocates demanded that Facebook undertake a full-scale civil rights audit of its platform. When Facebook did conduct the audit, Muslim Advocates dedicated well over 100 hours to educate Facebook about anti-Muslim hate speech on its platform and provided research on anti-Muslim hate that was included in the civil rights audit report. That audit, which began in 2018 and was completed in 2020, found that Facebook had created an environment “where Muslims feel under siege on Facebook.”⁸⁷ Muslim Advocates' examination of issues of anti-Muslim bigotry, including hate groups' use of Facebook event pages to organize armed events targeting Muslims, was also included in the civil rights audit report.

177. Additionally, in 2020, Muslim Advocates, along with the Global Project on Hate and Extremism, published a report entitled “Complicit: The Human Cost of Facebook's Disregard for Muslim Life.” The report was a comprehensive narrative about how Facebook enables anti-

⁸⁶ See, e.g., Muslim Advocates, *Muslim Advocates: Facebook Does Not Take Hate Content Seriously* (June 30, 2019), <https://muslimadvocates.org/2019/06/muslim-advocates-facebook-does-not-take-hate-content-seriously/>; Muslim Advocates, *Muslim Advocates Demands that Zuckerberg Address Facebook's Anti-Muslim Problem* (Oct. 16, 2019), <https://muslimadvocates.org/2019/10/muslim-advocates-demands-that-zuckerberg-address-facebooks-anti-muslim-problem/>.

⁸⁷ Facebook Civil Rights Audit at 57.

Muslim hate globally and fails to remove anti-Muslim content that violates its Community Standards. Muslim Advocates spent well over 100 hours drafting, editing, and publishing that report.

178. Also in 2017, news broke that Russian trolls had been using Facebook to impersonate Muslims and Muslim organizations to stir division among Americans despite the fact that Facebook Community Standards do not permit impersonations. Muslim Advocates and its partners drafted a letter to Facebook demanding, among other things, that the company “fully disclose to the public all of the ads, pages, events, accounts, and posts [Facebook has] traced back to Russian operatives targeting African American, LGBTQ, and Muslim communities.”⁸⁸ Muslim Advocates and its partners sought the support of other community-based organizations and ultimately had 18 other such organizations sign on to the letter.

179. In 2014, Muslim Advocates published a report entitled “Click Here to End Hate: Anti-Muslim Bigotry Online & How to Take Action,”⁸⁹ which highlighted examples of anti-Muslim content online, including on Facebook’s platform. Muslim Advocates spent well over 200 hours compiling examples of anti-Muslim content, drafting the report, and editing it.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

D.C. Consumer Protection Procedures Act (“DC CPPA”)

D.C. Code §§ 28-3901, *et seq.*

Brought against all Defendants

180. Plaintiff incorporates by reference and realleges all previous paragraphs.

181. This Count is brought pursuant to the District of Columbia Consumer Protection

⁸⁸ Muslim Advocates, et al., Letter to Facebook (Oct. 30, 2017), https://muslimadvocates.org/files/Letter_19CivilRightsGroupstoFacebook.pdf.

⁸⁹ Muslim Advocates, *Click Here to End Hate: Anti-Muslim Bigotry Online & How to Take Action* (May 2014), <https://muslimadvocates.org/wp-content/uploads/Click-Here-to-End-Hate.pdf>.

Procedures Act (“CPPA”), D.C. Code §28-3901 *et seq.* This Count is alleged against the defendants on behalf of Muslim Advocates and the general public of the District of Columbia under District of Columbia Code § 28-3905(k)(1)(A), (C), and (D).

182. The CPPA establishes a right to truthful information from merchants about the consumer goods and services that they provide to people in the District of Columbia. It is a remedial statute that must be broadly construed.

183. Muslim Advocates brings this action as a “consumer” under § 28-3905(k)(1)(A), a “nonprofit organization” under § 28-3905(k)(1)(C), and also a “public interest organization” under § 28-3905(k)(1)(D)(i). Muslim Advocates does not bring this Count on behalf of a class of consumers or seek to represent a class of consumers.

