

Judith Kelley: Hello, and welcome to Policy 360. I'm Judith Kelly, dean of the Sanford School of Public Policy. The last decade has seen a tremendous expansion of technology as social force. Social media has been fundamental to the rise of both national and international movements like the Black Lives Matter, the You Too movement, Arab Spring in the Middle East, North Africa. We've all heard about how social media was transformative and connecting people and setting agendas and helping them organize. It's really created sort of a grassroots support for political underdogs from local to national elections, et cetera. But it's also led to the distribution of misleading and false information, even hate speech, even incidents that are harmful and fatal. So there are debates around whether or how to regulate the force that social media has become. But it's tricky because these platforms have a multi-national reach. So it's not within the purview of just one nation.

Judith Kelley: And even if it's just within the purview of one nation, a nation like the United States is a very complicated place. So it's created a complex policy landscape and the need for policymakers who specialize in technology and understand these things. And so I'm really pleased to have Matt Perrault with me because he's not only a new faculty member here at the Sanford School of Public Policy at Duke, but he also served recently in a global policy role at Facebook. And so welcome to Policy 360 Matt.

Matt Perrault: Thanks. It's great to be here.

Judith Kelley: So, if we can just start with having you describe what you did at Facebook before you came here.

Matt Perrault: Yeah, so I did a bunch of different jobs. I started at Facebook in 2011, I think I was the eighth person hired in the Washington, DC office. At the time our office was the space that Aaron Sorkin had used when he was filming the West Wing in DC. And it was the small little one or two bedroom apartment in Dupont Circle. A little Facebook logo was on the door and you had to buzz up and went up through this really rickety elevator.

Judith Kelley: And this was just eight years ago.

Matt Perrault: Yeah, exactly. This was January, 2011. And so there were offices, but none of the offices had ceilings, had walls that actually hit the ceiling. So there was a gap between the top of the wall and the ceiling so you could overhear every conversation. So some of my most important phone calls when I started at Facebook were actually conducted from the stairwell outside of our office.

Judith Kelley: Just to get some privacy.

Matt Perrault: Just to get a little privacy at Facebook.

Judith Kelley: So your role expanded and then you ended up sort of in this global policy role. So what was the last thing you were doing at Facebook before you came here?

Matt Perrault: So for the last 18 months or so I was just on competition public policy. So I was a subject matter expert, I wasn't a lobbyist. And my job was to understand the arguments that were being raised about the companies with a concentration in the tech sector, concerns about how the company's business practices butted up against antitrust law. And to think through what the best arguments were to use in response, to think about people that we could work to who are going to be advocates and allies for us, and to talk to policy makers about our views on the issues.

Judith Kelley: So throughout your time there, clearly the issues evolved faster than we could keep track of sometimes, but was there any particular issues that you were most concerned with? Something that was nagging you in the back of your mind, or this thing that you were struggling or grappling with, or what would you say were the issues that kept you up at night?

Matt Perrault: So social media was never as good as people seem to think it was in 2011. There was a time when there were lots and lots of positive stories, and even at that time there were still issues around safety and security related to how people were experiencing the platforms. Free speech has lots of benefits, but it also has downsides. And so there were speech on the platform that was a real concern to people. And so even at that time we were working pretty aggressively to try to make sure that the downsides of social media were as minimal as possible. We were always trying to focus on mitigating harms to the extent that we could. And then I think the current dialogue around social media I think is far too negative. I think the press conversation and the policy and banker conversation about social media, I think it's systematically underestimates the benefits and it overestimates the costs. And I understand the reasons for that.

Matt Perrault: Writing about social media it makes for good news. Talking about social media as good for politics, but I don't think it accurately reflects what the nature of the product is. At its core it's a user generated content product. That means there are billions of people throughout the world who are using it, who are sharing content and information, they have a range of different views. Some of those views that you and I would agree with, some of those views, many of those views we wouldn't, and some people have views that they're expressing there that we would find to be detestable. That's the nature of a user generated content product. It's not a newspaper, it's not a TV station where you have people writing the news or speaking the news, it's where people get to express themselves. On balance I think that's really good, but it's not only good.

