



Written Testimony for the Record of

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Before the

**Congress of the United States**  
**U.S. Senate Committee on Commerce, Science, and Transportation**  
**Subcommittee on Communications, Media, and Broadband**

Regarding

**“Shot of Truth: Communicating Trusted Vaccine Information”**

Hearing date: April 15, 2021

Submitted on: April 22, 2021

Chairman Luján, Ranking Member Thune, and esteemed members of the subcommittee, thank you for accepting our written testimony for the record.

Last week's hearing explored how we can try to ensure that people have accurate information about the coronavirus vaccine as we race to end the pandemic. Ensuring access to quality news and information about vaccine safety and COVID-19 related health information is urgent. Yet pandemic disinformation continues to flourish over social media and broadcast media too. Much has been made about Big Tech platforms' role in fueling the spread of vaccine disinformation, but sadly, they're not alone. Broadcasters also have spread false, unverified and misleading information about the vaccine and the pandemic. In addition to queries into Big Tech's role in spreading disinformation, we encourage the subcommittee to explore whether broadcasters have consistently served the public interest with accurate, timely, local news and information about the pandemic and the vaccine, and whether any broadcasters have violated the FCC's broadcast hoax rule by amplifying inaccurate claims about this public health emergency.

What pivots are needed to ensure that everyone receives their "shot of truth" on vaccine safety? What will accountability look like for media entities that exacerbate the public health crisis by spreading false information about it? As the subcommittee considers these questions, we suggest that it address three key challenges: (1) disinformation targeting and/or disproportionately impacting people of color; (2) disinformation flowing over Big Tech; and (3) disinformation over traditional media.

**(1) Mitigating disinformation is critical to advancing public health and safety for all and especially for communities of color.**

As researchers at Harvard’s Shorenstein Center have explained, disinformation disrupts our access to timely, relevant, and accurate information.<sup>1</sup> Indeed, the World Health Organization (“WHO”) itself has recognized that what it calls the “infodemic” presents a major barrier to combatting the pandemic. In a joint statement with the United Nations and international aid organizations, the WHO explained:

The Coronavirus disease (COVID-19) is the first pandemic in history in which technology and social media are being used on a massive scale to keep people safe, informed, productive and connected. At the same time, the technology we rely on to keep connected and informed is enabling and amplifying an infodemic that continues to undermine the global response and jeopardizes measures to control the pandemic.

An infodemic is an overabundance of information, both online and offline. It includes deliberate attempts to disseminate wrong information to undermine the public health response and advance alternative agendas of groups or individuals. Mis- and disinformation can be harmful to people’s physical and mental health; increase stigmatization; threaten precious health gains; and lead to poor observance of public health measures, thus reducing their effectiveness and endangering countries’ ability to stop the pandemic.<sup>2</sup>

Many of the countless COVID-19 disinformation campaigns woven with conspiracy theories, half-truths, and lies are surgically designed to target Black, Latinx, AAPI, Indigenous, and other communities of color. More generally the flood of disinformation has spurred the

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<sup>1</sup> See Letter from Joan Donovan *et al.*, Technology and Social Change Team, Harvard Kennedy School, Shorenstein Center on Media, Politics and Public Policy, to Irene Khan, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, United Nations (Feb. 15, 2021), <https://mediamanipulation.org/sites/default/files/2021-02/Donovan%20et%20al%20TaSC%20Comment%20-%20FINAL.pdf>.

<sup>2</sup> See Joint Statement by WHO, UN, UNICEF, UNDP, UNESCO, UNAIDS, ITU, UN Global Pulse, and IFRC, *Managing the COVID-19 infodemic: Promoting healthy behaviours and mitigating the harm from misinformation and disinformation* (Sept. 2020), <https://www.who.int/news/item/23-09-2020-managing-the-covid-19-infodemic-promoting-healthy-behaviours-and-mitigating-the-harm-from-misinformation-and-disinformation>.

politicization of various community safety regulations, like mask-wearing and social distancing. This has weakened our communal response to the pandemic, where we continue to observe massive infection and death rates, disproportionately affecting communities of color.

Both online platforms and broadcasters have shirked responsibility and accountability for their roles in spreading dangerous disinformation. Policymakers must examine how this entire corporate media ecosystem works in concert to distort facts and spread deadly lies. Understanding how disinformation is disseminated across the media landscape is critical to achieving the goals outlined for the hearing, of providing truthful and accurate information about the pandemic and encouraging people to get vaccinated.