184. Plaintiff Muslim Advocates is a “non-profit organization” within the meaning of § 28-3901(a)(14), and a “public interest organization” within the meaning of § 28-3901(a)(15). As described above, Muslim Advocates is non-profit organization organized under Internal Revenue Code § 501(c)(3), the group is not organized or operated for profit, and one of its purposes is to promote the interests or rights of consumers, namely Muslim consumers.

185. The defendants are all “persons” within the meaning of D.C. Official Code § 283901(a)(1), because defendants Zuckerberg, Sandberg, Kaplan, and Martin are individuals, and because Facebook is a corporation incorporated in Delaware.

186. All of the defendants provide “goods and services” within the meaning of § 28-3901(a)(7), including services for personal, household, or family purposes. Defendants transfer, sell, and/or lease their products and services in return for users’ data. Hundreds of thousands of people in the District of Columbia use the digital communication, messaging, and sharing services available through Facebook, Instagram, Messenger, WhatsApp and related applications. In return, Defendants receive tens of millions of dollars from companies in the District of Columbia and

elsewhere to advertise goods and services to the hundreds of thousands of District of Columbia residents that use the Facebook applications. All of the defendants engaged in an “[u]nlawful trade practice” within the meaning of D.C. Code § 28-3904 that makes it unlawful, “whether or not any consumer is in fact misled, deceived or damaged thereby, for any person to:

(a) represent that goods or services have a source, sponsorship, approval, certification, accessories, characteristics, ingredients, uses, benefits, or quantities that they do not have; . . .

(d) represent that goods or services are of particular standard, quality, grade, style, or model, if in fact they are of another;

(e) mispresent as to a material fact which has a tendency to mislead;

(f) fail to state a material fact if such failure tends to mislead[.]”

187. The defendants violated D.C. Code § 28-3904(a) and (d) by *inter alia* participating in a trade practice of representing Facebook’s applications to be governed by Community Standards when they knew or should have known that Facebook routinely did not enforce its Community Standards.

188. The defendants violated D.C. Code § 28-3904(e) by, *inter alia*, participating in a trade practice of misrepresenting a material fact—that they routinely and reliably decide not to remove all content from Facebook’s platform that squarely violates Facebook’s Community Standards, policies, and other standards articulated to Congress and privately to Muslim Advocates staff—including, but not limited to, anti-Muslim speech—when Facebook learns about such content or such content is flagged to Facebook by others, when they knew or should have known that Facebook routinely fails to do as promised.

189. The defendants violated D.C. Code § 28-3904(f) by participating in a trade practice of failing to disclose or adequately disclose a material fact that they knew or should have known—

that the Community Standards are not enforced as written but that Defendants routinely and reliably decide not to remove all content that violates Facebook’s Community Standards, policies, and other standards articulated to Congress, the public, and privately to Muslim Advocates staff—when Facebook learns about such content or such content is flagged to Facebook by others.

190. Failing to state this material fact tends to mislead consumers into believing that Facebook does, in fact, routinely and reliably remove all content that violates its Community Standards, policies, and other standards articulated to Congress and to civil rights groups such as Muslim Advocates when Facebook learns about such content or such content is flagged to Facebook by others. Facebook’s consumers are thus deprived of information about the risk of third-party harms from the product they are using.

191. The defendants knew or should have known that consumers would believe that Facebook does and would routinely and reliably remove all content that violates Facebook’s Community Standards, policies, and other standards articulated to Congress and to civil rights groups such as Muslim Advocates when Facebook learns about such content or such content is flagged to Facebook by others.

192. By making the statements described above, the defendants represented that the goods and services that they provide to hundreds of thousands of District of Columbia residents had characteristics, benefits, standards, and qualities—*i.e.*, that its platform would not have content that violates Facebook’s Community Standards, policies, and other standards articulated to Congress, to the public, and to civil rights groups such as Muslim Advocates once Facebook learns about such content or such content is flagged to Facebook by others—when Facebook’s platform does not have such characteristics, benefits, standards, or qualities. Facebook’s consumers are thus deprived of information about how their product choices might create harm to others. Accordingly, the defendants have violated D.C. Code § 28-3904(a) and (d).