Matt Perrault: There are good things about it and there are downsides to it. So I think when you think about regulating in the tech sector it's really, really critical that you think about preserving the spaces for the positive use cases, ensuring that those continue to exist. And so I think it's something like Twitter's advertising policy

for instance, its new one which is essentially a blanket ban on political advertising. And it gets problematic because it wipes out not just the bad use cases but also the good ones.

Judith Kelley: We can get that in a little bit but, do you essentially take the view that as the creator of the platform it is entirely user owned and the responsibility is on the users because they create the content and we just sort of need to let a hundred or a million flowers bloom or whatever saying is, or is there responsibility that comes with having created that platform itself? Because before we could not connect in this way, we could not display as freely views from around the globe and people could not connect in this way. And yes they are doing it, but it's being enabled, facilitated. So what is your take there on where responsibility ultimately lies?

Matt Perrault: Yeah, so I don't think there's anyone now who would say that platforms have no responsibility. I think the question is whether they have punitive responsibility. So I don't think it's good for platforms to have such intense liability for content from people who use the service on a user generated content platform in a way that results in platforms shrinking dramatically the spaces for expression on them. That doesn't mean that they should have no responsibility. So I think there's this debate right now about section 230 of the Communications Decency Act, it's often framed as platforms have no responsibility because of their protections under section 230, and instead we should ensure that they have infinite responsibility. We should ensure that they suffer punitive damages for any piece of content on their platform that we're concerned about. I think both of those dichotomies are, both of those binary choices are not helpful.

Matt Perrault: And I think what platforms have tried to do is try to ensure that the bad use cases are minimized to the extent possible and the good use cases remain. And so I think they all thank Google, Facebook, Amazon, Apple, Microsoft, all the big tech companies. I'm sure many of small of the smaller companies too their focus is building a product that provides a good user experience, and a good user experience means you don't see content that makes you not want to use the service, and you don't see content that's going to make the world a worse place. And so they all take that responsibility really seriously, but I think there are real questions about how to do that effectively.

Judith Kelley: All right, so changing gears a little bit. So you testified before Congress last summer and you said that Facebook size was an asset, not a liability. And you said, "We can dedicate 30,000 people to keeping our users safe, invest in industry initiatives to jointly combat terrorism and develop the technologies that are needed to confront these evolving threats." So do you feel like Facebook has moved in that direction to keep people safe?

Matt Perrault: Yes, definitely.

Judith Kelley: How so?

Matt Perrault: Well, so I think my statement in the testament I think is accurate. Facebook's hired tens of thousands of people to try to police the content on its platform. It's worked hard to build a product that in terms of the specifics of the product promotes safety, and the choices that people have available to them are choices that are consistent with safety. They've worked on the reporting flows, they've worked on their appeal mechanisms. I don't think there's any question about that. It still is not a perfectly safe product. It is a user generated content platform, it's a different technology than television, it's different technology than newspaper. And because of that there are ways that you can be unsafe using Facebook or using any other type of tech platform. I don't think there's a way to eliminate insecurity online, and I think people it's really important that people learn how to be good citizens and good stewards of the online communities so that they can try to maximize their safety in those when they're using those products, but it's basically impossible to guarantee that they will be safe.

Judith Kelley: Who is supposed to teach people that?

Matt Perrault: So hopefully we can do some of it here at the policy school. I'm hoping we can teach some people here. I think platforms are working hard on that, but I think that's an open question. I guess I think that if you get into a world where you say, "We will tolerate no bad thing, we will not permit any instance of content we don't like or anything that could lead to insecurity on a tech platform, we will not permit that." I think you severely corrode the experience that people have on them in ways that end up removing all the benefits that we've had from those platforms in a way that's really problematic. I also have real concerns about so much of the focus now being on Facebook, Google, Amazon, Microsoft, Apple, Netflix, big platforms in the field that I think generally are by and large good actors.