**(2) Big Tech has failed to adequately rein in pandemic disinformation, especially in non-English languages.**

Big Tech's hate-and-lie-for-profit business model has built algorithmic systems that prop up lies and recommend groups for people, amplifying and recommending content that often steers people toward conspiracy theories and false information about COVID, vaccines, and a wide range of other important topics like the election. Predominant vaccine disinformation remains up on several platforms, with phony claims that vaccines cause dire side effects (including but not limited to cancer and infertility) and that they include a microchip tracker. Online platforms have every incentive to maximize profit by keeping people engaged, and have chosen time after time to leave up hateful and deceitful content that spurs enragement and keeps people glued to their screens instead of promptly taking down such wild disinformation. For instance, even in the face of massive public pressure campaigns — such as the Stop Hate For Profit campaign that Free Press helped organize last year, and which resulted in more than 1,100 advertisers pausing advertising on Facebook in July in protest of rampant hate and disinformation on the site — hate and disinformation continue to flourish on Facebook.

Although most online platforms have updated their policies to address COVID-19 related mis- and disinformation, their enforcement efforts have been lackluster across the board, and especially in languages other than English.<sup>3</sup> Recent studies have revealed how a small group of accounts are responsible for the majority of Covid-related disinformation spread across social media platforms.<sup>4</sup> And in the absence of a more comprehensive approach to remove disinformation instead of amplifying it, COVID vaccine conspiracies have continued to spread far and wide on their sites. People of color, women, religious minorities and others have repeatedly and outspokenly called for better content moderation to tamp down hate and lies. That is why Change the Terms — a coalition of more than 60 leading racial justice, civil rights, human rights and digital rights groups, co-led by Free Press — has been calling on platforms to adopt comprehensive model policies to disrupt hate and disinformation on their sites.<sup>5</sup> To date, not one social media company has adopted those policies in full.

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<sup>3</sup> There are daily instances of Spanish-language COVID-19 misinformation traveling across online platforms and closed messaging apps over the last several months. For example, one such post listing false vaccine side effects such as infertility and cancer was shared on Telegram and in several Facebook groups, such as “Cree en Cristo” and “LOS ÚLTIMOS DÍAS Y SEÑALES DEL FIN.” Another article from a site called Abre Los Ojos claimed that 200 German scientists came out in opposition to the COVID-19 vaccine was also shared on both Telegram and Facebook. And a video from a prominent physician claimed that “mandatory vaccinations” are deemed “genetic experiments.”

<sup>4</sup> See “The Disinformation Dozen: Why Platforms Must Act on Twelve Leading Online Anti-Vaxxers,” Center for Countering Digital Hate (Mar. 2021), <https://www.counterhate.com/disinformationdozen>; David Klepper, Farnoush Amiri & Beatrice Dupuy, “The superspreaders behind top COVID conspiracy theories,” AP News (Feb. 15, 2021), <https://apnews.com/article/conspiracy-theories-iran-only-on-ap-media-misinformation-bfca6d5b236a29d61c4dd38702495ffe>.

<sup>5</sup> See generally “Recommended Internet Company Corporate Policies And Terms of Service To Reduce Hateful Activities,” Change the Terms, [https://assets.website-files.com/5bba6f4828dfc3686095bf6b/5bd0e36186e28d35874f0909\\_Recommended%20Internet%20Company%20Corporate%20Policies%20%20Terms%20of%20Service\\_final-10-24.pdf](https://assets.website-files.com/5bba6f4828dfc3686095bf6b/5bd0e36186e28d35874f0909_Recommended%20Internet%20Company%20Corporate%20Policies%20%20Terms%20of%20Service_final-10-24.pdf) (last visited Apr. 14, 2021).

Facebook, as the largest online platform on earth, merits special attention. A recent poll from Voto Latino and Media Matters found that misinformation around COVID-19 plays a critical role in vaccine hesitancy among the Latinx community, where 51 percent of Latinx respondents said they would not get vaccinated, with the number rising to 67 percent in Spanish-speaking households.<sup>6</sup> Additionally, based on the sample of respondents, the poll found that “[t]he main source of this information is Facebook: 49% say this is where they saw the material. The second most common source of this information is local news (39%).”<sup>7</sup>

Free Press has worked with the National Hispanic Media Coalition and the Center for American Progress to confront Facebook about rampant Spanish-language disinformation across the many platforms it owns. Together, our groups surfaced dozens of examples of Spanish-language content that should have triggered immediate removal from Facebook — in some instances we saw that the English version of the comment was removed, while almost identical content remained up in Spanish.<sup>8</sup> In mid-March of this year, after Facebook’s repeated failure to solve this problem, we launched #YaBastaFacebook,<sup>9</sup> a campaign to combat Spanish-language disinformation. We demanded that Facebook:

1. Hire an executive in the United States to oversee Spanish-language content moderation
2. Share how many Spanish-language content moderators it employs, and what training they receive; and

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<sup>6</sup> See “LADL: Nationwide Poll on COVID Vaccine,” Voto Latino & Media Matters for America (Apr. 21, 2021), <https://votolatino.org/media/press-releases/polloncovid/>.

