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Mark Zuckerberg
Founder, Chairman and CEO
Facebook
1 Hacker Way
Menlo Park, CA 94025.

** Submitted via email and Facebook message*

On behalf of the Campaign Legal Center, we write to urge Facebook to release the content of the political advertisements that the company has announced were secretly sponsored by Russian nationals on Facebook's platform in recent election cycles.

According to Facebook's Chief Security Officer Alex Stamos, as of September 6, 2017 Facebook had [identified](#) at least 470 fake accounts tied to Russia and approximately 3,000 ads that those accounts purchased between June of 2015 and May of 2017. At least 23 million and potentially as many as 70 million people viewed the ads, [according to one analysis](#), meaning up to 28 percent of American adults were reached by this foreign influence campaign.

Federal law has long recognized that American elections belong to Americans. It is illegal for any foreign national to spend money to influence American voters as they participate in the process of democratic self-government.

Specifically, the law bars any foreign national from making any "expenditure," which is defined as spending any money for the purpose of influencing a U.S. election. Facebook's characterization of the Russian ads indicate that least some of the communications would meet the legal definition of "expenditure," and thus that the Russian nationals who created and paid for the ads violated the law by making prohibited campaign expenditures.

Put another way, Facebook was secretly paid to host illegal political ads as part of an illegal foreign influence effort. Yet, Facebook has [refused](#) to make the ads public. Releasing those advertisements could allow the country to better understand the nature and extent of foreign interference with our democracy.

Federal law also has long recognized that voters have a powerful interest in knowing who is trying to influence their exercise of the franchise. As the U.S. Supreme Court has

observed, “transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.”

Federal law promotes such transparency in two ways: one, by requiring public disclosure of the sources of funding behind political ads, and two, by requiring disclaimers on the ads themselves stating who paid for it.

There is no indication that the sources of funding behind the Russian-sponsored Facebook ads were reported to the Federal Election Commission (FEC). Nor is there any indication that those communications included a disclaimer telling viewers who paid for the ads.

Facebook has previously asked the FEC to exempt political ads run on its platform from disclaimer requirements (*see* Advisory Opinion Request 2011-09). The Commission did not grant this request, and Facebook therefore should have ensured that users who viewed the ads could know who paid for the communication. But Facebook can now advance transparency in this instance by voluntarily releasing the advertisements that appear to have been funded by Russian individuals or entities.

Furthermore, the Foreign Agents Registration Act (FARA) requires that agents of foreign governments disclose all public communications aimed at influencing American political debate or public policy. It does not appear that any such disclosures were made.

We are not aware of any federal law that would prohibit Facebook from making these ads public.

Facebook is certainly aware of the role that its platform can play in our democracy. For example, in recent election cycles Facebook has engaged in laudable efforts to urge its users to register to vote, to remind them to vote on Election Day, and to help voters find their polling places.

But by hosting these secretly-sponsored Russian political ads, Facebook appears to have been used as an accomplice in a foreign government’s effort to undermine democratic self-governance in the United States. Therefore, we ask you, as the head of a company that has used its platform to promote democratic engagement, to be transparent about how foreign actors used that same platform to undermine our democracy.

We look forward to Facebook releasing the Russian-sponsored advertisements.

A handwritten signature in black ink, appearing to read "Trevor Potter". The signature is fluid and cursive, with a long horizontal stroke at the top.

Trevor Potter
President
Campaign Legal Center