193. All of the defendants participated in making the statements that give rise to the claims in this action, by making the statements to the public, in testimony to Congress, to non-profit leaders in the District of Columbia, or by editing, approving, or otherwise contributing to those statements being made or causing them to be made.

194. All of the defendants knew or should have known that Facebook routinely did not remove content that plainly violates Facebook's Community Standards, policies, and other standards articulated to Congress and to civil rights leaders if such content serves Facebook's business interests.

195. All of the defendants counseled internally or decided against removing content that violates Facebook's Community Standards, policies, and other standards articulated to Congress and to civil rights leaders if such content served Facebook's business interests.

196. All of the defendants significantly and meaningfully participated in the violations of the CPPA as alleged herein.

197. The type of content shown to users of Facebook and the enforcement of standards for what content will be removed or taken down by Facebook go to the heart of the characteristics and benefits that Facebook users enjoy or appreciate, as well as the standards or qualities that consumers experience when using Facebook's services.

198. Reliance is not required by the CPPA. District consumers, including Muslim Advocates, have nevertheless reasonably relied on Defendants' misrepresentations in continuing to operate their Facebook accounts and take other actions that increased Facebook's revenues and profits, and, in turn, increased the income and/or wealth of the other Defendants.

SECOND CAUSE OF ACTION
Fraudulent Misrepresentation

Brought against Defendants Zuckerberg, Sandberg, and Facebook, Inc.

199. Plaintiff incorporates by reference and realleges all previous paragraphs.

200. Defendants Zuckerberg, Sandberg, and Facebook, Inc. committed the tort of common law fraud or fraudulent misrepresentation.

201. The elements of fraudulent misrepresentation are (1) the defendant made a false representation, (2) in reference to a material fact, (3) that the defendant made with knowledge of its falsity, (4) with an intent to deceive, and (5) reliance was taken based on the representation.

202. As described above, these defendants repeatedly made false statements to the public, Congress, and civil rights leaders including Muslim Advocates staff that they routinely and reliably remove all content from Facebook's platform that violates Facebook's Community Standards, policies, and other standards articulated to Congress when Facebook learns about such content or such content is flagged to Facebook by others.

203. As described above, these defendants' statements were made in reference to a material fact. These defendants knew that these statements were false when they made them. Each of these defendants specifically knew that these statements were critical to public officials, civil rights groups, and consumers having confidence that Facebook would enforce its Community Standards, policies, and other standards articulated to Congress to make Facebook a safer place for its users, thus reducing the likelihood that Facebook would face more restrictive regulations, increasing the extent to which consumers would use Facebook's social media services, and inducing civil rights groups like Muslim Advocates to engage with Facebook, including by providing Facebook with solicited feedback of proposed Community Standards.

204. In making these statements, these defendants intended to deceive Plaintiff, public officials, other civil rights groups, and consumers into believing the statements and, thus, having greater confidence in Facebook, deferring any action to regulate or advocate for regulation of Facebook that is tougher than current law, using Facebook's social media services to a greater degree, and providing Muslim Advocates' expertise and civil rights reputation to Facebook.

205. These defendants knew that Plaintiff would rely upon their false statements, because they have experience with how lawmakers, civil rights groups, and consumers respond to commitments to take concrete and specific actions to make Facebook's platform a safer place. And during the prior three years, they saw that their false statements were working as planned and continued to make or authorize these false statements.