Matt Perrault: So I know other people would disagree with me, but these companies have unbelievably enormous scrutiny placed on them. It drove me nuts when people would say Facebook wasn't accountable because I think Facebook's got to be right now one of the most accountable companies in history. Every single thing that happens at the company, big things, small things, is intensely scrutinized in the press. You can get away with nothing there, including a lot of very good things that should exist in the world, everything will be scrutinized intensely.

Matt Perrault: There are smaller companies that aren't able to hire 30,000 people to work in safety and security. People will have less secure, less safe experiences on that platform. I don't necessarily think that's a problem. We should have companies of lots of different sizes, we should have companies that offer lots of different types of privacy protections. I think it's good to have diversity in the world, but if we just look at the big companies and say you need to hire more people, we want more and more policing of content, we want more and more people ensuring that you can't have an unsafe experience on these platforms, that's going to make it more difficult for smaller companies to compete.

Judith Kelley: But as the consumer, the user, we immediate reports of incidents that happen that can break down that trust with companies, with the data with Cambridge Analytica, right? And the use of a personal data that eventually was mishandled and given to a company that then was able to use that data for profit but also for political targeting, et cetera. So once those things happen, how do you rebuild trust with the user? And can you blame the user for saying, I don't trust this company and then I'm going to transfer that mistrust from that incident over to my negative view of other aspects of what the company's doing. Does that make sense? Just because I've now broken this trust with me, and it's me and it's my personal data and it affected my life kind of thing.

Matt Perrault: So you and I are now on the same side of the fence on Cambridge Analytica, in that we both sit at a university. And Cambridge Analytica was a case where Facebook consistent with its terms gave data to a researcher who held out that he was going to use it for good reasons. He then abused that, his access to that data and turned it over to a third party in a way that he shouldn't have. But that was about a researcher getting access to data. So the question for Facebook now which I think is a really hard one, I think the company's really wrestled with it, is how do we ensure that researchers who are going to use data in good ways that of course would benefit the world, how do we ensure we give data to them, but how do we make sure they don't then misuse it? That's a really hard.

Judith Kelley: I just wonder whether that's a level of nuance that the average user gets, right? Because the way that it gets the publicity that it gets is just Facebook was a big bad actor and they did this, right.

Matt Perrault: Yeah, I know that publicity pretty well. So, I think that's a real challenge. And I've been thinking about that a lot and I think there are different incentives in the news industry and in companies. So companies are in the business of trying to make decisions about their policies and practices that benefit people as much as possible. There will always be errors, meaning where the company should have made decision A, consistent with its policies it would have made decision A and inadvertently they make decision B, there will always be those cases. There also will be, as you well know because of your work in public policy, there will be bad use cases, there's no policy. When you're trying to have policy that governs billions of users, billions of pieces of content, there's no policy that's going to result in all the right things every time and none of the bad things.

Matt Perrault: Even if it's the best policy, there'll be errors. And then there will also be instances of bad use cases. Each one of those things, each error in each problematic use case is a potential press story. And for very good reason, every single one is news. That is what the news is. But that isn't necessarily consistent with good policy-making because it might be that if you shift in one way to try to address that bad news story, you're now not in a place where you're designing the optimal policy. And I think that mismatch is really concerning because what we want is companies to design the best use cases, not to try to optimize for press coverage.

Judith Kelley: All right, so let's go back to thinking about designing the best use cases and policies and things like that. Because when you were in front of Congress you also said companies like Facebook shouldn't be the only ones developing the rules of the road and that you welcome a regulatory framework. So what might such a framework look like and who should develop it?

