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CHAIRMAN:

U.S. SENATE CLIMATE CHANGE CLEARINGHOUSE

United States Senate

July 13, 2016

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

Kevin Systrom
Chief Executive Officer
Instagram, LLC
1 Hacker Way
Menlo Park, CA 94025

Dear Mr. Zuckerberg and Mr. Systrom:

I write concerned that, despite previous assurances that both Facebook and Instagram would be taking steps to prohibit firearms sales on their social media platforms, these sales remain possible. As recently as today, my office was able to find postings for gun sales on Facebook using search terms like “AR15 Selling” and “selling sig sauer,” and on Instagram using search terms like “#Glock” and “#PistolSale.” It has also been reported that, in 2014, Micah Johnson, the perpetrator of the police shootings in Dallas, Texas, purchased an AK47 through Facebook.¹ I urge you once again to take immediate measures to prevent illegal firearms sales through Facebook and Instagram.

In 2013, I wrote to Instagram urging the company to follow the example of other online marketplace entities such as Craigslist and eBay, which had enacted commonsense protocols to prohibit the use of their services to enable gun sales.² In 2014, Facebook, Instagram’s parent company, announced policy changes intended to address guns sales on its and Instagram’s social media platforms.³ Following that announcement, Facebook responded to my letter, stating that the company was also “introducing a series of new educational efforts for people discussing the private sale of regulated items.”⁴ I commended Facebook and Instagram for taking important steps to address the sale of these deadly weapons and working to ensure that Facebook and Instagram users comply

¹ <http://www.nydailynews.com/news/crime/dallas-shooter-micah-johnson-purchased-ak-47-facebook-article-1.2708860>

² http://www.markey.senate.gov/imo/media/doc/2013-11-4_Instagram1.pdf

³ <http://bits.blogs.nytimes.com/2014/03/05/facebook-to-crack-down-on-illegal-gun-sales/>

⁴ http://www.markey.senate.gov/imo/media/doc/2013-03-04-Instagram_Markey.pdf

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with state and federal laws. Then, earlier this year, the *New York Times* reported that gun sales would be banned on both Facebook and Instagram.⁵

But according to *Wired*, on June 15, 2016 during the filibuster in the United States Senate led by Democrats demanding votes on gun safety measures, Instagram users were still able to pursue unregulated gun sales.⁶ According to *Wired*, Instagram users could still enter search terms like #gunsale, #glockforsale, #AK47, and #AR15 and attempt to purchase a firearm. Similarly, according to *Forbes*, Facebook users are still able to conduct firearms sales.⁷

I remain deeply concerned that gun sales on Facebook and Instagram — or sales posted online but negotiated and concluded offline — may circumvent or violate state and federal laws, resulting in numerous unlawful sales of handguns, assault weapons, and other firearms. Facebook and Instagram make available for purchase the very types of weapons used in the mass shootings in Orlando, Newtown, San Bernardino, among others. We want all communities, whether online or offline, to be safe for their members. I continue to urge Facebook and Instagram to adopt safe business practices and prohibit postings for firearms sales. I ask Facebook and Instagram to respond to the following questions by July 27, 2016.

- 1) Are Facebook and Instagram users still able to post content (photos, messages in groups, status updates on personal pages, etc.) in furtherance of gun sales? If so why? If not, what steps did you take to prevent those postings, and when were they implemented?
 - a) If posting content in furtherance of gun sales is still possible on Facebook or Instagram, what steps are you currently taking to prevent it? What resources, including staff members, are you devoting to this effort? What future steps are planned?
- 2) Did Facebook and Instagram take any steps to implement Facebook's 2014 announced policy change intended to address gun sales? If so, what were those steps, when were they taken, and what was the impact, if any? If Facebook and Instagram did not take any steps to implement the policy change, why not?
- 3) Between 2014, when Facebook announced policy changes intended to address gun sales on Facebook and Instagram, and early 2016 when Facebook announced it would ban gun sales on its platform and on Instagram, how many Facebook and Instagram users attempted to post content in furtherance of a gun sale? What

⁵ <http://www.nytimes.com/2016/01/30/technology/facebook-gun-sales-ban.html>

⁶ http://www.wired.com/2016/06/filibuster-instagram-gun-dealers/?mbid=social_fb

⁷ <http://www.forbes.com/sites/mattdrange/2016/03/10/gun-sales-thrive-on-facebook-despite-recent-ban/#2f7bb5fd5214>

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percentage of each platform's users is that? How many of those postings were blocked and how many were allowed?

- 4) Since the beginning of 2016, when Facebook announced it would ban gun sales on its platform and on Instagram, did Facebook take any steps to implement the ban? If so, what were those steps, when were they taken, and what was the impact, if any? If Facebook and Instagram did not take any steps to implement the ban, why not?
- 5) Since Facebook's announcement at the start of 2016 that it would ban gun sales, how many Facebook users have attempted to post content in furtherance of a gun sale in an open group, closed group, or on a personal profile page? What percentage of Facebook users is that? How many of those postings were blocked and how many were allowed?
- 6) Since the beginning of 2016, has Facebook shut down any "groups" or accounts promoting or facilitating gun sales? If so, how many and when? If not, why not? Likewise, since the beginning of 2016, has Instagram deactivated any accounts promoting or facilitating gun sales? If so, how many and when? If not, why not?
- 7) From 2014 through the present, how many requests have Facebook and Instagram received from law enforcement for assistance investigating gun sales, including requests for records? Please include separate information for each company for each calendar year.
 - (a) In each calendar year, how many of the requests did Facebook and Instagram each fulfill, and how many did each deny? Are explanations for a denial provided to the requester? If so, what explanations were given for each denial?
 - (b) In each calendar year, how many of these requests were made by Federal authorities, how many by state authorities, and how many by local authorities?
 - (c) What protocol or procedure do Facebook and Instagram each use when responding to these requests?
- 8) According to *Wired*, on June 15, 2016, after I spoke on the Senate floor about the ability to search for and find guns for sale on Instagram, search results for guns on Instagram "began to shift for people throughout the WIRED office. The number of results dwindled with subsequent searches, then disappeared entirely before reappearing a short time later with the addendum 'Recent posts from #gunsforsale are currently hidden because the community has reported some content that may

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not meet Instagram's community guidelines." Is this report accurate? If so, how and why did this happen? In particular, was it a response to the Senate filibuster? If the report is inaccurate, please explain any inaccuracies.

- 9) What information, if any, does Facebook have about the reports that, in 2014, the Dallas shooter, Micah Johnson, purchased an AK47 through Facebook?

I look forward to your prompt responses to these questions. Please direct any inquiries about them to Andrew Cohen and Conor Cahill of my staff at 202-224-2742 or Andrew_Cohen@markey.senate.gov and Conor_Cahill@markey.senate.gov.

Sincerely,



Edward J. Markey
United States Senator