206. Plaintiff in fact reasonably relied upon these defendants' materially false statements to its detriment. At various points during the past three years, Muslim Advocates engaged Facebook and its representatives in a dialogue with other civil rights groups about Facebook's civil rights record. In response to Facebook's statements about how it would remove all content from Facebook's platform that violates Facebook's Community Standards, policies, and other standards articulated to Congress and privately to Muslim Advocates staff when Facebook learns about such content or such content is flagged to Facebook by others, Muslim Advocates and other civil rights groups continued to engage in a dialogue directly with Facebook about Facebook taking voluntary measures to protect consumers from anti-Muslim hate and other civil rights problems, rather than taking a more hostile position about how Congress should regulate Facebook and its executives more rigorously. Additionally, Muslim Advocates continued to divert resources to respond to and assist with Facebook solicitations of Muslim Advocates' expertise on the Muslim community and its feedback regarding Facebook's development of the platform's Community Standards in reliance on Facebook's misrepresentation that such standards were being developed and used for the purpose of expeditiously removing the hateful content described therein.

207. These defendants' fraudulent misrepresentations proximately caused Muslim Advocates harm. If Muslim Advocates had known that these representations were false and that Facebook would routinely refuse to remove content that violates its standards and policies, it would not have expended its resources and staff time in dialogue with Facebook or spent such a substantial

amount of time alerting Facebook to content that violates its standards or policies. Instead, it would have joined and stepped up its own efforts to advocate to Congress for regulating Facebook more rigorously, taken more action to call on enforcement agencies to bring legal actions against Facebook, and provided a greater amount of counseling and legal assistance to the communities whom Muslim Advocates serves. Had the general public and government officials known the representations were false, Muslim Advocates would not have had to spend such substantial time preparing communities to be safe from harm organized on Facebook or to educate the public and officials about Defendants' failures to live up to their representations.

THIRD CAUSE OF ACTION
Negligent Misrepresentation

Brought against Defendants Zuckerberg, Sandberg, and Facebook, Inc.

208. Plaintiff incorporates by reference and realleges all previous paragraphs.

209. Defendants Zuckerberg, Sandberg, and Facebook, Inc. committed the tort of negligent misrepresentation.

210. The elements of negligent misrepresentation are (1) the defendant made a false statement or omission of a fact, (2) the statement was in violation of a duty to exercise reasonable care, (3) the false statement or omission involved a material issue, (4) the plaintiff reasonably relied and to its detriment relied on the false information, and (5) the defendant's challenged conduct proximately caused injury to the plaintiff.

211. As described above, these defendants repeatedly made false statements to the effect that they routinely and reliably remove all content from Facebook's platform that violates Facebook's Community Standards, policies, and other standards articulated to Congress and to Muslim Advocates staff when Facebook learns about such content or such content is flagged to Facebook by others.

212. These statements violated these defendants' duty of reasonable care to provide

accurate information to Facebook users, lawmakers, and others about a material aspect of Facebook's services, particularly given their knowledge about Facebook's routine failure to remove content that violates its Community Standards, policies, and other articulated standards when Facebook learns about or is flagged such content by others.

213. As described above, these defendants' statements were made in reference to a material fact or issue, Plaintiff reasonably relied on that false information to its detriment, and these defendants' false statements were the proximate cause of Plaintiff's harm.

JURY TRIAL DEMAND

The plaintiffs hereby demand a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against the Defendants, and in favor of Plaintiff and the District of Columbia General Public, and grant the following relief:

- a) declaring that Defendants' conduct violates the D.C. Consumer Protection Procedures Act and the torts of negligent misrepresentation and fraudulent misrepresentation;
- b) enjoining Defendants' conduct found to be in violation of the D.C. Consumer Protection Procedures Act and ordering corrective advertising;
- c) awarding Plaintiff restitution, treble damages, or statutory damages in the amount of \$1,500 per violation of the D.C. Consumer Protection Procedures Act, whichever is greater, but not to exceed \$74,999.
- d) awarding Plaintiff damages for Defendants' negligent misrepresentation and fraudulent misrepresentation;
- e) granting Plaintiff its costs of prosecuting this action, including attorneys' fees, experts' fees and litigation costs together with interest; and

f) granting such other relief as this Court may deem just and proper.

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Respectfully submitted,

/s/ Peter Romer-Friedman

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