Matt Perrault: So that's a good question. I think Facebook's focus has been on four areas. It's been on data portability, privacy, online content and election integrity. One of the nice things about shifting into a university context is I can now come up with my own ideas about that. I can work with you and other scholars here at Duke on what the best approaches would be to different areas of policymaking. The thing that I have been most focused on in the last couple of weeks is thinking about Twitter's advertising policy. So wrote an op-ed in the New York times with Daniel Kreiss who's a professor at UNC. And the focus of that was what could companies do to address concerns about political advertising, but without banning advertising entirely.

Judith Kelley: Right. So this is just a little bit of a jump to the side, but as I was just thinking and as I opened up my comments of the show talking about the grassroots supports that we saw in the Arab spring and other things like this. I was in China in the late eighties, and I was there during the spring that led up to the Nanjing Massacre. And I've often wondered, so the whole way that the young people were communicating at that time, even making a phone call in China was cumbersome at the time and there was no way that they really could communicate and coordinate with each other.

Judith Kelley: And so they would get on a train and they'd have all their posters and they would go to another town and they glue them everywhere, and they would gather in the town squares because that's how they could keep a modicum of communication with one another. And when Li Peng declared martial law, you had demonstrations going on in Shanghai and Beijing and all the provincial capitals, but they had no way of coordinating. They had no way of pushing out a tweet or posting a Facebook page that says, everybody, this is what we're doing. They couldn't, they couldn't coordinate. So they had this massive coordination problem. I often wondered what would it have looked like if social media had been alive at that time?

Matt Perrault: Yeah, interesting. And t's hard to predict because I think, one of my first jobs at Facebook was helping with our communication statement when Egypt turned off the internet. So during the Arab Spring, Egypt basically flipped a switch in the internet went down. And my job was to help think about what that meant for the company when a country says you can no longer use the internet at all. And at the time-

Judith Kelley: And they got to a point where they could do that too, right? Because there was a time when they weren't able to continue.

Matt Perrault: And actually the interesting thing, so I think probably in like 2015 or 2016 I started thinking, wow, I thought my time at Facebook might be defined by these internet shutdowns, by companies just flipping a switch and turning them off. And I thought, they used to happen kind of right when I started, but we haven't seen that as much. And we started looking at the data more closely and actually countries have gotten more and more sophisticated about it.

Matt Perrault: So now they can turn off the internet for periods of time during the day or they can turn it off in certain regions of the country, but not across the entire country. And the ability to be more sophisticated in how they throttle internet access has actually enabled them to do it more. So they're able because it's not so disruptive and they can turn off access to people who are likely to be poor but keep it working for the elite. And they can target it in a way. So it's actually has become a more, a bigger and bigger phenomenon, even though it's less and less in the news because it's at a smaller more targeted level.

Judith Kelley: So speaking of China, so as I've just mentioned, I was in the late eighties and you recently wrote an article about how you thought the NBA could learn from big tech companies how they were conducting business in China. So tell us a little bit about that.

Matt Perrault: Yeah. So I think when I was looking at the stories developing around the NBA China issue, I was seeing mainly sort of two types of stories. People saying Daryl Morey, who is the general manager of the Houston Rockets, he should be allowed to express himself as an employee. And I thought that seemed like a sort of obvious case. So when Google, there's rumors about Google developing a censored search engine, tens of thousands of employees protest and no one ever says that they can't do that. It's sort of obvious, of course they can protest. The question is really, should Google be building the censored search engine for China? How does that, is that a good thing in terms of advancing human rights? Because now a company that generally believes in human rights and has strong human rights practices is operational in China or is it problematic because they're censoring their search engine? That is kind of the meat of the issue.

Matt Perrault: And then the second thing that people were talking about a lot around the NBA issue was how much economic opportunity there was there. So they were saying, it's sort of silly that Daryl Morey tweeted, because if the Chinese government gets angry there's going to be billions of dollars of economic opportunity that's lost. And it's the same in the tech sector. Countries look at China because it's a massive digital advertising market, and because there are more than a billion people there. So every single person who's there could potentially be a user of your product. So it's very compelling from a business standpoint. So neither of those two things seem particularly interesting from my point of view, or unique in any way. And in the tech sector, that's not really what people wrestle with.