<sup>7</sup> See *id.*

<sup>8</sup> See generally Jessica Cobian, Carmen Scurato & Brenda Castillo, Opinion, “Facebook and the Disinformation Targeting Latinx Communities,” Colorlines (Mar. 19, 2021), <https://www.colorlines.com/articles/op-ed-facebook-and-disinformation-targeting-latinx-communities>.

<sup>9</sup> See Spanish Language Disinformation Action Plan — #YaBastaFacebook, Real Facebook Oversight Board (Mar. 16, 2021), <https://rfob.medium.com/spanish-language-disinformation-action-plan-yabastafacebook-29e905c885eb>.

3. Clarify why its translation algorithms consistently fail to capture the nuance in Spanish-language, literally losing dangerous and explicit vaccine lies in translation.

To date, Facebook has failed to respond to these requests.

Social media platforms have demonstrated, both through insufficient action and outright inaction in many instances, that self-regulation alone will not be enough to curtail dangerous disinformation online. We are encouraged that Congress is gathering information about the spread of disinformation and considering steps to regulate or ban abusive data practices and discriminatory targeting.

**(3) Some traditional media outlets, including broadcasters, have also played a significant role in spreading disinformation about the COVID-19 vaccine.**

Mega-media conglomerates like Fox News<sup>10</sup> and Sinclair Broadcast Group,<sup>11</sup> as well as cable channels like One America News Network,<sup>12</sup> are also regular purveyors of COVID-19 disinformation. In the past year they have all spread dangerous conspiracies about the pandemic and vaccines. And as the Voto Latino/Media Matters poll seems to indicate, vaccine disinformation is prominent over broadcast media and results in vaccine hesitancy.<sup>13</sup>

We urge this subcommittee to grapple with the serious challenges presented by mainstream media outlets propping up pandemic lies too. For instance, what responsibility do broadcasters have to serve the public interest by providing accurate information during an emergency situation,

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<sup>10</sup> See Media Matters for America, *Fox News*, <https://www.mediamatters.org/search?search=Fox+News> (last visited Apr. 22, 2021).

<sup>11</sup> See Media Matters for America, *Sinclair Broadcast Group*, <https://www.mediamatters.org/search?search=Sinclair+Broadcast+Group> (last visited Apr. 22, 2021).

<sup>12</sup> See Media Matters for America, *One America News Network*, <https://www.mediamatters.org/search?search=OAN> (last visited Apr. 22, 2021).

<sup>13</sup> “LADL: Nationwide Poll on COVID Vaccine,” Voto Latino & Media Matters for America (Apr. 21, 2021), <https://votolatino.org/media/press-releases/polloncovid/>.

like this pandemic? What can broadcasters do to ensure that they provide the public with reliable and truthful information about vaccines and other measures to prevent the spread of COVID-19? As we move forward, should the FCC issue guidance to broadcasters on their role to stop broadcasting hoaxes about the pandemic during this time of national emergency? Should cable subscribers have a choice about whether to subsidize Fox News' pandemic lies?

Free Press raised some of these questions over a year ago in an Emergency Petition for Inquiry<sup>14</sup> to the FCC, requesting that the agency launch an investigation into the broadcast of false information about COVID-19, disinformation about public health measures and untested “cures” and home remedies.<sup>15</sup> We observed that myriad radio and television broadcasters were airing false and misleading information about COVID-19, and that such content was being aired without the necessary context or disclaimers<sup>16</sup> contemplated by the FCC's broadcast hoax rule.<sup>17</sup>

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<sup>14</sup> See Free Press Emergency Petition for Inquiry Into Broadcast of False Information on COVID-19 (filed Mar. 26, 2020), [https://www.freepress.net/sites/default/files/2020-03/free\\_press\\_petition\\_for\\_inquiry\\_to\\_fcc\\_re\\_broadcast\\_misinformation.pdf](https://www.freepress.net/sites/default/files/2020-03/free_press_petition_for_inquiry_to_fcc_re_broadcast_misinformation.pdf).

