Congress of the United States
Washington, DC 20515

November 1, 2016

Dear Mr. Zuckerberg,

We are writing to express our deep concerns with reports that Facebook's "Ethnic Affinities" advertising customization feature allows for advertisers to exclude specific racial and ethnic groups when placing housing advertisements. This is in direct violation of the Fair Housing Act of 1968, and it is our strong desire to see Facebook address this issue immediately.

Under the Fair Housing Act of 1968, it is illegal "to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin" (42 U.S.C. § 3604). By allowing online advertisers to promote or market a community or home for the purpose of sale to select an "ethnic affinity" as part of their advertising campaign, Facebook is complicit in promoting restrictive housing practices.

It is our sincere hope that the advent of this customization microtargeting feature was to be innovative and efficient, and that Facebook did not wittingly create this feature with the purpose of separating communities or violating federal civil rights law. That said, in light of this revelation, it is your responsibility as Facebook's Chief Executive Officer to remedy this matter swiftly and responsibly. On a similar note, with 2 percent of Facebook's U.S. employees being African American, and 4 percent Hispanic, we remain convinced that a stronger commitment to diversifying the ranks of your company, especially in senior management positions to better reflect the diversity of your 1.7 billion monthly users will help in ensuring that innovative and inclusive platforms continue to be promoted by your company. Additionally, programs or policies that are potentially violative of civil rights laws or racially insensitive have an even greater likelihood of being preempted as they will be subject to a more robust and inclusive vetting process.

We ask that you provide a timely response to this letter outlining the scope of use of the "Ethnic Affinity" feature in housing advertisement on your site, and what steps – if any – are being made to ensure that Facebook is not empowering discriminatory housing practices. Please do not hesitate to contact us in the interim as you address this matter. We look forward to a constructive dialogue on Facebook's future innovation, inclusive advertising, and efforts to diversify the tech sector.

Regards,

Robin L. Kelly
Member of Congress

G.K. Butterfield
Member of Congress

Emanuel Cleaver
Member of Congress

Yvette Clarke
Member of Congress

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