

February 2, 2022

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

Dear Mr. Zuckerberg:

Illegal immigration to the United States is a crime. Not only do unlawful border crossings compromise national security, undermine the rule of law, and impose costs on law-abiding American taxpayers, they also endanger those willing to break the law in order to enter the country.

Facebook's policy of allowing users to solicit smuggling services, for the purpose of illegally entering the country, makes your company complicit in that harm. We're already seeing an unprecedented surge in minor children smuggled across our Southern border, who are often used by cartels to bring drugs into the country. Many of these unaccompanied minors are at particular risk of falling into the clutches of traffickers who prey on vulnerable children.

Let me be clear: No matter what "humanitarian" rationale your company can come up with for allowing individuals to solicit criminal activity, or what "resources" your company intends to provide potential migrants, its current approach is inflicting incalculable damage. By declining to remove user posts soliciting smuggling services, Facebook is effectively approving a gigantic beacon for human traffickers, who—even if they're not permitted onto the platform themselves—can easily reach out to their targets through non-Facebook channels.

As you no doubt are aware, your company has an uncommonly sordid record when it comes to trafficking. Your company ignored its own employees who sounded alarms about human traffickers using their website. Those employee concerns included identification of traffickers in the Middle East who used Facebook and Instagram to lure women into abusive domestic servitude and sex slavery.¹ And this is what makes your company's current approach so profoundly misguided. Even a moment's reflection makes clear that none of this content—no solicitations, no outreach from smugglers, no border-crossing advice—should be permitted on Facebook at all.

¹ <https://www.wsj.com/articles/facebook-drug-cartels-human-traffickers-response-is-weak-documents-11631812953>

Numerous Senators, including me, have previously written to you about your company's destructive effects on teen mental health² and facilitation of the ongoing drug abuse crisis.³ Now, by aiding and abetting illegal border crossings, and thereby placing vulnerable individuals in danger, your company takes its commitment to political and social disintegration to an entirely new level.

Fortunately, though, your company is not outside the law. I remind you that the protections of 47 U.S.C. § 230 ("Section 230"), the liability shield from which your company benefits daily, do not extend to criminal activity.⁴ Perhaps a future presidential administration, one less sympathetic to your company's political leanings, will be interested in investigating your company's decisions to aid and abet such unlawfulness.

Please provide my office with responses to the following questions no later than Friday, February 11, 2022:

1. How did you come to the determination that it was better for potential migrants to leave posts up soliciting cross-border smuggling services, and on the basis of what third-party resources? Please be specific.
2. What, if any resources do you intend to provide individuals who solicit smuggling services on any of your company's online platforms?
3. What, if any, steps have you taken to ensure compliance with federal antitrafficking laws, and to prevent traffickers from using third-party tools to contact individuals who solicit trafficking services via your company's online platforms?

I await your answers.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Josh Hawley
United States Senator

² <https://techpolicy.press/document-senators-request-facebook-provide-information-on-effects-on-children/>

³ https://www.hawley.senate.gov/sites/default/files/2022-01/V2_2022-01-12%20LETTER%20Zuckerberg%20Teen%20Drugs_JDHsigned.pdf

⁴ See 47 U.S.C § 230(e)(1) ("Nothing in this section shall be construed to impair the enforcement of . . . any . . . Federal criminal statute.").