Matt Perrault: They don't say, oh my gosh, this opportunity is so great. So you've got to be in China. And they also don't say, well, your employees are protesting, and so do they have the right to protest or not? The focus is, are there ways to be operational in China that are consistent with human rights norms? And there are ways that tech companies think about that. So for instance, the global network initiative is a human rights and a business and human rights association made up of NGOs and investors and academics and industry participants. They developed principles for how companies could be operational in a place like China, and then they conduct audits to make sure that companies who are say they are acting in a particular way or actually acting in that way. That's one of the kind of models that the NBA could use if it's thinking about work in China, and I think it should be looking at sectors like the tech sector when it thinks about how to operate there.

Judith Kelley: Is there something that you wish if you could do one thing you could change about social media, what would that be?

Matt Perrault: So I'm having trouble thinking of one just off the top of my head, but there were moments at Facebook. I think my most gratifying moments were when there were opportunities to work with people on practical solutions. So one of those was around something that became known as the Cloud Act. It was legislation that was passed by Congress. And basically the idea of the Cloud Act was to help make it easier when the UK government wanted data from a us company about a UK citizen related to a crime conducted in the UK.

Judith Kelley: Right.

Matt Perrault: And so if someone was alleged to have murdered someone else in the UK, the police has conducted an investigation, they want access to their Gmail account, they want access to their Facebook account. They had to go through a really cumbersome process that was based in the US in order to get access to that information.

Matt Perrault: And so there were times where that would make sense, like in cases where there might be a human rights violation, but there were lots of run in the mill law enforcement cases where you'd actually want to make sure that police had access to that data quickly, including cases that would be really good for human rights. Cases of rape, cases of beatings in a mass protest, or any number of cases where facilitating law enforcement access to data would be good for human rights. And the system was really broken, so I worked for Facebook as part of a group of people who came together to try to tackle that problem.

Matt Perrault: So it was academics, NGOs, representatives from government, think tanks, to try to figure out what a mechanism might be for addressing those kinds of issues. And it ended up the general ideas that we had ended up essentially getting adopted in legislation. And that's the kind of thing where I think there can sometimes be common sense solutions to hard problems where both sides



can kind of figure out a way to ensure that yeah, in some cases where there may be a human rights line, law enforcement is not going to be able to cross it. But in most of the cases that are run in the mill law enforcement cases you can get access to data.

Judith Kelley: That's a good example to end on. Before we sign off though I want to mention that you also are the director for the new center for science and technology policy here at Duke. And so I want to give you a chance just to tell us a little bit about what you're hoping the center will do.

Matt Perrault: Yeah. So we're hoping to do the type of work that I just described. So that work that I just described trying to work with law enforcement officials from different governments, trying to work with academics, think tanks, nonprofits, industry on developing solutions to the really difficult challenges that exist in tech policy. That's what I hope the center will be able to do, try to present some ideas that are helpful in terms of thinking about ways to balance different considerations, bringing people together to have those conversations and hopefully having a real impact on the field.

Judith Kelley: And doing a podcast too I here.

Matt Perrault: And doing a podcast. We'll speak with practitioners in the field about how they're doing work in tech policy.

Judith Kelley: Excellent, I'm looking forward to that.

Matt Perrault: Thanks very much.

Judith Kelley: Thanks so much for your time today. So you will actually join us on our next episode too, where are we going to discuss political advertising on social media along with one of our other faculty members, Phil Napoli, who researches media regulation. Matt Perrault is a faculty member here at the Sanford School of Public Policy, and director of the Duke University Center for Science and Technology Policy, and newly launched collaboration with the Sanford school and the Duke initiative for science and society. Thanks for joining me, I'm Judith Kelly.