<sup>15</sup> See Theresa Waldrop, Dave Alsup & Elliott C. McLaughlin, “Fearing coronavirus, Arizona man dies after taking a form of chloroquine used to treat aquariums,” CNN (Mar. 25, 2020), <https://www.cnn.com/2020/03/23/health/arizona-coronavirus-chloroquine-death/index.html>.

<sup>16</sup> At the time of our Emergency Petition for Inquiry, television and radio stations across the country were airing context-less coverage of former President Donald Trump's press conferences where he propped up fake cures and falsely claimed that “like a miracle” the virus would “just disappear.” See, e.g., Parker Molloy, “Why can't mainstream media stop echoing Trump's coronavirus misinformation?”, Media Matters for America (Mar. 15, 2020), <https://www.mediamatters.org/coronavirus-covid-19/why-cant-mainstream-media-stop-echoing-trumps-coronavirus-misinformation>; David Leonhardt, “Complete List of Trump's Attempts to Play Down Coronavirus,” N.Y. Times (Mar. 15, 2020), <https://www.nytimes.com/2020/03/15/opinion/trump-coronavirus.html>; Daniel Dale and Tara Subramaniam, “Trump made 33 false claims about the coronavirus crisis in the first two weeks of March,” CNN (Mar. 22, 2020), <https://www.cnn.com/2020/03/22/politics/fact-check-trump-coronavirus-false-claims-march/index.html>.

<sup>17</sup> When the Commission adopted in 1992 its rule against broadcast hoaxes, it weighed the public interest obligations of its licensees against their First Amendment rights and concluded that “the government has a compelling interest in preventing substantial public harm, such as the substantial diversion of police and emergency resources from their duties,” further noting that “the First Amendment does not preclude civil liability for broadcasts that create a foreseeable

The FCC’s broadcast hoax rule requires that broadcasters not air “false information concerning a crime or catastrophe if: (a) The licensee knows this information is false; (b) It is foreseeable that broadcast of the information will cause substantial harm, and; (c) Broadcast of the information does in fact directly cause substantial public harm.”<sup>18</sup> Nonetheless, in the throes of the pandemic, the Trump-era FCC denied our emergency petition and declined to issue guidance on how broadcast disinformation may run afoul of the broadcast hoax rule.<sup>19</sup> Unsurprisingly then, pandemic disinformation endures in broadcast radio and television. For example, Sinclair Broadcast Group recently aired a segment attacking lockdowns and downplaying the lethality of COVID-19,<sup>20</sup> while radio hosts state they are hesitant to take the vaccine and promote anti-vaccine misinformation.<sup>21</sup> Just as they have when it comes to social media, we encourage members of this subcommittee to interrogate: the role that broadcasters played and continue to play in airing information about COVID-19, whether their actions are adhering to their mandate to serve the public interest, and what the FCC can do to stop the spread of deadly disinformation.

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risk of personal injury.” *Amendment of Part 73 Regarding Broadcast Hoaxes*, MM Docket No. 91-314, Report and Order, 7 FCC Rcd 4106, ¶¶ 10-11 (1992), <https://docs.fcc.gov/public/attachments/FCC-92-208A1.pdf>.

<sup>18</sup> 47 C.F.R. § 73.1217.

<sup>19</sup> See “FCC Defends 1st Amendment and Denies Petition filed by Free Press,” (Apr. 6, 2020), <https://www.fcc.gov/document/fcc-defends-1st-amendment-and-denies-petition-filed-free-press>.

<sup>20</sup> See Zachary Pleat, “Sinclair’s Full Measure attacks lockdowns while downplaying the lethality of COVID-19 and promoting a strategy of widespread infection,” Media Matters for America (Feb. 9, 2021), <https://www.mediamatters.org/coronavirus-covid-19/sinclairs-full-measure-attacks-lockdowns-while-downplaying-lethality-covid-19>. The segment aired on a show called “Full Measure with Sharyl Attkisson” which according to the show’s website broadcast to 43 million households in 79 markets on 162 Sinclair Broadcast Group stations.

<sup>21</sup> See Alex Walker, “Some states are confronting vaccine hesitancy. These local radio hosts aren’t helping,” Media Matters for America (Mar. 23, 2021), <https://www.mediamatters.org/coronavirus-covid-19/some-states-are-confronting-vaccine-hesitancy-these-local-radio-hosts-arent>.

## **Conclusion**

Free Press Action looks forward to working with this subcommittee to evaluate whether and how traditional and social media platforms are disseminating accurate vaccine safety and COVID-health-related information, and to recommend any appropriate interventions to ensure that all Americans have trustworthy vaccine information. Thank you.